

Tab 1 SB 762 by **Baxley**; (Identical to H 00329) Child Protection

Tab 2 SB 1318 by **Garcia**; (Compare to CS/H 01269) Child Safety

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Tab 3 SB 1408 by **Broxson**; (Similar to CS/H 00981) Public Records/Confidentiality/Department of Elderly Affairs

Tab 4 SB 1454 by **Broxson**; (Compare to CS/H 01269) Child Protection

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Tab 5 SB 1558 by **Book**; (Similar to H 07049) Child Exploitation

Tab 6 SB 1654 by **Campbell**; (Similar to H 00637) Florida Kidcare Program

146108 A S RCS CF, Campbell Delete L.15 - 39: 03/27 03:27 PM

Tab 7 SB 1694 by **Torres**; (Identical to H 01199) Support for Parental Victims of Child Domestic Violence

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CHILDREN, FAMILIES, AND ELDER AFFAIRS

Senator Garcia, Chair
Senator Torres, Vice Chair

MEETING DATE: Monday, March 27, 2017

TIME: 1:30—3:30 p.m.

PLACE: James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building

MEMBERS: Senator Garcia, Chair; Senator Torres, Vice Chair; Senators Artiles, Broxson, Campbell, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 762 Baxley (Identical H 329)	Child Protection; Prohibiting a time-sharing plan from requiring visitation at a recovery residence between specified hours; authorizing a certified recovery residence to allow a minor child to visit a recovery residence, excluding visits during specified hours, etc. CF 03/27/2017 Favorable JU RC	Favorable Yeas 6 Nays 0
2	SB 1318 Garcia (Compare CS/H 1269)	Child Safety; Renaming service districts as service circuits and district medical directors as child protection team medical directors; requiring that each child protection team medical director be a licensed physician and board certified in specified specialty areas; requiring the department's Children's Medical Services program to develop, maintain, and coordinate the services of one or more sexual abuse treatment programs, etc. CF 03/27/2017 Fav/CS Combined - Lead AHS AP	Fav/CS with SB 1454 Yeas 6 Nays 0
3	SB 1408 Broxson (Similar CS/H 981)	Public Records/Confidentiality/Department of Elderly Affairs; Creating an exemption from public records requirements for certain personal identifying information, personal health and financial records, and photographs and video recordings held by the Department of Elderly Affairs in connection with a complaint filed or an investigation conducted pursuant to part II of ch. 744, F.S.; specifying that information retains its confidential and exempt status for the duration of an investigation; providing for future legislative review and repeal; providing a statement of public necessity, etc. CF 03/27/2017 Favorable GO RC	Favorable Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Children, Families, and Elder Affairs

Monday, March 27, 2017, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1454 Broxson (Compare CS/H 1269)	Child Protection; Adding the Statewide Medical Director for Child Protection as an official who must be consulted in the screening, employment, and termination of child protection team medical directors statewide; requiring the Children's Medical Services program within the Department of Health to convene a task force to develop a standardized protocol for forensic interviews of children suspected of being abused, etc. CF 03/27/2017 Fav/CS Combined AHS AP	See SB 1318
5	SB 1558 Book (Similar H 7049, Compare H 7053, Linked S 1560)	Child Exploitation; Revising the offenses that may be investigated and prosecuted by the Office of Statewide Prosecution; revising the types of offenses committed by a child in the custody of the Department of Children and Families which require the department to provide notice to the school superintendent; revising the type of offenses that create a rebuttable presumption of detriment for judicial determinations related to contact between a parent or caregiver and certain child victims, etc. CF 03/27/2017 Favorable CJ AP RC	Favorable Yeas 6 Nays 0
6	SB 1654 Campbell (Similar H 637)	Florida Kidcare Program; Establishing the Kidcare Operational Efficiency and Health Care Improvement Workgroup to maximize the return on investment and enhance the operational efficiencies of the Florida Kidcare program, etc. CF 03/27/2017 Fav/CS GO RC	Fav/CS Yeas 6 Nays 0
7	SB 1694 Torres (Identical H 1199)	Support for Parental Victims of Child Domestic Violence; Requiring the Department of Juvenile Justice and the Florida Coalition Against Domestic Violence to collaborate to develop and maintain updated information and materials regarding specified services and resources; requiring domestic violence training for law enforcement officers to include training concerning child-to-parent cases, etc. CJ 03/21/2017 Favorable CF 03/27/2017 Favorable RC	Favorable Yeas 6 Nays 0

Other Related Meeting Documents

COMMITTEE MEETING EXPANDED AGENDA

Children, Families, and Elder Affairs

Monday, March 27, 2017, 1:30—3:30 p.m.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 762

INTRODUCER: Senator Baxley

SUBJECT: Child Protection

DATE: March 24, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Crosier	Hendon	CF	Favorable
2.			JU	
3.			RC	

I. Summary:

SB 762 provides that a time-sharing plan allowing a child continuing contact with both parents may not require a minor child to visit a parent residing in a recovery residence between the hours of 9 p.m. and 7 a.m. The recovery residence may allow minor children to visit a resident parent but not allow the child to remain between the hours of 9 p.m. and 7 a.m.

The bill has an effective date of July 1, 2017, and does appear to have a fiscal impact.

II. Present Situation:

Parenting and Time-sharing plans

The public policy of this state is that each minor child has frequent and continuing contact with both parents.¹ A court must order shared parental responsibility for a minor child unless the court finds that shared responsibility would be detrimental to the child.² In determining timesharing with each parent, a court must consider the best interests of the child based on a list of factors.³ These factors include:

- The demonstrated capacity and disposition of each parent to facilitate and encourage a close and continuing parent-child relationship, to honor the time-sharing schedule, and to be reasonable when changes are required;
- The anticipated division of parental responsibilities after the litigation, including the extent to which parental responsibilities will be delegated to third parties;
- The demonstrated capacity and disposition of each parent to determine, consider, and act upon the needs of the child as opposed to the needs or desires of the parent;

¹ Section 61.13(2)(c)1, F.S.

² Section 61.13(2)(c)2, F.S.

³ Section 61.13(3), F.S.

- The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- The geographic viability of the parenting plan;
- The moral fitness of the parents;
- The mental and physical health of the parents;
- The home, school, and community record of the child;
- The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference;
- The demonstrated knowledge, capacity, and disposition of each parent to be informed of the circumstances of the minor child;
- The demonstrated capacity and disposition of each parent to provide a consistent routine for the child;
- The demonstrated capacity of each parent to communicate with and keep the other parent informed of issues and activities regarding the minor child; and
- The demonstrated capacity and disposition of each parent to maintain an environment for the child which is free from substance abuse.

A final factor allows the court to take into account any other factor that is relevant to the determination of a specific parenting plan, including the time-sharing schedule.⁴

Recovery Residences

In section 397.311(33), F.S., a recovery residence is defined as a residential dwelling unit, or other form of group housing, that is offered or advertised through any means by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment. Recovery residences, also known as sober homes, may elect to participate in a voluntary certification program administered through the Department of Children and Families (DCF).⁵ Requirements for certification of a recovery residence include:

- Submission of documents, including a policy and procedure manual, rules for residents, intake procedures, refund policy, a code of ethics, proof of insurance, and proof of background screening;⁶
- Active management by a certified recovery residence administrator;⁷
- Submission of all owners, directors, and chief financial officers to a level 2 (nationwide) background screening;⁸ and
- An onsite inspection of the recovery residence.⁹

The certification of a recovery residence may be suspended or revoked if the residence is not in compliance with any part of s. 397.487, F.S.¹⁰

⁴ Section 61.13(3)(t), F.S.

⁵ Section 397.487, F.S.

⁶ Section 397.487(3), F.S.

⁷ Section 397.487(4), F.S.

⁸ Section 397.487(6), F.S.

⁹ Section 397.487(5), F.S.

¹⁰ Section 397.487(8)(a), F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 61.13, F.S., to provide that a time-sharing plan may not require a minor child to visit a parent residing in a recovery residence between the hours of 9 p.m. and 7 a.m.

Section 2 amends s. 397.487, F.S., to provide that as a requirement of certification, a recovery residence may not allow minor children to visit or remain between 9 p.m. and 7 a.m. A certified recovery residence may allow minor children to visit a parent during the other hours of the day.

Section 3 provides an effective date of July 1, 2017.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 61.13 and 397.487 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Baxley

12-00884-17

2017762__

1 A bill to be entitled
2 An act relating to child protection; amending s.
3 61.13, F.S.; prohibiting a time-sharing plan from
4 requiring visitation at a recovery residence between
5 specified hours; amending s. 397.487, F.S.;
6 authorizing a certified recovery residence to allow a
7 minor child to visit a recovery residence, excluding
8 visits during specified hours; providing an effective
9 date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Subsection (9) is added to section 61.13,
14 Florida Statutes, to read:

15 61.13 Support of children; parenting and time-sharing;
16 powers of court.—

17 (9) A time-sharing plan may not require that a minor child
18 visit a parent who is a resident of a recovery residence, as
19 defined by s. 397.311, between the hours of 9 p.m. and 7 a.m.

20 Section 2. Subsection (10) is added to section 397.487,
21 Florida Statutes, to read:

22 397.487 Voluntary certification of recovery residences.—

23 (10) A certified recovery residence may allow a minor child
24 to visit a parent who is a resident of the recovery residence,
25 provided that the minor child may not visit or remain in the
26 recovery residence between the hours of 9 p.m. and 7 a.m.

27 Section 3. This act shall take effect July 1, 2017.

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Children, Families, and Elder Affairs
ITEM: SB 762
FINAL ACTION: Favorable
MEETING DATE: Monday, March 27, 2017
TIME: 1:30—3:30 p.m.
PLACE: 401 Senate Office Building

FINAL VOTE		SENATORS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
VA		Artiles						
X		Broxson						
X		Campbell						
X		Stargel						
X		Torres, VICE CHAIR						
X		Garcia, CHAIR						
6	0	TOTALS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: CS/SB 1318 and SB 1454

INTRODUCER: Committee on Children, Families, and Elder Affairs and Senator Garcia and Senator Broxson

SUBJECT: Child Protection

DATE: March 28, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Preston</u>	<u>Hendon</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u> </u>	<u> </u>	<u>AHS</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1318 and SB 1454 makes a number of changes to provisions relating to Child Protection Teams (CPT) in the Department of Health (DOH). The bill would no longer limit physicians who could be CPT medical directors to only those board certified in pediatrics, but would now allow a board-certified physician in family medicine to be hired as a medical director. Physicians employed as CPT medical directors must, within two years after their date of employment obtain either a subspecialty certification in child abuse from the American Board of Pediatrics or meet the minimum requirements established by a third-party credentialing entity recognizing a demonstrated specialized competence in child abuse pediatrics pursuant to s. 39.303(2)(d), F.S.

The bill requires the Surgeon General and Deputy Secretary for Children’s Medical Services to consult with the Statewide Medical Director for Child Protection on decisions regarding screening, employment, and termination of child protection team medical directors at headquarters and within all circuits statewide.

The bill revises the list of persons who can complete the required review of all suspected abuse and neglect reports called to the Department of Children and Families (DCF or department) Central Abuse Hotline to determine if a face-to-face medical evaluation by a child protection team is necessary. The bill changes CPT districts to circuits, to align the CPT and DCF service areas.

This bill also codifies the requirements for Sexual Abuse Treatment Programs (SATP), that provide children alleged to have been sexually abused, their siblings, and their non-offending caretakers with specialized therapeutic treatment to assist in recovery from sexual abuse.

The bill requires the Children's Medical Services (CMS) within DOH to convene a task force to develop a standardized protocol for forensic interviewing for children suspected of having been abused and provide staff to support the task force, as needed. The task force must include various representatives from the disciplines of law enforcement, child welfare, and mental health treatment. The bill requires DOH to provide the protocol to the legislature by January 1, 2018.

The bill expands the cases in which an expert witness certificate may be used, to include cases involving abandonment, dependency, and sexual abuse.

The bill has no fiscal impact on state government.

The bill has an effective date of July 1, 2017.

II. Present Situation:

Child Protection Teams

A child protection team (CPT) is a medically directed, multidisciplinary team that works with local Sheriff's offices and the department in cases of child abuse and neglect to supplement investigation activities.¹ Current law governs CPTs, and requires the Children's Medical Services Program (CMS) in DOH to develop, maintain, and coordinate the services of the CPTs in each of the service districts of the DCF. Child protection team medical directors are responsible for oversight of the teams.²

Specifically, CPTs help assess risk and protective factors, and provide recommendations for interventions that protect children.³ Child abuse, abandonment, and neglect reports to the DCF central abuse hotline that must be referred to child protection teams include cases involving:

- Injuries to the head, bruises to the neck or head, burns, or fractures in a child of any age.
- Bruises anywhere on a child 5 years of age or younger.
- Any report alleging sexual abuse of a child.
- Any sexually transmitted disease in a prepubescent child.
- Reported malnutrition or failure of a child to thrive.
- Reported medical neglect of a child.
- A sibling or other child remaining in a home where one or more children have been - pronounced dead on arrival or have been injured and later died as a result of suspected abuse, abandonment, or neglect.

¹ Children's Medical Services, Child Protection Teams, (Aug. 30, 2012) *available at*: http://www.floridahealth.gov/AlternateSites/CMS-Kids/families/child_protection_safety/child_protection_teams.html. (last visited March 20, 2017).

² Section 39.303, F.S.

³ Children's Medical Services, Child Protection Team Brochure, available at http://www.floridahealth.gov/AlternateSites/CMS-Kids/families/child_protection_safety/documents/child_protection_brochure.pdf. (last visited March 20, 2017).

- Symptoms of serious emotional problems in a child when emotional or other abuse, abandonment, or neglect is suspected.⁴

Qualifications for Child Protection Team Medical Directors

Currently, district medical directors are required to be a physician licensed under chapter 458 or chapter 459 who is a board-certified pediatrician and, within 4 years after the date of his or her employment as a district medical director, either obtain a subspecialty certification in child abuse from the American Board of Pediatrics or meet the minimum requirements established by a third-party credentialing entity recognizing a demonstrated specialized competence in child abuse pediatrics pursuant to s. 39.303(2)(d), F.S.

While child protection teams are required to be medically directed by at least one board-certified pediatrician, despite active recruitment efforts, three of the 22 child protection team medical director positions have been vacant for more than a year. Child protection team medical directors are state employees and currently, three are employed by state universities and the remaining 19 are employed by DOH.⁵

Specialty Certification for Child Abuse Pediatrics

The American Board of Medical Specialties approved the child abuse pediatrics specialty in 2006 and administered the first certification exams in late 2009.⁶ Eligibility for the Child Abuse Pediatric certification exam requires a person to have completed both a 3-year residency in pediatrics and a 3-year fellowship in child abuse pediatrics at an accredited program.⁷ Fellowship training includes medical evaluations of children with manifestations of acute and chronic child maltreatment, as well as children with a broad range of other diagnoses. The trainee develops expertise in determining non-accidental trauma and other forms of maltreatment by developing excellent diagnostic expertise and knowledge of various disorders which may mimic child maltreatment. Training will include mandatory reporting laws, legal proceedings, child abuse and family violence prevention, teaching opportunities, and clinical research.⁸

As of December 31, 2015, Florida has 12 physicians certified in Child Abuse Pediatrics through the American Board of Pediatrics.⁹

Third-Party Credentialing Entity

The Florida Certification Board offers the Child Protection Team Medical Provider (CPTMP) credential to eligible members of the Florida Department of Health's Child Protection Teams.

⁴ Section 39.303, F.S..

⁵ Department of Health, 2017 Agency Legislative Bill Analysis, SB 1318, March 1, 2017.

⁶ HealthLeaders Media, New Specialty Certification for Child Abuse Pediatrics, Nov. 6, 2009, *available at*: <http://www.healthleadersmedia.com/content/PHY-241751/New-Specialty-Certification-for-Child-Abuse-Pediatrics.html>. (last visited Mar. 20, 2017).

⁷ Council of Pediatric Subspecialties, Pediatric Child Abuse, Nov. 5, 2013. *available at*: <http://pedsubs.org/SubDes/ChildAbuse.cfm>. (last visited Mar. 20, 2017).

⁸ *Id.*

⁹ American Board of Pediatrics Inc., 2015-2016 Workforce Data, *available at*: <https://www.abp.org/sites/abp/files/pdf/workforcebook.pdf>. (last visited March 20, 2017)

This program was developed in response to the requirement that each DOH district medical director obtain a subspecialist certification in child abuse from the American Board of Pediatrics or meet the minimum requirements established by a third-party credentialing entity. DOH has expanded eligibility for this credential to specified members of Florida's Child Protection Teams. In order to be eligible to take the exam, applicants must either be a board certified pediatrician, a board certified advanced registered nurse practitioner, or another board certified medical professional.¹⁰

Sexual Abuse Treatment Programs (SATP)

In 1986, the legislature required the department to develop a model plan for community intervention and treatment of intrafamily sexual abuse in conjunction with the Department of Law Enforcement, DOH, the Department of Education, the Attorney General (OAG), the state Guardian Ad Litem Program, the Department of Corrections, representatives of the judiciary, and professionals and advocates from the mental health and child welfare community.¹¹ As a result, children alleged to have been sexually abused, their siblings, and their non-offending caretakers are currently served by 14 sexual abuse treatment programs statewide. The programs are a partnership between DOH, the Office of the Attorney General (OAG) and DCF. DOH contracts with local programs to provide administrative and clinical oversight, the OAG pays for therapeutic services, and DOH and DCF have an interagency agreement for the operation of the program. This program provided therapeutic counseling services to 3,400 child victims of sexual abuse and their non-offending family members during Fiscal Year 2015-2016.¹²

Forensic Interviewing of Child Victims

Forensic interviewing began after several high-profile cases in the 1980s involving allegations of daycare providers sexually abusing multiple children in their care became the subject of analysis based on the interview techniques that were used.¹³ Law enforcement had relied on mental health practitioners because of their ability to establish and build rapport with children. However, these mental health practitioners used therapeutic techniques that were later deemed inappropriate for forensic purposes due to concerns of suggestibility and the encouragement of make-believe and pretend. Three specific criticisms of these methods were that:

- Investigation activities and decision-making were not coordinated across the multiple agencies involved;
- Children were interviewed too many times by too many interviewers and had to tell their story over and over again; and

¹⁰ Florida Certification Board, Child Protection Team Medical Provider Certification, *available at*: <http://flcertificationboard.org/certification/childprotectionteam-credential/> (last visited March 22, 2017).

¹¹ Chapter 85-54, Laws of Florida. The provision was created as s. 415.5095, it was transferred and renumbered as s.39.305 in 1998 (Chapter 98-403, Laws of Florida) and subsequently repealed in 2011 (Chapter 2011-213, Laws of Florida).

¹² Department of Health, 2017 Agency Legislative Bill Analysis, SB 1318, March 1, 2017.

¹³ Walker, N., Forensic Interviews of Children: The Components of Scientific Validity and Legal Admissibility, 2002, *available at*: <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1241&context=lcp&sei-redir=1&referer=http%3A%2F%2Fwww.bing.com%2Fsearch%3Fq%3Dforensic%2Binterviewing%2Bchildren%26src%3DI-E-SearchBox%26FORM%3DIENSR#search=%22forensic%20interviewing%20children%22>. (last visited March 23, 2017).

- Children were interviewed in stressful or compromising locations that disturbed them further and made it difficult to talk.¹⁴

A forensic interview, however, is a structured conversation with a child intended to elicit detailed information about a possible event that the child may have experienced or witnessed. The purposes of a forensic interview are:

- To obtain information from a child that may be helpful in a criminal investigation;
- To assess the safety of the child's living arrangements;
- To obtain information that will either corroborate or refute allegations or suspicions of abuse and neglect; and
- To assess the need for medical treatment and psychological care.¹⁵

People from multiple disciplines attend, or later review, the interview: child protective investigators; police officers and other law enforcement officials; child protection attorneys; victim advocates; and medical and mental health care practitioners. The interview provides facts and direction for those involved with the investigation and provision of services.¹⁶

Child Advocacy Centers have taken the lead in the development of forensic interviewing protocols for children and one of their primary functions is to conduct forensic interviews in a non-threatening, child-friendly environment. Florida law provided standards for child advocacy centers in 1998¹⁷ and Florida currently has 27 child advocacy centers that serve an estimated 85% of children statewide.¹⁸

The DOH reports that a variety of forensic interview protocols exist and vary from being very structured (scripted), less structured (semi-scripted) to flexible (not scripted but includes guidelines for interviewing). Agencies and entities providing forensic interviews can choose from a variety of well-known and established protocols, most of which provide structured training for forensic interviewers.¹⁹ One of these existing protocols is the internationally recognized National Children's Advocacy Center Child Forensic Interview Structure that is flexible, can be adapted to children of all ages and cultural backgrounds, and is appropriate for interviewing children who may have experienced sexual or physical abuse or who may be a witness to violence.²⁰

Expert Witness Certificates and Expert Testimony in Child Abuse Cases

Current law authorizes the DOH to issue a certificate authorizing a physician who holds an active and valid license to practice medicine or osteopathic medicine in another state or a

¹⁴ Cross, T., Jones, L., et al, *Child forensic interviewing in Children's Advocacy Centers: Empirical data on a practice model*, Child Abuse & Neglect 31 (2007), available from: <http://www.unh.edu/ccrc/pdf/cv108.pdf>. (last visited March 23, 2017).

¹⁵ *Id.*

¹⁶ U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Juvenile Justice Bulletin, *Child Forensic Interviewing: Best Practices*, September 2015, available at: <https://www.ojjdp.gov/pubs/248749.pdf>. (last visited March 22, 2017).

¹⁷ Chapter 98-403, F.S.

¹⁸ Florida Network of Child Advocacy Centers, available at: <http://www.fncac.org/about-us>. (last visited March 23, 2017).

¹⁹ Florida Department of Health, 2017 Agency Legislative Bill Analysis, SB 1454, March 6, 2017.

²⁰ National Child Advocacy Center, Forensic Interviewing of Children, available at: <http://www.nationalcac.org/forensic-interviewing-of-children-training/>. (last visited March 23, 2017).

province of Canada to provide expert testimony in this state, if the physician applies and pays for the certificate.²¹ An expert witness certificate authorizes the physician to whom the certificate is issued to do only the following:

- Provide a verified written medical expert opinion as provided in s. 766.203;
- Provide expert testimony about the prevailing professional standard of care in connection with medical negligence litigation pending in this state against a physician licensed under chapter 458 or this chapter; and
- Provide expert testimony in criminal child abuse and neglect cases in this state.²²

Currently, expert testimony requirements in chapter 827, relating to abuse of children that rises to the level of criminal abuse, are restricted only to criminal child abuse cases and not family or dependency court.²³

III. Effect of Proposed Changes:

Section 1 amends s. 39.303, F.S.; relating to child protection teams, to no longer limit physicians who could be CPT medical directors to only those board certified in pediatrics, but would now allow a board-certified physician in family medicine to be hired as a medical director. Physicians employed as CPT medical directors would, within two years after their date of employment must obtain either a subspecialty certification in child abuse from the American Board of Pediatrics or meet the minimum requirements established by a third-party credentialing entity recognizing a demonstrated specialized competence in child abuse pediatrics pursuant to s. 39.303(2)(d), F.S.

The bill revises the list of persons who can complete the required review of all suspected abuse and neglect reports called to the Department of Children and Families (DCF) Central Abuse Hotline to determine if a face-to-face medical evaluation by a child protection team is necessary.

The bill changes CPT districts to circuits, to align the CPT and DCF service areas.

The bill requires the Children's Medical Services (CMS) within DOH to convene a task force to develop a standardized protocol for forensic interviewing for children suspected of having been abused and provide staff to support the task force, as needed. The task force must include various representatives from the disciplines of law enforcement, child welfare, and mental health treatment. The bill requires DOH to provide the protocol to the legislature by January 1, 2018.

This bill also codifies the requirements for Sexual Abuse Treatment Programs (SATP), that provide children alleged to have been sexually abused, their siblings, and their non-offending caretakers with specialized therapeutic treatment to assist in recovery from sexual abuse.

Section 2 amends s. 39.3031, F.S., relating to rules for the implementation of s. 39.303, F.S., to conform provisions to changes made by the bill.

²¹ Sections 458.3175 and 459.0066, F.S.

²² *Id.*

²³ Section 827.03, F.S.

Section 3 amends s. 458.3175, F.S., relating to expert witness certificates, to allow a physician who holds an active and valid license to practice medicine in another state or a province of Canada and holds an expert witness certificate to provide expert testimony in neglect, abandonment, dependency and sexual abuse cases.

Section 4 amends s. 459.0066, F.S., relating to expert witness certificates, to allow a physician who holds an active and valid license to practice osteopathic medicine in another state or a province of Canada and holds an expert witness certificate to provide expert testimony in neglect, abandonment, dependency and sexual abuse cases.

Section 5 amends s. 827.03, F.S., relating to abuse, aggravated abuse, and neglect of a child, to expand the expert testimony requirements of subsection (3) to include neglect, abandonment, dependency and sexual abuse cases.

Section 6 provides an effective date of July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends ss. 39.303, 39.3031, 458.3175, 459.0066, and 827.03 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Committee on Children, Families, and Elder Affairs on March 27, 2017:

The Committee Substitute:

- No longer limits physicians who could be CPT medical directors to only those board certified in pediatrics, but would allow a board-certified physician in family medicine to be hired as a medical director. Physicians employed as CPT medical directors must, within two years after their date of employment obtain either a subspecialty certification in child abuse from the American Board of Pediatrics or meet the minimum requirements established by a third-party credentialing entity recognizing a demonstrated specialized competence in child abuse pediatrics pursuant to s. 39.303(2)(d), F.S.
- Requires the Children's Medical Services (CMS) within DOH to convene a task force to develop a standardized protocol for forensic interviewing for children suspected of having been abused and provide staff to support the task force, as needed. The task force must include various representatives from the disciplines of law enforcement, child welfare, and mental health treatment. The bill requires DOH to provide the protocol to the legislature by January 1, 2018.
- Expands the cases in which an expert witness certificate may be used, to include cases involving abandonment, dependency, and sexual abuse.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/28/2017	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Broxson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 39.303, Florida Statutes, is amended to read:

39.303 Child protection teams and sexual abuse treatment programs; services; eligible cases.—

(1) The Children's Medical Services program in the



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10 Department of Health shall develop, maintain, and coordinate the
11 services of one or more multidisciplinary child protection teams
12 in each of the service circuits ~~districts~~ of the Department of
13 Children and Families. Such teams may be composed of appropriate
14 representatives of school districts and appropriate health,
15 mental health, social service, legal service, and law
16 enforcement agencies. The Department of Health and the
17 Department of Children and Families shall maintain an
18 interagency agreement that establishes protocols for oversight
19 and operations of child protection teams and sexual abuse
20 treatment programs. The State Surgeon General and the Deputy
21 Secretary for Children's Medical Services, in consultation with
22 the Secretary of Children and Families and the Statewide Medical
23 Director for Child Protection, shall maintain the responsibility
24 for the screening, employment, and, if necessary, the
25 termination of child protection team medical directors, ~~at~~
26 ~~headquarters and in the~~ circuits ~~15 districts~~.

27 (2) (a) The Statewide Medical Director for Child Protection
28 must be a physician licensed under chapter 458 or chapter 459
29 who is a board-certified pediatrician with a subspecialty
30 certification in child abuse from the American Board of
31 Pediatrics.

32 (b) Each child protection team ~~district~~ medical director
33 must be a physician licensed under chapter 458 or chapter 459
34 who is board certified in pediatrics, family medicine, emergency
35 medicine, internal medicine, or another specialty recognized by
36 the American Board of Medical Specialties and has 3 or more
37 years of experience working in the area of child abuse or
38 neglect. ~~a board-certified pediatrician and,~~ Within 4 years



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39 after the date of his or her employment in that capacity, ~~as~~ a
40 child protection team district medical director must, either
41 obtain a subspecialty certification in child abuse from the
42 American Board of Pediatrics or meet the minimum requirements
43 established by a third-party credentialing entity recognizing a
44 demonstrated specialized competence in child abuse pediatrics
45 pursuant to paragraph (d). Each child protection team district
46 medical director employed on July 1, 2015, must, within 4 years,
47 either obtain a subspecialty certification in child abuse from
48 the American Board of Pediatrics or meet the minimum
49 requirements established by a third-party credentialing entity
50 recognizing a demonstrated specialized competence in child abuse
51 pediatrics pursuant to paragraph (d). Child protection team
52 medical directors are ~~shall be~~ responsible for oversight of the
53 teams in the circuits ~~districts~~.

54 (c) All medical personnel participating on a child
55 protection team must successfully complete the required child
56 protection team training curriculum as set forth in protocols
57 determined by the Deputy Secretary for Children's Medical
58 Services and the Statewide Medical Director for Child
59 Protection.

60 (d) Contingent on appropriations, the Department of Health
61 shall approve one or more third-party credentialing entities for
62 the purpose of developing and administering a professional
63 credentialing program for child protection team district medical
64 directors. Within 90 days after receiving documentation from a
65 third-party credentialing entity, the department shall approve a
66 third-party credentialing entity that demonstrates compliance
67 with the following minimum standards:



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68 1. Establishment of child abuse pediatrics core
69 competencies, certification standards, testing instruments, and
70 recertification standards according to national psychometric
71 standards.

72 2. Establishment of a process to administer the
73 certification application, award, and maintenance processes
74 according to national psychometric standards.

75 3. Demonstrated ability to administer a professional code
76 of ethics and disciplinary process that applies to all certified
77 persons.

78 4. Establishment of, and ability to maintain, a publicly
79 accessible Internet-based database that contains information on
80 each person who applies for and is awarded certification, such
81 as the person's first and last name, certification status, and
82 ethical or disciplinary history.

83 5. Demonstrated ability to administer biennial continuing
84 education and certification renewal requirements.

85 6. Demonstrated ability to administer an education provider
86 program to approve qualified training entities and to provide
87 precertification training to applicants and continuing education
88 opportunities to certified professionals.

89 (3) The Department of Health shall use and convene the
90 child protection teams to supplement the assessment and
91 protective supervision activities of the family safety and
92 preservation program of the Department of Children and Families.
93 This section does not remove or reduce the duty and
94 responsibility of any person to report pursuant to this chapter
95 all suspected or actual cases of child abuse, abandonment, or
96 neglect or sexual abuse of a child. The role of the child



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97 protection teams ~~is shall be~~ to support activities of the
98 program and to provide services deemed by the child protection
99 teams to be necessary and appropriate to abused, abandoned, and
100 neglected children upon referral. The specialized diagnostic
101 assessment, evaluation, coordination, consultation, and other
102 supportive services that a child protection team must ~~shall~~ be
103 capable of providing include, but are not limited to, the
104 following:

105 (a) Medical diagnosis and evaluation services, including
106 provision or interpretation of X rays and laboratory tests, and
107 related services, as needed, and documentation of related
108 findings.

109 (b) Telephone consultation services in emergencies and in
110 other situations.

111 (c) Medical evaluation related to abuse, abandonment, or
112 neglect, as defined by policy or rule of the Department of
113 Health.

114 (d) Such psychological and psychiatric diagnosis and
115 evaluation services for the child or the child's parent or
116 parents, legal custodian or custodians, or other caregivers, or
117 any other individual involved in a child abuse, abandonment, or
118 neglect case, as the child protection team may determine to be
119 needed.

120 (e) Expert medical, psychological, and related professional
121 testimony in court cases.

122 (f) Case staffings to develop treatment plans for children
123 whose cases have been referred to the child protection team. A
124 child protection team may provide consultation with respect to a
125 child who is alleged or is shown to be abused, abandoned, or



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126 neglected, which consultation shall be provided at the request
127 of a representative of the family safety and preservation
128 program or at the request of any other professional involved
129 with a child or the child's parent or parents, legal custodian
130 or custodians, or other caregivers. In every such child
131 protection team case staffing, consultation, or staff activity
132 involving a child, a family safety and preservation program
133 representative shall attend and participate.

134 (g) Case service coordination and assistance, including the
135 location of services available from other public and private
136 agencies in the community.

137 (h) Such training services for program and other employees
138 of the Department of Children and Families, employees of the
139 Department of Health, and other medical professionals as is
140 deemed appropriate to enable them to develop and maintain their
141 professional skills and abilities in handling child abuse,
142 abandonment, and neglect cases.

143 (i) Educational and community awareness campaigns on child
144 abuse, abandonment, and neglect in an effort to enable citizens
145 more successfully to prevent, identify, and treat child abuse,
146 abandonment, and neglect in the community.

147 (j) Child protection team assessments that include, as
148 appropriate, medical evaluations, medical consultations, family
149 psychosocial interviews, specialized clinical interviews, or
150 forensic interviews.

151
152 A child protection team that is evaluating a report of medical
153 neglect and assessing the health care needs of a medically
154 complex child shall consult with a physician who has experience



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155 in treating children with the same condition.

156 (4) The child abuse, abandonment, and neglect reports that
157 must be referred by the department to child protection teams of
158 the Department of Health for an assessment and other appropriate
159 available support services as set forth in subsection (3) must
160 include cases involving:

161 (a) Injuries to the head, bruises to the neck or head,
162 burns, or fractures in a child of any age.

163 (b) Bruises anywhere on a child 5 years of age or under.

164 (c) Any report alleging sexual abuse of a child.

165 (d) Any sexually transmitted disease in a prepubescent
166 child.

167 (e) Reported malnutrition of a child and failure of a child
168 to thrive.

169 (f) Reported medical neglect of a child.

170 (g) Any family in which one or more children have been
171 pronounced dead on arrival at a hospital or other health care
172 facility, or have been injured and later died, as a result of
173 suspected abuse, abandonment, or neglect, when any sibling or
174 other child remains in the home.

175 (h) Symptoms of serious emotional problems in a child when
176 emotional or other abuse, abandonment, or neglect is suspected.

177 (5) All abuse and neglect cases transmitted for
178 investigation to a circuit ~~district~~ by the hotline must be
179 simultaneously transmitted to the ~~Department of Health~~ child
180 protection team for review. For the purpose of determining
181 whether a face-to-face medical evaluation by a child protection
182 team is necessary, all cases transmitted to the child protection
183 team which meet the criteria in subsection (4) must be timely



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184 reviewed by:

185 (a) A physician licensed under chapter 458 or chapter 459
186 who holds board certification in pediatrics, family medicine,
187 emergency medicine, internal medicine, or another specialty
188 recognized by the American Board of Medical Specialties, who has
189 3 or more years of experience working in the area of child abuse
190 or neglect, and who ~~and~~ is a member of a child protection team;

191 (b) A physician licensed under chapter 458 or chapter 459
192 who holds board certification but does not meet the criteria for
193 a child protection team medical director specified in paragraph
194 (2) (b) ~~in a specialty other than pediatrics,~~ who may complete
195 the review only when working under the direction of a physician
196 licensed under chapter 458 or chapter 459 who meets the criteria
197 for a child protection team medical director under paragraph
198 (2) (b) ~~holds board certification in pediatrics~~ and is a member
199 of a child protection team;

200 (c) An advanced registered nurse practitioner licensed
201 under chapter 464 who has a specialty in pediatrics or family
202 medicine and is a member of a child protection team;

203 (d) A physician assistant licensed under chapter 458 or
204 chapter 459, who may complete the review only when working under
205 the supervision of a physician licensed under chapter 458 or
206 chapter 459 who meets the criteria for a child protection team
207 medical director under paragraph (2) (b) ~~holds board~~
208 ~~certification in pediatrics~~ and is a member of a child
209 protection team; or

210 (e) A registered nurse licensed under chapter 464, who may
211 complete the review only when working under the direct
212 supervision of a physician licensed under chapter 458 or chapter



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213 459 who meets the criteria for a child protection team medical
214 director under paragraph (2) (b) ~~holds certification in~~
215 ~~pediatrics~~ and is a member of a child protection team.

216 (6) A face-to-face medical evaluation by a child protection
217 team is not necessary when:

218 (a) The child was examined for the alleged abuse or neglect
219 by a physician who is not a member of the child protection team,
220 and a consultation between the child protection team board-
221 certified physician ~~pediatrician~~, advanced registered nurse
222 practitioner, physician assistant working under the supervision
223 of a child protection team board-certified physician
224 ~~pediatrician~~, or registered nurse working under the direct
225 supervision of a child protection team board-certified physician
226 ~~pediatrician~~, and the examining physician concludes that a
227 further medical evaluation is unnecessary;

228 (b) The child protective investigator, with supervisory
229 approval, has determined, after conducting a child safety
230 assessment, that there are no indications of injuries as
231 described in paragraphs (4) (a)-(h) as reported; or

232 (c) The child protection team board-certified physician
233 ~~pediatrician~~, as authorized in subsection (5), determines that a
234 medical evaluation is not required.

235
236 Notwithstanding paragraphs (a), (b), and (c), a child protection
237 team physician ~~pediatrician~~, as authorized in subsection (5),
238 may determine that a face-to-face medical evaluation is
239 necessary.

240 (7) In all instances in which a child protection team is
241 providing certain services to abused, abandoned, or neglected



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242 children, other offices and units of the Department of Health,
243 and offices and units of the Department of Children and
244 Families, must ~~shall~~ avoid duplicating ~~the provision of~~ those
245 services.

246 (8) The Department of Health child protection team quality
247 assurance program and the Family Safety Program Office of the
248 Department of Children and Families shall collaborate to ensure
249 referrals and responses to child abuse, abandonment, and neglect
250 reports are appropriate. Each quality assurance program shall
251 include a review of records in which there are no findings of
252 abuse, abandonment, or neglect, and the findings of these
253 reviews shall be included in each department's quality assurance
254 reports.

255 (9) (a) The Department of Health Children's Medical Services
256 program shall convene a task force to develop a standardized
257 protocol for forensic interviewing of children suspected of
258 having been abused. The Department of Health shall provide staff
259 to the task force as necessary. The task force must include:

260 1. A representative from the Florida Prosecuting Attorneys
261 Association.

262 2. A representative from the Florida Psychological
263 Association.

264 3. The Statewide Medical Director for Child Protection.

265 4. A representative from the Florida Public Defender
266 Association, Inc.

267 5. The executive director of the Statewide Guardian Ad
268 Litem Office.

269 6. A representative from a community-based care lead
270 agency.



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271 7. A representative from Children's Medical Services.
272 8. A representative from the Florida Sheriffs Association.
273 9. A representative from the Florida Chapter of the
274 American Academy of Pediatrics.
275 10. A representative from the Florida Network of Children's
276 Advocacy Centers.
277 11. Other representatives designated by Children's Medical
278 Services.
279 (b) Children's Medical Services must provide the
280 standardized protocol to the President of the Senate and the
281 Speaker of the House of Representatives by July 1, 2018.
282 (c) Members of the task force are not entitled to per diem
283 or other payment for service on the task force.
284 (10) The Children's Medical Services program shall develop,
285 maintain, and coordinate the services of one or more sexual
286 abuse treatment programs.
287 (a) A child under the age of 18 who is alleged to be a
288 victim of sexual abuse and his or her siblings, nonoffending
289 caregivers, and family members who have been impacted by sexual
290 abuse are eligible for services under such sexual abuse
291 treatment programs.
292 (b) Sexual abuse treatment programs must provide or, as
293 appropriate, must provide referrals to, specialized therapeutic
294 intervention services, including crisis intervention, clinical
295 treatment, and individual, family, and group therapy, to
296 eligible persons to assist them in recovering from sexual abuse,
297 to prevent developmental impairment of the child, to restore the
298 child to his or her level of developmental functioning before
299 the abuse occurred, and to promote healthy, nonabusive



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300 relationships.

301 Section 2. Paragraph (c) of subsection (2) of section
302 458.3175, Florida Statutes, is amended to read:

303 458.3175 Expert witness certificate.—

304 (2) An expert witness certificate authorizes the physician
305 to whom the certificate is issued to do only the following:

306 (c) Provide expert testimony in criminal child abuse and
307 neglect cases pursuant to chapter 827, dependency cases pursuant
308 to chapter 39, and cases involving sexual battery of a child
309 pursuant to chapter 794 in this state.

310 Section 3. Paragraph (c) of subsection (2) of section
311 459.0066, Florida Statutes, is amended to read:

312 459.0066 Expert witness certificate.—

313 (2) An expert witness certificate authorizes the physician
314 to whom the certificate is issued to do only the following:

315 (c) Provide expert testimony in criminal child abuse and
316 neglect cases pursuant to chapter 827, dependency cases pursuant
317 to chapter 39, and cases involving sexual battery of a child
318 pursuant to chapter 794 in this state.

319 Section 4. Paragraph (d) of subsection (3) of section
320 827.03, Florida Statutes, is amended to read:

321 827.03 Abuse, aggravated abuse, and neglect of a child;
322 penalties.—

323 (3) EXPERT TESTIMONY.—

324 (d) The expert testimony requirements of this subsection
325 apply only to criminal child abuse and neglect cases pursuant to
326 chapter 827, dependency cases pursuant to chapter 39, and cases
327 involving sexual battery of a child pursuant to chapter 794 and
328 not to family court ~~or dependency court~~ cases.



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329 Section 5. Section 39.3031, Florida Statutes, is amended to
330 read:

331 39.3031 Rules for implementation of s. 39.303.—The
332 Department of Health, in consultation with the Department of
333 Children and Families, shall adopt rules governing the child
334 protection teams and sexual abuse treatment programs pursuant to
335 s. 39.303, including definitions, organization, roles and
336 responsibilities, eligibility, services and their availability,
337 qualifications of staff, and a waiver-request process.

338 Section 6. Subsection (2) of section 391.026, Florida
339 Statutes, is amended to read:

340 391.026 Powers and duties of the department.—The department
341 shall have the following powers, duties, and responsibilities:

342 (2) To provide services to abused and neglected children
343 through child protection teams and sexual abuse treatment
344 programs pursuant to s. 39.303.

345 Section 7. For the purpose of incorporating the amendment
346 made by this act to section 39.303, Florida Statutes, in a
347 reference thereto, paragraph (c) of subsection (14) of section
348 39.301, Florida Statutes, is reenacted to read:

349 39.301 Initiation of protective investigations.—

350 (14)

351 (c) The department, in consultation with the judiciary,
352 shall adopt by rule:

353 1. Criteria that are factors requiring that the department
354 take the child into custody, petition the court as provided in
355 this chapter, or, if the child is not taken into custody or a
356 petition is not filed with the court, conduct an administrative
357 review. Such factors must include, but are not limited to,



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358 noncompliance with a safety plan or the case plan developed by
359 the department, and the family under this chapter, and prior
360 abuse reports with findings that involve the child, the child's
361 sibling, or the child's caregiver.

362 2. Requirements that if after an administrative review the
363 department determines not to take the child into custody or
364 petition the court, the department shall document the reason for
365 its decision in writing and include it in the investigative
366 file. For all cases that were accepted by the local law
367 enforcement agency for criminal investigation pursuant to
368 subsection (2), the department must include in the file written
369 documentation that the administrative review included input from
370 law enforcement. In addition, for all cases that must be
371 referred to child protection teams pursuant to s. 39.303(4) and
372 (5), the file must include written documentation that the
373 administrative review included the results of the team's
374 evaluation.

375 Section 8. This act shall take effect July 1, 2017.

376
377 ===== T I T L E A M E N D M E N T =====

378 And the title is amended as follows:

379 Delete everything before the enacting clause
380 and insert:

381 A bill to be entitled
382 An act relating to child safety; amending s. 39.303,
383 F.S.; renaming service districts as service circuits
384 and district medical directors as child protection
385 team medical directors; requiring that each child
386 protection team medical director be board certified in



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387 specified specialty areas; revising the list of
388 persons who must timely review all abuse and neglect
389 cases transmitted to the child protection team to
390 determine whether a face-to-face medical evaluation by
391 a child protection team is necessary; requiring the
392 department's Children's Medical Services program to
393 convene a task force to develop a protocol for
394 forensic interviewing of children suspected of having
395 been abused; requiring the department to provide staff
396 to the task force as necessary; specifying membership
397 of the task force; requiring Children's Medical
398 Services to provide the protocol to the Legislature;
399 requiring the Children's Medical Services program to
400 develop, maintain, and coordinate the services of one
401 or more sexual abuse treatment programs; specifying
402 eligibility requirements; requiring the sexual abuse
403 treatment programs to provide, or to provide referrals
404 to, specialized therapeutic treatment to eligible
405 persons; conforming provisions to changes made by the
406 act; amending ss. 458.3175, 459.0066, and 827.03,
407 F.S.; revising provisions regarding expert testimony
408 provided by certain entities to include criminal cases
409 involving child abuse and neglect, dependency cases,
410 and cases involving sexual abuse of a child; amending
411 ss. 39.3031 and 391.026, F.S.; conforming provisions
412 to changes made by the act; reenacting s.
413 39.301(14)(c), F.S., relating to the initiation of
414 protective investigations, to incorporate the
415 amendment made to s. 39.303, F.S., in a reference



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416

thereto; providing an effective date.

By Senator Garcia

36-00356A-17

20171318__

A bill to be entitled

An act relating to child safety; amending s. 39.303, F.S.; renaming service districts as service circuits and district medical directors as child protection team medical directors; requiring that each child protection team medical director be a licensed physician and board certified in specified specialty areas; revising the list of persons who must timely review all abuse and neglect cases transmitted to the Department of Health to determine whether a face-to-face medical evaluation by a child protection team is necessary; requiring the department's Children's Medical Services program to develop, maintain, and coordinate the services of one or more sexual abuse treatment programs; specifying eligibility requirements; requiring the programs to provide specialized therapeutic treatment to eligible persons; requiring the programs and child protection teams to provide referrals to such services for the eligible persons; conforming provisions to changes made by the act; amending s. 39.3031 and 391.026, F.S.; conforming provisions to changes made by the act; reenacting s. 39.301(14)(c), F.S., relating to the initiation of protective investigations, to incorporate the amendment made to s. 39.303, F.S., in a reference thereto; providing an effective date.

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

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

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Section 1. Section 39.303, Florida Statutes, is amended to read:

39.303 Child protection teams and sexual abuse treatment programs; services; eligible cases.—

(1) The Children's Medical Services program in the Department of Health shall develop, maintain, and coordinate the services of one or more multidisciplinary child protection teams in each of the service circuits ~~districts~~ of the Department of Children and Families. Such teams may be composed of appropriate representatives of school districts and appropriate health, mental health, social service, legal service, and law enforcement agencies. The Department of Health and the Department of Children and Families shall maintain an interagency agreement that establishes protocols for oversight and operations of child protection teams and sexual abuse treatment programs. The State Surgeon General and the Deputy Secretary for Children's Medical Services, in consultation with the Secretary of Children and Families, shall maintain the responsibility for the screening, employment, and, if necessary, the termination of child protection team medical directors, at headquarters and in the circuits ~~15 districts~~.

(2) (a) The Statewide Medical Director for Child Protection must be a physician licensed under chapter 458 or chapter 459 who is a board-certified pediatrician with a subspecialty certification in child abuse from the American Board of Pediatrics.

(b) Each child protection team ~~district~~ medical director must be a physician licensed under chapter 458 or chapter 459 who is board certified in pediatrics, family medicine, emergency

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

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59 medicine, internal medicine, or another specialty recognized by
 60 the American Board of Medical Specialties and has 3 or more
 61 years of experience working in the area of child abuse or
 62 neglect. ~~a board-certified pediatrician and,~~ Within 4 years
 63 after the date of his or her employment in that capacity, ~~as~~ a
 64 child protection team ~~district~~ medical director must, either
 65 obtain a subspecialty certification in child abuse from the
 66 American Board of Pediatrics or meet the minimum requirements
 67 established by a third-party credentialing entity recognizing a
 68 demonstrated specialized competence in child abuse pediatrics
 69 pursuant to paragraph (d). Each child protection team ~~district~~
 70 medical director employed on July 1, 2015, must, within 4 years,
 71 either obtain a subspecialty certification in child abuse from
 72 the American Board of Pediatrics or meet the minimum
 73 requirements established by a third-party credentialing entity
 74 recognizing a demonstrated specialized competence in child abuse
 75 pediatrics pursuant to paragraph (d). Child protection team
 76 medical directors are ~~shall be~~ responsible for oversight of the
 77 teams in the circuits ~~districts~~.

78 (c) All medical personnel participating on a child
 79 protection team must successfully complete the required child
 80 protection team training curriculum as set forth in protocols
 81 determined by the Deputy Secretary for Children's Medical
 82 Services and the Statewide Medical Director for Child
 83 Protection.

84 (d) Contingent on appropriations, the Department of Health
 85 shall approve one or more third-party credentialing entities for
 86 the purpose of developing and administering a professional
 87 credentialing program for child protection team ~~district~~ medical

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88 directors. Within 90 days after receiving documentation from a
 89 third-party credentialing entity, the department shall approve a
 90 third-party credentialing entity that demonstrates compliance
 91 with the following minimum standards:

92 1. Establishment of child abuse pediatrics core
 93 competencies, certification standards, testing instruments, and
 94 recertification standards according to national psychometric
 95 standards.

96 2. Establishment of a process to administer the
 97 certification application, award, and maintenance processes
 98 according to national psychometric standards.

99 3. Demonstrated ability to administer a professional code
 100 of ethics and disciplinary process that applies to all certified
 101 persons.

102 4. Establishment of, and ability to maintain, a publicly
 103 accessible Internet-based database that contains information on
 104 each person who applies for and is awarded certification, such
 105 as the person's first and last name, certification status, and
 106 ethical or disciplinary history.

107 5. Demonstrated ability to administer biennial continuing
 108 education and certification renewal requirements.

109 6. Demonstrated ability to administer an education provider
 110 program to approve qualified training entities and to provide
 111 precertification training to applicants and continuing education
 112 opportunities to certified professionals.

113 (3) The Department of Health shall use and convene the
 114 child protection teams to supplement the assessment and
 115 protective supervision activities of the family safety and
 116 preservation program of the Department of Children and Families.

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117 This section does not remove or reduce the duty and
 118 responsibility of any person to report pursuant to this chapter
 119 all suspected or actual cases of child abuse, abandonment, or
 120 neglect or sexual abuse of a child. The role of the child
 121 protection teams shall be to support activities of the program
 122 and to provide services deemed by the child protection teams to
 123 be necessary and appropriate to abused, abandoned, and neglected
 124 children upon referral. The specialized diagnostic assessment,
 125 evaluation, coordination, consultation, and other supportive
 126 services that a child protection team shall be capable of
 127 providing include, but are not limited to, the following:

128 (a) Medical diagnosis and evaluation services, including
 129 provision or interpretation of X rays and laboratory tests, and
 130 related services, as needed, and documentation of related
 131 findings.

132 (b) Telephone consultation services in emergencies and in
 133 other situations.

134 (c) Medical evaluation related to abuse, abandonment, or
 135 neglect, as defined by policy or rule of the Department of
 136 Health.

137 (d) Such psychological and psychiatric diagnosis and
 138 evaluation services for the child or the child's parent or
 139 parents, legal custodian or custodians, or other caregivers, or
 140 any other individual involved in a child abuse, abandonment, or
 141 neglect case, as the team may determine to be needed.

142 (e) Expert medical, psychological, and related professional
 143 testimony in court cases.

144 (f) Case staffings to develop treatment plans for children
 145 whose cases have been referred to the team. A child protection

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146 team may provide consultation with respect to a child who is
 147 alleged or is shown to be abused, abandoned, or neglected, which
 148 consultation shall be provided at the request of a
 149 representative of the family safety and preservation program or
 150 at the request of any other professional involved with a child
 151 or the child's parent or parents, legal custodian or custodians,
 152 or other caregivers. In every such child protection team case
 153 staffing, consultation, or staff activity involving a child, a
 154 family safety and preservation program representative shall
 155 attend and participate.

156 (g) Case service coordination and assistance, including the
 157 location of services available from other public and private
 158 agencies in the community.

159 (h) Such training services for program and other employees
 160 of the Department of Children and Families, employees of the
 161 Department of Health, and other medical professionals as is
 162 deemed appropriate to enable them to develop and maintain their
 163 professional skills and abilities in handling child abuse,
 164 abandonment, and neglect cases.

165 (i) Educational and community awareness campaigns on child
 166 abuse, abandonment, and neglect in an effort to enable citizens
 167 more successfully to prevent, identify, and treat child abuse,
 168 abandonment, and neglect in the community.

169 (j) Child protection team assessments that include, as
 170 appropriate, medical evaluations, medical consultations, family
 171 psychosocial interviews, specialized clinical interviews, or
 172 forensic interviews.

173
 174 A child protection team that is evaluating a report of medical

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175 neglect and assessing the health care needs of a medically
 176 complex child shall consult with a physician who has experience
 177 in treating children with the same condition.

178 (4) The child abuse, abandonment, and neglect reports that
 179 must be referred by the department to child protection teams of
 180 the Department of Health for an assessment and other appropriate
 181 available support services as set forth in subsection (3) must
 182 include cases involving:

183 (a) Injuries to the head, bruises to the neck or head,
 184 burns, or fractures in a child of any age.

185 (b) Bruises anywhere on a child 5 years of age or under.

186 (c) Any report alleging sexual abuse of a child.

187 (d) Any sexually transmitted disease in a prepubescent
 188 child.

189 (e) Reported malnutrition of a child and failure of a child
 190 to thrive.

191 (f) Reported medical neglect of a child.

192 (g) Any family in which one or more children have been
 193 pronounced dead on arrival at a hospital or other health care
 194 facility, or have been injured and later died, as a result of
 195 suspected abuse, abandonment, or neglect, when any sibling or
 196 other child remains in the home.

197 (h) Symptoms of serious emotional problems in a child when
 198 emotional or other abuse, abandonment, or neglect is suspected.

199 (5) All abuse and neglect cases transmitted for
 200 investigation to a circuit district by the hotline must be
 201 simultaneously transmitted to the Department of Health child
 202 protection team for review. For the purpose of determining
 203 whether face-to-face medical evaluation by a child protection

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

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204 team is necessary, all cases transmitted to the child protection
 205 team which meet the criteria in subsection (4) must be timely
 206 reviewed by:

207 (a) A physician licensed under chapter 458 or chapter 459
 208 who holds board certification in pediatrics, family medicine,
 209 emergency medicine, internal medicine, or another specialty
 210 recognized by the American Board of Medical Specialties, who has
 211 3 or more years of experience working in the area of child abuse
 212 or neglect and who ~~and~~ is a member of a child protection team;

213 (b) A physician licensed under chapter 458 or chapter 459
 214 who holds board certification but does not meet the criteria for
 215 a child protection team medical director specified in paragraph
 216 (2) (b) in a specialty other than pediatrics, who may complete
 217 the review only when working under the direction of a physician
 218 licensed under chapter 458 or chapter 459 who meets the criteria
 219 for a child protection team medical director under paragraph
 220 (2) (b) holds board certification in pediatrics and is a member
 221 of a child protection team;

222 (c) An advanced registered nurse practitioner licensed
 223 under chapter 464 who has a specialty in pediatrics or family
 224 medicine and is a member of a child protection team;

225 (d) A physician assistant licensed under chapter 458 or
 226 chapter 459, who may complete the review only when working under
 227 the supervision of a physician licensed under chapter 458 or
 228 chapter 459 who meets the criteria for a child protection team
 229 medical director under paragraph (2) (b) holds board
 230 ~~certification in pediatrics~~ and is a member of a child
 231 protection team; or

232 (e) A registered nurse licensed under chapter 464, who may

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233 complete the review only when working under the direct
 234 supervision of a physician licensed under chapter 458 or chapter
 235 459 who meets the criteria for a child protection team medical
 236 director under paragraph (2) (b) holds certification in
 237 ~~pediatrics~~ and is a member of a child protection team.

238 (6) A face-to-face medical evaluation by a child protection
 239 team is not necessary when:

240 (a) The child was examined for the alleged abuse or neglect
 241 by a physician who is not a member of the child protection team,
 242 and a consultation between the child protection team board-
 243 certified physician pediatrician, advanced registered nurse
 244 practitioner, physician assistant working under the supervision
 245 of a child protection team board-certified physician
 246 ~~pediatrician~~, or registered nurse working under the direct
 247 supervision of a child protection team board-certified physician
 248 ~~pediatrician~~, and the examining physician concludes that a
 249 further medical evaluation is unnecessary;

250 (b) The child protective investigator, with supervisory
 251 approval, has determined, after conducting a child safety
 252 assessment, that there are no indications of injuries as
 253 described in paragraphs (4) (a)-(h) as reported; or

254 (c) The child protection team board-certified physician
 255 ~~pediatrician~~, as authorized in subsection (5), determines that a
 256 medical evaluation is not required.

257
 258 Notwithstanding paragraphs (a), (b), and (c), a child protection
 259 team physician pediatrician, as authorized in subsection (5),
 260 may determine that a face-to-face medical evaluation is
 261 necessary.

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262 (7) In all instances in which a child protection team is
 263 providing certain services to abused, abandoned, or neglected
 264 children, other offices and units of the Department of Health,
 265 and offices and units of the Department of Children and
 266 Families, must ~~shall~~ avoid duplicating ~~the provision of~~ those
 267 services.

268 (8) The Department of Health child protection team quality
 269 assurance program and the Family Safety Program Office of the
 270 Department of Children and Families shall collaborate to ensure
 271 referrals and responses to child abuse, abandonment, and neglect
 272 reports are appropriate. Each quality assurance program shall
 273 include a review of records in which there are no findings of
 274 abuse, abandonment, or neglect, and the findings of these
 275 reviews shall be included in each department's quality assurance
 276 reports.

277 (9) The Department of Health Children's Medical Services
 278 program shall develop, maintain, and coordinate the services of
 279 one or more sexual abuse treatment programs.

280 (a) A child under the age of 18 who is alleged to be a
 281 victim of sexual abuse and his or her siblings, nonoffending
 282 caregivers, and family members who have been impacted by sexual
 283 abuse are eligible for services under such programs.

284 (b) Sexual abuse treatment programs shall provide or, as
 285 appropriate, provide referrals to specialized therapeutic
 286 intervention services, including crisis intervention, clinical
 287 treatment, and individual, family, and group therapy, to
 288 eligible persons to assist them in recovering from sexual abuse,
 289 to prevent developmental impairment of the child, to restore the
 290 child to his or her level of developmental functioning before

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291 the abuse occurred, and to promote healthy, nonabusive
 292 relationships.

293 Section 2. Section 39.3031, Florida Statutes, is amended to
 294 read:

295 39.3031 Rules for implementation of s. 39.303.—The
 296 Department of Health, in consultation with the Department of
 297 Children and Families, shall adopt rules governing the child
 298 protection teams and sexual abuse treatment programs pursuant to
 299 s. 39.303, including definitions, organization, roles and
 300 responsibilities, eligibility, services and their availability,
 301 qualifications of staff, and a waiver-request process.

302 Section 3. Subsection (2) of section 391.026, Florida
 303 Statutes, is amended to read:

304 391.026 Powers and duties of the department.—The department
 305 shall have the following powers, duties, and responsibilities:

306 (2) To provide services to abused and neglected children
 307 through child protection teams and sexual abuse treatment
 308 programs pursuant to s. 39.303.

309 Section 4. For the purpose of incorporating the amendment
 310 made by this act to section 39.303, Florida Statutes, in a
 311 reference thereto, paragraph (c) of subsection (14) of section
 312 39.301, Florida Statutes, is reenacted to read:

313 39.301 Initiation of protective investigations.—

314 (14)

315 (c) The department, in consultation with the judiciary,
 316 shall adopt by rule:

317 1. Criteria that are factors requiring that the department
 318 take the child into custody, petition the court as provided in
 319 this chapter, or, if the child is not taken into custody or a

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320 petition is not filed with the court, conduct an administrative
 321 review. Such factors must include, but are not limited to,
 322 noncompliance with a safety plan or the case plan developed by
 323 the department, and the family under this chapter, and prior
 324 abuse reports with findings that involve the child, the child's
 325 sibling, or the child's caregiver.

326 2. Requirements that if after an administrative review the
 327 department determines not to take the child into custody or
 328 petition the court, the department shall document the reason for
 329 its decision in writing and include it in the investigative
 330 file. For all cases that were accepted by the local law
 331 enforcement agency for criminal investigation pursuant to
 332 subsection (2), the department must include in the file written
 333 documentation that the administrative review included input from
 334 law enforcement. In addition, for all cases that must be
 335 referred to child protection teams pursuant to s. 39.303(4) and
 336 (5), the file must include written documentation that the
 337 administrative review included the results of the team's
 338 evaluation.

339 Section 5. This act shall take effect July 1, 2017.

Strike All for SB 1318 by Senator Garcia and SB 1454 by Senator Broxson

Sec.	SB 1318	Sec.	SB 1454 Amendment	Strike-All Amendment
4	39.301(14) - Reenacts due to changes to s. 39.303.			39.301(14) - Reenacts due to changes to s. 39.303
1	39.303 (1) - technical correction to DOH geographic areas.	1	39.303 (1) - Adds Statewide Medical Director for Child Protection to agency oversight of child protection team medical directors.	39.303 (1) - technical correction to DOH geographic areas. Adds Statewide Medical Director for Child Protection to agency oversight of child protection team medical directors.
1	39.303 (2) - qualifications for child protection team medical directors specified for board specialties with 3 or more years of experience.	1	39.303 (2) - qualifications for child protection team medical directors must get child abuse certification within 2 years.	39.303 (2) - qualifications for child protection team medical directors specified for board specialties with 3 or more years of experience.
1	39.303 (3) -technical correction.	1	39.303 (3) -technical correction.	39.303 (3) -technical correction.
1	39.303 (5) - conforms to change in qualifications of medical directors.	1	39.303 (5) - conforms to change in qualifications of medical directors.	39.303 (5) - conforms to change in qualifications of medical directors.
		1	39.303 (6) - updates terminology for child protection teams.	39.303 (6) - updates terminology for child protection teams.
1	39.303 (9) - establishes duty for DOH to develop and maintain sexual abuse treatment programs for children.	1	39.303 (9) - Creates task force in DOH for a standard forensic interview protocol for child abuse.	39.303 (9) - establishes duty for DOH to develop and maintain sexual abuse treatment programs for children. Creates task force in DOH for a standard forensic interview protocol for child abuse.
		1	39.303 (10) - establishes duty for DOH to develop	See above.

			and maintain sexual abuse treatment programs for children.	
2	39.3031 - rule making authority for sexual abuse treatment programs.	2	39.3031 - rule making authority for sexual abuse treatment programs.	39.3031 - rule making authority for sexual abuse treatment programs.
3	391.026 - Sex abuse treatment programs added to DOH powers and duties.			391.026 - Sex abuse treatment programs added to DOH powers and duties.
		3	458.3175 - Allows physicians to provide expert testimony for child abuse and dependency.	458.3175 - Allows physicians to provide expert testimony for child abuse and dependency.
		4	459.0066 - Allows physicians with expert witness certificate to provide expert testimony for child abuse and dependency.	459.0066 - Allows physicians with expert witness certificate to provide expert testimony for child abuse and dependency.
		5	827.03 - Child criminal abuse or neglect experts can provide expert testimony for child abuse and dependency.	827.03 - Child criminal abuse or neglect experts can provide expert testimony for child abuse and dependency.
5	Effective date of July 1, 2017	6	Effective date of July 1, 2017	Effective date of July 1, 2017

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Children, Families, and Elder Affairs
ITEM: SB 1318
FINAL ACTION: Fav/CS with SB 1454
MEETING DATE: Monday, March 27, 2017
TIME: 1:30—3:30 p.m.
PLACE: 401 Senate Office Building

FINAL VOTE		SENATORS	3/27/2017 Amendment 720470 1 Broxson					
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Artiles						
X		Broxson						
X		Campbell						
X		Stargel						
X		Torres, VICE CHAIR						
X		Garcia, CHAIR						
6	0	TOTALS	RCS	-				
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 1408

INTRODUCER: Senator Broxson

SUBJECT: Public Records/Confidentiality/Department of Elderly Affairs

DATE: March 24, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hendon	Hendon	CF	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 1408 creates an exemption from the public records law for personal identifying information, personal health and financial records, and photographs and video recordings held by the Department of Elderly Affairs in connection with a complaint filed against or an investigation of a professional guardian. The exemption is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2022 unless reviewed and saved by the Legislature.

The bill is not expected to have a fiscal impact on the state and has an effective date of July 1, 2017.

II. Present Situation:

Guardianship

Guardianship is a concept whereby a “guardian” acts for another, called a “ward,” whom the law regards as incapable of managing his or her own affairs due to age or incapacity. Guardianships are generally disfavored due to the loss of individual civil rights, and a guardian may be appointed only if the court finds there is no sufficient alternative to guardianship.

There are two main forms of guardianship: guardianship over the person or guardianship over the property, which may be limited or plenary.¹ For adults, a guardianship may be established when a person has demonstrated that he or she is unable to manage his or her own affairs. If the adult is competent, this can be accomplished voluntarily. However, in situations where an individual’s mental competence is in question, an involuntary guardianship may be established through the adjudication of incompetence which is based on the determination of a court appointed examination committee.²

¹ See generally, Section 744.102(9), F.S.

² See generally, Section 744.102(12), F.S.

Florida courts have long recognized the relationship between a guardian and his or her ward as a classic fiduciary relationship.³ A fiduciary relationship exists between two persons when one of them is under a duty to act for or to give advice for the benefit of another upon matters within the scope of that relationship.⁴ The most basic duty of a fiduciary is the duty of loyalty: a fiduciary must refrain from self-dealing, must not take unfair advantage of the ward, must act in the best interest of the ward, and must disclose material facts.⁵ In addition to the duty of loyalty, a fiduciary also owes a duty of care to carry out its responsibilities in an informed and considered manner.

Section 744.362, F.S., imposes specific duties upon a guardian consistent with the basic duties of a fiduciary including protecting and preserving the property of the ward's overall physical and social health. A guardian must file with the court an initial guardianship report,⁶ an annual guardianship report,⁷ and an annual accounting of the ward's property.⁸ The reports provide evidence of the guardian's faithful execution of his or her fiduciary duties.⁹

In 2016, the Legislature passed and the Governor signed, CS/SB 232 to expand and rename the Statewide Public Guardianship Office within the Department of Elder Affairs (DOEA) as the Office of Public and Professional Guardians.¹⁰ In its new capacity, the office is given authority to regulate professional guardians. The office is to establish standards of practice for public and professional guardians, receive and investigate complaints, establish procedures for disciplinary oversight, conduct hearings, and take administrative action pursuant to ch. 120, F.S. In conducting these investigations, the office may need to review and possess identifying information of an individual ward.

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹¹ This applies to the official business of any public body, officer or employee of the state, including all three branches of state government, local governmental entities and any person acting on behalf of the government.¹²

³ *Lawrence v. Norris*, 563 So. 2d 195, 197 (Fla. 1st DCA 1990).

⁴ *Doe v. Evans*, 814 So. 2d 370, 374 (Fla. 2002).

⁵ *Capital Bank v. MVP, Inc.* 644 So. 2d 515, 520 (Fla. 3d DCA 1994).

⁶ Section 744.362, F.S.

⁷ Section 744.367, F.S.

⁸ Section 744.3678, F.S.

⁹ Section 744.368(1), F.S.

¹⁰ Ch. 2016-40, Laws of Florida

¹¹ FLA. CONST., art. I, s. 24(a).

¹² FLA. CONST., art. I, s. 24(a).

In addition to the Florida Constitution, the Florida Statutes provides that the public may access legislative and executive branch records.¹³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.¹⁴ The Public Records Act states that:

it is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.¹⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.¹⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”¹⁷ A violation of the Public Records Act may result in civil or criminal liability.¹⁸

The Legislature may create an exemption to public records requirements.¹⁹ An exemption must pass by a two-thirds vote of the House and the Senate.²⁰ In addition, an exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.²¹ A statutory exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.²²

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’²³ Records designated as ‘confidential and exempt’ may

¹³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislatures are primarily located in s. 11.0431(2)-(3), F.S.

¹⁴ Public records laws are found throughout the Florida Statutes.

¹⁵ Section 119.01(1), F.S.

¹⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” to mean as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

¹⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

¹⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁹ FLA. CONST., art. I, s. 24(c).

²⁰ FLA. CONST., art. I, s. 24(c).

²¹ FLA. CONST., art. I, s. 24(c).

²² *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So.2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

²³ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian.²⁴

Currently, s. 119.071(2), F.S., provides public record exemptions for information related to agency investigations. Information that is exempt or confidential and exempt from public record requirements includes information related to complaints of discrimination, information related to complaints of misconduct, and information revealing the identity of a victim of certain crimes.

Open Government Sunset Review Act

In addition to the constitutional requirements relating to the enactment of a public records exemption, the Legislature may subject the new or broadened exemption to the Open Government Sunset Review Act (OGSR).

The OGSR prescribes a legislative review process for newly created or substantially amended public records.²⁵ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.²⁶ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

Under the OGSR the purpose and necessity of reenacting the exemption are reviewed. The Legislature must consider the following questions during its review of an exemption:²⁷

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

If the Legislature expands an exemption, then a public necessity statement and a two-thirds vote for passage are required.²⁸ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless otherwise provided for by law.²⁹

²⁴ A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So. 2d 687 (Fla. 5th DCA 1991).

²⁵ Section 119.15, F.S. According to s. 119.15(4)(b), F.S., a substantially amended exemption is one that is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S. The OGSR process is currently being followed, however, the Legislature is not required to continue to do so. The Florida Supreme Court has found that one legislature cannot bind a future legislature. *Scott v. Williams*, 107 So. 3d 379 (Fla. 2013).

²⁶ Section 119.15(3), F.S.

²⁷ Section 119.15(6)(a), F.S.

²⁸ FLA. CONST., art. I, s. 24(c).

²⁹ Section 119.15(7), F.S.

III. Effect of Proposed Changes:

The bill creates s. 744.20042, F.S., to provide that certain personal identifying information, personal health and financial records, and photographs and video recordings held by the Department of Elderly Affairs in connection with a complaint filed or an investigation of a professional guardian is confidential and exempt from public record requirements.

The bill provides a public necessity statement as required by the State Constitution, specifying that it is a public necessity to protect personal identifying information contained in a complaint filed or an investigation of a professional guardian. The bill provides for repeal of the exemption on October 2, 2022, unless reviewed and reenacted by the Legislature.

The bill has an effective date of July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Voting Requirement

Article I, Section 24(c) of the Florida Constitution requires a two-thirds vote of each chamber for public records exemptions to pass.

Breadth of Exemption

Article I, Section 24(c) of the Florida Constitution requires a newly created public records exemption to be no broader than necessary to accomplish the state purpose of the law. The bill exempts certain identifying information contained in state agency investigations of complaints filed on a professional guardian. This bill appears to be no broader than necessary to accomplish the public necessity for this public records exemption.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 744.20042 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Broxson

1-00979A-17

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1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 744.20042, F.S.; creating an exemption from public
 4 records requirements for certain personal identifying
 5 information, personal health and financial records,
 6 and photographs and video recordings held by the
 7 Department of Elderly Affairs in connection with a
 8 complaint filed or an investigation conducted pursuant
 9 to part II of ch. 744, F.S.; specifying that
 10 information retains its confidential and exempt status
 11 for the duration of an investigation; authorizing
 12 disclosure to specified entities and officers;
 13 providing for future legislative review and repeal;
 14 providing a statement of public necessity; providing
 15 an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Section 744.20042, Florida Statutes, is created
 20 to read:

21 744.20042 Confidentiality.—

22 (1) The following are confidential and exempt from s.
 23 119.07(1) and s. 24(a), Art. I of the State Constitution when
 24 held by the Department of Elderly Affairs in connection with a
 25 complaint filed and any subsequent investigation conducted
 26 pursuant to this part, unless the disclosure is required by
 27 court order:

28 (a) The names or identities of the complainants and the
 29 ward involved in a complaint or subsequent investigation.

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30 (b) All personal health and financial records of the ward
 31 related to a complaint or obtained during the course of an
 32 investigation.

33 (c) All photographs and video recordings related to a
 34 complaint or obtained during the course of an investigation.

35 (2) Except as otherwise provided in this section,
 36 information held by the department pursuant to an investigation
 37 under this part is confidential and exempt from s. 119.07(1) and
 38 s. 24(a), Art. I of the State Constitution until the
 39 investigation is completed or ceases to be active, unless
 40 disclosure is required by court order.

41 (3) This section does not prohibit the department from
 42 providing such information to any law enforcement agency, any
 43 other regulatory agency in the performance of its official
 44 duties and responsibilities, or the clerk of the circuit court
 45 pursuant to s. 744.368.

46 (4) This section is subject to the Open Government Sunset
 47 Review Act in accordance with s. 119.15 and shall stand repealed
 48 on October 2, 2022, unless reviewed and saved from repeal
 49 through reenactment by the Legislature.

50 Section 2. The Legislature finds that it is a public
 51 necessity that information held by the Department of Elderly
 52 Affairs pursuant to an investigation conducted under part II of
 53 chapter 744, Florida Statutes, be made confidential and exempt
 54 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
 55 the State Constitution for the following reasons:

56 (1) If the complainants are identifiable, the disclosure of
 57 their identity to the public could cause unwarranted damage to
 58 their good name or reputation, especially if the information

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59 associated with them is inaccurate. Furthermore, if the
60 complainants are identifiable, public access to such information
61 could jeopardize the safety of such individuals by placing them
62 at risk for retaliation.

63 (2) An investigation of a complaint conducted by the
64 Department of Elderly Affairs may lead to the filing of an
65 administrative, civil, or criminal proceeding or to the denial
66 or conditional granting of a registration. The release could
67 frustrate or thwart the investigation and impair the ability of
68 the department to effectively and efficiently administer part II
69 of chapter 744, Florida Statutes. Information held by the
70 Department of Elderly Affairs that is provided to a law
71 enforcement agency, any other regulatory agency in the
72 performance of its official duties and responsibilities, or the
73 clerk of the circuit court pursuant to s. 744.368, Florida
74 Statutes, should remain confidential and exempt from public
75 records requirements. The release of this information could
76 jeopardize the integrity of the investigation and impair the
77 ability of other entities to carry out their statutory duties.

78 Section 3. This act shall take effect July 1, 2017.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/27/17
Meeting Date

1408
Bill Number (if applicable)

Topic SB 1408

Amendment Barcode (if applicable)

Name Jon Conley

Job Title Legislative Aff. Director

Address 4040 Esplanade way

Phone 850 414-2155

TLH FL 32399
City State Zip

Email conleyj@elderaffairs.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Department of Elder Affairs

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 1454

INTRODUCER: Senator Broxson

SUBJECT: Child Protection

DATE: March 24, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	Pre-meeting
2.			AHS	
3.			AP	

I. Summary:

SB 1454 amends current law relating to child protection teams, to require the Surgeon General and Deputy Secretary for Children’s Medical Services to consult with the Statewide Medical Director for Child Protection on decisions regarding screening, employment, and possible termination of child protection team (CPT) medical directors at headquarters and within the 15 districts statewide.

The bill requires the Children’s Medical Services (CMS) within the Department of Health (DOH) to convene a task force to develop a standardized protocol for forensic interviewing for children suspected of having been abused and provide staff to support the task force, as needed. The task force must include various representatives from the disciplines of law enforcement, child welfare, and mental health treatment. The bill requires DOH to provide the protocol to the legislature by January 1, 2018.

The bill expands the cases in which an expert witness certificate may be used, to include cases involving abandonment, dependency, and sexual abuse.

The bill does not have a fiscal impact on state government.

The bill provides an effective date of July 1, 2017.

II. Present Situation:

Child Protection Teams

A child protection team is a medically directed, multidisciplinary team that works with local Sheriff’s offices and the department in cases of child abuse and neglect to supplement

investigation activities.¹ Current law governs CPTs, and requires the Children's Medical Services Program in DOH to develop, maintain, and coordinate the services of the CPTs in each of the service districts of DCF. Child protection team medical directors are responsible for oversight of the teams.²

CPTs are independent, community-based programs that provide expertise in evaluating alleged child abuse and neglect. Specifically, CPTs help assess risk and protective factors, and provide recommendations for interventions that protect children.³ Child abuse, abandonment, and neglect reports to the DCF central abuse hotline that must be referred to child protection teams include cases involving:

- Injuries to the head, bruises to the neck or head, burns, or fractures in a child of any age.
- Bruises anywhere on a child 5 years of age or younger.
- Any report alleging sexual abuse of a child.
- Any sexually transmitted disease in a prepubescent child.
- Reported malnutrition or failure of a child to thrive.
- Reported medical neglect of a child.
- A sibling or other child remaining in a home where one or more children have been - pronounced dead on arrival or have been injured and later died as a result of suspected abuse, abandonment, or neglect.
- Symptoms of serious emotional problems in a child when emotional or other abuse, abandonment, or neglect is suspected.⁴

Currently, the State Surgeon General and the Deputy Secretary for Children's Medical Services, in consultation with the Secretary of Children and Families, maintains the responsibility for the screening, employment, and, if necessary, the termination of child protection team medical directors, at headquarters and in the 15 districts.⁵

Forensic Interviewing of Child Victims

Forensic interviewing began after several high-profile cases in the 1980s involving allegations of daycare providers sexually abusing multiple children in their care became the subject of analysis based on the interview techniques that were used.⁶ Law enforcement had relied on mental health practitioners because of their ability to establish and build rapport with children. However, these mental health practitioners used therapeutic techniques that were later deemed inappropriate for

¹ Children's Medical Services, Child Protection Teams, (Aug. 30, 2012) *available at*:

http://www.floridahealth.gov/AlternateSites/CMS-Kids/families/child_protection_safety/child_protection_teams.html. (last visited March 20, 2017).

² Section 39.303, F.S.

³ Children's Medical Services, Child Protection Team Brochure, *available at*:

http://www.floridahealth.gov/AlternateSites/CMS-Kids/families/child_protection_safety/documents/child_protection_brochure.pdf. (last visited March 20, 2017).

⁴ Section 39.303, F.S.

⁵ *Id.*

⁶ Walker, N., *Forensic Interviews of Children: The Components of Scientific Validity and Legal Admissibility*, 2002, *available at*: <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1241&context=lcp&sei-redir=1&referer=http%3A%2F%2Fwww.bing.com%2Fsearch%3Fq%3Dforensic%2Binterviewing%2Bchildren%26src%3DI-E-SearchBox%26FORM%3DIENSR#search=%22forensic%20interviewing%20children%22>. (last visited March 23, 2017).

forensic purposes due to concerns of suggestibility and the encouragement of make-believe and pretend. Three specific criticisms of these methods were that:

- Investigation activities and decision-making were not coordinated across the multiple agencies involved;
- Children were interviewed too many times by too many interviewers and had to tell their story over and over again; and
- Children were interviewed in stressful or compromising locations that disturbed them further and made it difficult to talk.⁷

A forensic interview, however, is a structured conversation with a child intended to elicit detailed information about a possible event that the child may have experienced or witnessed. The purposes of a forensic interview are:

- To obtain information from a child that may be helpful in a criminal investigation;
- To assess the safety of the child's living arrangements;
- To obtain information that will either corroborate or refute allegations or suspicions of abuse and neglect; and
- To assess the need for medical treatment and psychological care.⁸

People from multiple disciplines attend, or later review, the interview: child protective investigators; police officers and other law enforcement officials; child protection attorneys; victim advocates; and medical and mental health care practitioners. The interview provides facts and direction for those involved with the investigation and provision of services.⁹

Child Advocacy Centers have taken the lead in the development of forensic interviewing protocols for children and one of their primary functions is to conduct forensic interviews in a non-threatening, child-friendly environment. Florida law provided standards for child advocacy centers in 1998¹⁰ and Florida currently has 27 child advocacy centers that serve an estimated 85% of children statewide.¹¹

The DOH reports that a variety of forensic interview protocols exist and vary from being very structured (scripted), less structured (semi-scripted) to flexible (not scripted but includes guidelines for interviewing). Agencies and entities providing forensic interviews can choose from a variety of well-known and established protocols, most of which provide structured training for forensic interviewers.¹² One of these existing protocols is the internationally recognized National Children's Advocacy Center Child Forensic Interview Structure that is flexible, can be adapted to children of all ages and cultural backgrounds, and is appropriate for

⁷ Cross, T., Jones, L., et al, *Child forensic interviewing in Children's Advocacy Centers: Empirical data on a practice model*, Child Abuse & Neglect 31 (2007), available from: <http://www.unh.edu/ccrc/pdf/cv108.pdf>. (last visited March 23, 2017).

⁸ *Id.*

⁹ U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Juvenile Justice Bulletin, *Child Forensic Interviewing: Best Practices*, September 2015, available at: <https://www.ojjdp.gov/pubs/248749.pdf>. (last visited March 22, 2017).

¹⁰ Chapter 98-403, F.S.

¹¹ Florida Network of Child Advocacy Centers, available at: <http://www.fncac.org/about-us>. (last visited March 23, 2017).

¹² Florida Department of Health, 2017 Agency Legislative Bill Analysis, SB 1454, March 6, 2017.

interviewing children who may have experienced sexual or physical abuse or who may be a witness to violence.¹³

Expert Witness Certificates and Expert Testimony in Child Abuse Cases

Current law authorizes the DOH to issue a certificate authorizing a physician who holds an active and valid license to practice medicine or osteopathic medicine in another state or a province of Canada to provide expert testimony in this state, if the physician applies and pays for the certificate.¹⁴ An expert witness certificate authorizes the physician to whom the certificate is issued to do only the following:

- Provide a verified written medical expert opinion as provided in s. 766.203;
- Provide expert testimony about the prevailing professional standard of care in connection with medical negligence litigation pending in this state against a physician licensed under chapter 458 or this chapter; and
- Provide expert testimony in criminal child abuse and neglect cases in this state.¹⁵

Currently, expert testimony requirements in chapter 827, relating to abuse of children that rises to the level of criminal abuse, are restricted only to criminal child abuse cases and not family or dependency court.¹⁶

III. Effect of Proposed Changes:

Section 1. amends s 39.303, F.S., relating to child protection teams, to require the Surgeon General and Deputy Secretary for Children's Medical Services to consult with the Statewide Medical Director for Child Protection on decisions regarding screening, employment, and possible termination of child protection team medical directors at headquarters and within the 15 districts statewide.

Section 2 amends s. 458.3175, F.S., relating to expert witness certificates, to allow a physician who holds an active and valid license to practice medicine in another state or a province of Canada and holds an expert witness certificate to provide expert testimony in neglect, abandonment, dependency and sexual abuse cases.

Section 3 amends s. 459.0066, F.S., relating to expert witness certificates, to allow a physician who holds an active and valid license to practice osteopathic medicine in another state or a province of Canada and holds an expert witness certificate to provide expert testimony in neglect, abandonment, dependency and sexual abuse cases.

Section 4 amends s. 827.03, F.S., relating to abuse, aggravated abuse, and neglect of a child, to expand the expert testimony requirements of subsection (3) to include neglect, abandonment, dependency and sexual abuse cases.

¹³ National Child Advocacy Center, Forensic Interviewing of Children, available at: <http://www.nationalcac.org/forensic-interviewing-of-children-training/>. (last visited March 23, 2017).

¹⁴ Sections 458.3175 and 459.0066, F.S.

¹⁵ *Id.*

¹⁶ Section 827.03, F.S.

Section 5 creates an unnumbered section of statute, to require Children's Medical Services to convene a task force to develop a standardized protocol for conducting forensic interviews of children suspected of being victims of abuse. The DOH must report the protocol to the legislature by January 1, 2018.

Section 6 provides an effective date of July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

- Florida has a broad network of Child Advocacy Centers that serve to conduct forensic interviews of children that may have been abused in a child-friendly environment. One of the most universally known forensic interview protocols was developed by the National Child Advocacy Center that is flexible, can be adapted to children of all ages and cultural backgrounds, and is appropriate for interviewing children who may have experienced sexual or physical abuse or who may be a witness to violence. DOH reports that a variety of forensic interview protocols exist and vary from being very structured (scripted), less structured (semi-scripted) to flexible (not scripted but includes guidelines for interviewing).

Agencies and entities providing forensic interviews can choose from a variety of well-known and established protocols, most of which provide structured training for forensic interviewers. It is unclear why there is a need for a task force to create a new protocol.

Also, the bill doesn't require implementation of the new protocol once it has been developed.

The new language on lines 54, 62 and 84-85 is unclear. For better clarity, it could read:

Provide expert testimony in criminal child abuse and 319 neglect cases pursuant to ch. 827, dependency cases pursuant to 320 ch. 39, and cases involving sexual battery of a child pursuant 321 to ch. 794 in this state

Also, chapter 827 of the Florida Statutes, is a criminal statute so it's unclear why dependency cases would be added to a criminal statute. Dependency cases are non-criminal proceedings for children who have been abused, abandoned or neglected. Finally, Children's Legal Services in the Department of Children and Families is not aware of a problem in dependency cases that require the amendments in sections 2, 3, and 4 of SB 1454.

VIII. Statutes Affected:

The bill substantially amends ss. 39.303, 458.3175, 459.0066 and 827.03 of the Florida Statutes. This bill creates an unnumbered section of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2017	.	
	.	
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	.	

The Committee on Children, Families, and Elder Affairs (Broxson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 39.303, Florida Statutes, is amended to
read:

39.303 Child protection teams and sexual abuse treatment
programs; services; eligible cases.—

(1) The Children's Medical Services Program in the
Department of Health shall develop, maintain, and coordinate the



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11 services of one or more multidisciplinary child protection teams
12 in each of the service circuits ~~districts~~ of the Department of
13 Children and Families. Such teams may be composed of appropriate
14 representatives of school districts and appropriate health,
15 mental health, social service, legal service, and law
16 enforcement agencies. The Department of Health and the
17 Department of Children and Families shall maintain an
18 interagency agreement that establishes protocols for oversight
19 and operations of child protection teams and sexual abuse
20 treatment programs. The State Surgeon General and the Deputy
21 Secretary for Children's Medical Services, in consultation with
22 the Secretary of Children and Families and the Statewide Medical
23 Director for Child Protection, shall maintain the responsibility
24 for the screening, employment, and, if necessary, the
25 termination of child protection team medical directors, ~~at~~
26 ~~headquarters~~ and in the 15 circuits ~~districts~~.

27 (2) (a) The Statewide Medical Director for Child Protection
28 must be a physician licensed under chapter 458 or chapter 459
29 who is a board-certified pediatrician with a subspecialty
30 certification in child abuse from the American Board of
31 Pediatrics.

32 (b) Each child protection team ~~district~~ medical director
33 must be a physician licensed under chapter 458 or chapter 459
34 who is a board-certified physician in pediatrics or family
35 medicine ~~pediatrician~~ and, within 2 ~~4~~ years after the date of
36 ~~his or her~~ employment as a child protection team ~~district~~
37 medical director, obtains ~~either obtain~~ a subspecialty
38 certification in child abuse from the American Board of
39 Pediatrics or within 2 years meet the minimum requirements



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40 established by a third-party credentialing entity recognizing a
41 demonstrated specialized competence in child abuse pediatrics
42 pursuant to paragraph (d). Each child protection team district
43 medical director employed on July 1, 2015, must, by July 1, 2019
44 ~~within 4 years~~, either obtain a subspecialty certification in
45 child abuse from the American Board of Pediatrics or meet the
46 minimum requirements established by a third-party credentialing
47 entity recognizing a demonstrated specialized competence in
48 child abuse pediatrics pursuant to paragraph (d). Child
49 protection team medical directors shall be responsible for
50 oversight of the teams in the circuits ~~districts~~.

51 (c) All medical personnel participating on a child
52 protection team must successfully complete the required child
53 protection team training curriculum as set forth in protocols
54 determined by the Deputy Secretary for Children's Medical
55 Services and the Statewide Medical Director for Child
56 Protection.

57 (d) Contingent on appropriations, the Department of Health
58 shall approve one or more third-party credentialing entities for
59 the purpose of developing and administering a professional
60 credentialing program for child protection team district medical
61 directors. Within 90 days after receiving documentation from a
62 third-party credentialing entity, the department shall approve a
63 third-party credentialing entity that demonstrates compliance
64 with the following minimum standards:

65 1. Establishment of child abuse pediatrics core
66 competencies, certification standards, testing instruments, and
67 recertification standards according to national psychometric
68 standards.



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69 2. Establishment of a process to administer the
70 certification application, award, and maintenance processes
71 according to national psychometric standards.

72 3. Demonstrated ability to administer a professional code
73 of ethics and disciplinary process that applies to all certified
74 persons.

75 4. Establishment of, and ability to maintain, a publicly
76 accessible Internet-based database that contains information on
77 each person who applies for and is awarded certification, such
78 as the person's first and last name, certification status, and
79 ethical or disciplinary history.

80 5. Demonstrated ability to administer biennial continuing
81 education and certification renewal requirements.

82 6. Demonstrated ability to administer an education provider
83 program to approve qualified training entities and to provide
84 precertification training to applicants and continuing education
85 opportunities to certified professionals.

86 (3) The Department of Health shall use and convene the
87 child protection teams to supplement the assessment and
88 protective supervision activities of the family safety and
89 preservation program of the Department of Children and Families.
90 This section does not remove or reduce the duty and
91 responsibility of any person to report pursuant to this chapter
92 all suspected or actual cases of child abuse, abandonment, or
93 neglect or sexual abuse of a child. The role of the child
94 protection teams is ~~shall be~~ to support activities of the
95 program and to provide services deemed by the child protection
96 teams to be necessary and appropriate to abused, abandoned, and
97 neglected children upon referral. The specialized diagnostic



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98 assessment, evaluation, coordination, consultation, and other
99 supportive services that a child protection team must ~~shall~~ be
100 capable of providing include, but are not limited to, the
101 following:

102 (a) Medical diagnosis and evaluation services, including
103 provision or interpretation of X rays and laboratory tests, and
104 related services, as needed, and documentation of related
105 findings.

106 (b) Telephone consultation services in emergencies and in
107 other situations.

108 (c) Medical evaluation related to abuse, abandonment, or
109 neglect, as defined by policy or rule of the Department of
110 Health.

111 (d) Such psychological and psychiatric diagnosis and
112 evaluation services for the child or the child's parent or
113 parents, legal custodian or custodians, or other caregivers, or
114 any other individual involved in a child abuse, abandonment, or
115 neglect case, as the team may determine to be needed.

116 (e) Expert medical, psychological, and related professional
117 testimony in court cases.

118 (f) Case staffings to develop treatment plans for children
119 whose cases have been referred to the team. A child protection
120 team may provide consultation with respect to a child who is
121 alleged or is shown to be abused, abandoned, or neglected, which
122 consultation shall be provided at the request of a
123 representative of the family safety and preservation program or
124 at the request of any other professional involved with a child
125 or the child's parent or parents, legal custodian or custodians,
126 or other caregivers. In every such child protection team case



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127 staffing, consultation, or staff activity involving a child, a
128 family safety and preservation program representative shall
129 attend and participate.

130 (g) Case service coordination and assistance, including the
131 location of services available from other public and private
132 agencies in the community.

133 (h) Such training services for program and other employees
134 of the Department of Children and Families, employees of the
135 Department of Health, and other medical professionals as is
136 deemed appropriate to enable them to develop and maintain their
137 professional skills and abilities in handling child abuse,
138 abandonment, and neglect cases.

139 (i) Educational and community awareness campaigns on child
140 abuse, abandonment, and neglect in an effort to enable citizens
141 more successfully to prevent, identify, and treat child abuse,
142 abandonment, and neglect in the community.

143 (j) Child protection team assessments that include, as
144 appropriate, medical evaluations, medical consultations, family
145 psychosocial interviews, specialized clinical interviews, or
146 forensic interviews.

147
148 A child protection team that is evaluating a report of medical
149 neglect and assessing the health care needs of a medically
150 complex child shall consult with a physician who has experience
151 in treating children with the same condition.

152 (4) The child abuse, abandonment, and neglect reports that
153 must be referred by the department to child protection teams of
154 the Department of Health for an assessment and other appropriate
155 available support services as set forth in subsection (3) must



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156 include cases involving:

157 (a) Injuries to the head, bruises to the neck or head,
158 burns, or fractures in a child of any age.

159 (b) Bruises anywhere on a child 5 years of age or under.

160 (c) Any report alleging sexual abuse of a child.

161 (d) Any sexually transmitted disease in a prepubescent
162 child.

163 (e) Reported malnutrition of a child and failure of a child
164 to thrive.

165 (f) Reported medical neglect of a child.

166 (g) Any family in which one or more children have been
167 pronounced dead on arrival at a hospital or other health care
168 facility, or have been injured and later died, as a result of
169 suspected abuse, abandonment, or neglect, when any sibling or
170 other child remains in the home.

171 (h) Symptoms of serious emotional problems in a child when
172 emotional or other abuse, abandonment, or neglect is suspected.

173 (5) All abuse and neglect cases transmitted for
174 investigation to a circuit district ~~district~~ by the hotline must be
175 simultaneously transmitted to the ~~Department of Health~~ child
176 protection team for review. For the purpose of determining
177 whether a face-to-face medical evaluation by a child protection
178 team is necessary, all cases transmitted to the child protection
179 team which meet the criteria in subsection (4) must be timely
180 reviewed by:

181 (a) A physician licensed under chapter 458 or chapter 459
182 who holds board certification in pediatrics and is a member of a
183 child protection team;

184 (b) A physician licensed under chapter 458 or chapter 459



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185 who holds board certification in a specialty other than
186 pediatrics, who may complete the review only when working under
187 the direction of the child protection team medical director or a
188 physician licensed under chapter 458 or chapter 459 who holds
189 board certification in pediatrics and is a member of a child
190 protection team;

191 (c) An advanced registered nurse practitioner licensed
192 under chapter 464 who has a specialty in pediatrics or family
193 medicine and is a member of a child protection team;

194 (d) A physician assistant licensed under chapter 458 or
195 chapter 459, who may complete the review only when working under
196 the supervision of the child protection team medical director or
197 a physician licensed under chapter 458 or chapter 459 who holds
198 board certification in pediatrics and is a member of a child
199 protection team; or

200 (e) A registered nurse licensed under chapter 464, who may
201 complete the review only when working under the direct
202 supervision of the child protection team medical director or a
203 physician licensed under chapter 458 or chapter 459 who holds
204 board certification in pediatrics and is a member of a child
205 protection team.

206 (6) A face-to-face medical evaluation by a child protection
207 team is not necessary when:

208 (a) The child was examined for the alleged abuse or neglect
209 by a physician who is not a member of the child protection team,
210 and a consultation between the child protection team medical
211 director or a child protection team board-certified
212 pediatrician, advanced registered nurse practitioner, physician
213 assistant working under the supervision of a child protection



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214 team medical director or a child protection team board-certified
215 pediatrician, or registered nurse working under the direct
216 supervision of a child protection team medical director or a
217 child protection team board-certified pediatrician, and the
218 examining physician concludes that a further medical evaluation
219 is unnecessary;

220 (b) The child protective investigator, with supervisory
221 approval, has determined, after conducting a child safety
222 assessment, that there are no indications of injuries as
223 described in paragraphs (4) (a)-(h) as reported; or

224 (c) The child protection team medical director or a child
225 protection team board-certified pediatrician, as authorized in
226 subsection (5), determines that a medical evaluation is not
227 required.

228
229 Notwithstanding paragraphs (a), (b), and (c), a child protection
230 team medical director or a child protection team pediatrician,
231 as authorized in subsection (5), may determine that a face-to-
232 face medical evaluation is necessary.

233 (7) In all instances in which a child protection team is
234 providing certain services to abused, abandoned, or neglected
235 children, other offices and units of the Department of Health,
236 and offices and units of the Department of Children and
237 Families, shall avoid duplicating the provision of those
238 services.

239 (8) The Department of Health child protection team quality
240 assurance program and the Family Safety Program Office of the
241 Department of Children and Families shall collaborate to ensure
242 referrals and responses to child abuse, abandonment, and neglect



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243 reports are appropriate. Each quality assurance program shall
244 include a review of records in which there are no findings of
245 abuse, abandonment, or neglect, and the findings of these
246 reviews shall be included in each department's quality assurance
247 reports.

248 (9) (a) Children's Medical Services shall convene a task
249 force to develop a standardized protocol for forensic
250 interviewing of children suspected of having been abused. The
251 Department of Health shall provide staff to the task force as
252 necessary. The task force must include:

253 1. A representative from the Florida Prosecuting Attorneys
254 Association.

255 2. A representative from the Florida Psychological
256 Association.

257 3. The Statewide Medical Director for Child Protection.

258 4. A representative from the Florida Public Defender
259 Association.

260 5. The executive director of the Statewide Guardian Ad
261 Litem Office.

262 6. A representative from a community-based care lead
263 agency.

264 7. A representative from Children's Medical Services.

265 8. A representative from the Florida Sheriffs Association.

266 9. A representative from the Florida Chapter of the
267 American Academy of Pediatrics.

268 10. A representative from the Florida Network of Children's
269 Advocacy Centers.

270 11. Other representatives designated by Children's Medical
271 Services.



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272 (b) Children's Medical Services must provide the
273 standardized protocol to the President of the Senate and the
274 Speaker of the House of Representatives by July 1, 2018.

275 (c) Members of the task force are not entitled to per diem
276 or other payment for service on the task force.

277 (10) The Children's Medical Services program in the
278 Department of Health shall develop, maintain, and coordinate the
279 services of one or more sexual abuse treatment programs.

280 (a) A child under the age of 18 who is alleged to be a
281 victim of sexual abuse, his or her siblings, non-offending
282 caregivers, and family members who have been impacted by sexual
283 abuse are eligible for services.

284 (b) Sexual abuse treatment programs must provide
285 specialized therapeutic treatment to victims of child sexual
286 abuse, their siblings, nonoffending caregivers, and family
287 members to assist in recovery from sexual abuse, to prevent
288 developmental impairment, to restore the children's pre-abuse
289 level of developmental functioning, and to promote healthy, non-
290 abusive relationships. Therapeutic intervention services must
291 include crisis intervention, clinical treatment, and individual,
292 family, and group therapy.

293 (c) The sexual abuse treatment programs and child
294 protection teams must provide referrals for victims of child
295 sexual abuse and their families, as appropriate.

296 Section 2. Section 39.3031, Florida Statutes, is amended to
297 read:

298 39.3031 Rules for implementation of s. 39.303.—The
299 Department of Health, in consultation with the Department of
300 Children and Families, shall adopt rules governing the child



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301 protection teams and sexual abuse treatment programs pursuant to
302 s. 39.303, including definitions, organization, roles and
303 responsibilities, eligibility, services and their availability,
304 qualifications of staff, and a waiver-request process.

305 Section 3. Paragraph (c) of subsection (2) of section
306 458.3175, Florida Statutes, is amended to read:

307 458.3175 Expert witness certificate.—

308 (2) An expert witness certificate authorizes the physician
309 to whom the certificate is issued to do only the following:

310 (c) Provide expert testimony in criminal child abuse and
311 neglect cases pursuant to chapter 827, dependency cases pursuant
312 to chapter 39, and cases involving sexual battery of a child
313 pursuant to chapter 794 in this state.

314 Section 4. Paragraph (c) of subsection (2) of section
315 459.0066, Florida Statutes, is amended to read:

316 459.0066 Expert witness certificate.—

317 (2) An expert witness certificate authorizes the physician
318 to whom the certificate is issued to do only the following:

319 (c) Provide expert testimony in criminal child abuse and
320 neglect cases pursuant to chapter 827, dependency cases pursuant
321 to chapter 39, and cases involving sexual battery of a child
322 pursuant to chapter 794 in this state.

323 Section 5. Paragraph (d) of subsection (3) of section
324 827.03, Florida Statutes, is amended to read:

325 827.03 Abuse, aggravated abuse, and neglect of a child;
326 penalties.—

327 (3) EXPERT TESTIMONY.—

328 (d) The expert testimony requirements of this subsection
329 apply only to criminal child abuse and neglect cases pursuant to



330 chapter 827, dependency cases pursuant to chapter 39, and cases
331 involving sexual battery of a child pursuant to chapter 794 and
332 not to family court or dependency court cases.

333 Section 6. This act shall take effect July 1, 2017.

334

335 ===== T I T L E A M E N D M E N T =====

336 And the title is amended as follows:

337 Delete everything before the enacting clause
338 and insert:

339 A bill to be entitled
340 An act relating to child protection; amending s.
341 39.303, F.S.; revising the entities responsible for
342 screening, employing, and terminating child protection
343 team medical directors to include the Statewide
344 Medical Director for Child Protection; revising the
345 term "district medical director" to "child protection
346 team medical director"; revising references to
347 subdivisions of the state from "districts" to
348 "circuits"; revising the required board certifications
349 for child protection team medical directors and
350 reviewing physicians; revising the timeframe in which
351 child protection team medical directors must obtain
352 certification; requiring Children's Medical Services
353 to convene a task force to develop a protocol for
354 forensic interviewing of children suspected of having
355 been abused; specifying membership of the task force;
356 requiring Children's Medical Services to develop,
357 maintain, and coordinate one or more sexual abuse
358 treatment programs; amending s. 39.3031, F.S.;



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359 requiring the Department of Health, in consultation
360 with the Department of Children and Families, to adopt
361 rules regarding sexual abuse treatment programs;
362 amending ss. 458.3175, 459.0066, and 827.03, F.S.;;
363 revising provisions regarding expert testimony
364 provided by certain entities to include criminal cases
365 involving child abuse and neglect, dependency cases,
366 and cases involving sexual abuse of a child; providing
367 an effective date.

By Senator Broxson

1-01181B-17

20171454__

1 A bill to be entitled
 2 An act relating to child protection; amending s.
 3 39.303, F.S.; adding the Statewide Medical Director
 4 for Child Protection as an official who must be
 5 consulted in the screening, employment, and
 6 termination of child protection team medical directors
 7 statewide; amending ss. 458.3175 and 459.0066, F.S.;
 8 providing that an expert witness certificate
 9 authorizes a physician to provide expert testimony in
 10 abandonment, dependency, and sexual abuse cases;
 11 amending s. 827.03, F.S.; expanding the application of
 12 expert testimony requirements in cases involving
 13 abuse, aggravated abuse, or neglect of a child to
 14 include criminal cases involving neglect, abandonment,
 15 dependency, and sexual abuse; requiring the Children's
 16 Medical Services program within the Department of
 17 Health to convene a task force to develop a
 18 standardized protocol for forensic interviews of
 19 children suspected of being abused; specifying the
 20 composition of the task force; requiring the
 21 department to submit the standardized protocol to the
 22 Legislature by a specified date; providing an
 23 effective date.

24
 25 Be It Enacted by the Legislature of the State of Florida:

26
 27 Section 1. Subsection (1) of section 39.303, Florida
 28 Statutes, is amended to read:

29 39.303 Child protection teams; services; eligible cases.-

Page 1 of 4

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

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30 (1) The Children's Medical Services program in the
 31 Department of Health shall develop, maintain, and coordinate the
 32 services of one or more multidisciplinary child protection teams
 33 in each of the service districts of the Department of Children
 34 and Families. Such teams may be composed of appropriate
 35 representatives of school districts and appropriate health,
 36 mental health, social service, legal service, and law
 37 enforcement agencies. The Department of Health and the
 38 Department of Children and Families shall maintain an
 39 interagency agreement that establishes protocols for oversight
 40 and operations of child protection teams and sexual abuse
 41 treatment programs. The State Surgeon General and the Deputy
 42 Secretary for Children's Medical Services, in consultation with
 43 the Statewide Medical Director for Child Protection and the
 44 Secretary of Children and Families, shall maintain the
 45 responsibility for the screening, employment, and, if necessary,
 46 the termination of child protection team medical directors, at
 47 headquarters and in the 15 districts.

48 Section 2. Paragraph (c) of subsection (2) of section
 49 458.3175, Florida Statutes, is amended to read:

50 458.3175 Expert witness certificate.-

51 (2) An expert witness certificate authorizes the physician
 52 to whom the certificate is issued to do only the following:

53 (c) Provide expert testimony in criminal child abuse, and
 54 neglect, abandonment, dependency, and sexual abuse cases in this
 55 state.

56 Section 3. Paragraph (c) of subsection (2) of section
 57 459.0066, Florida Statutes, is amended to read:

58 459.0066 Expert witness certificate.-

Page 2 of 4

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

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59 (2) An expert witness certificate authorizes the physician
60 to whom the certificate is issued to do only the following:

61 (c) Provide expert testimony in criminal child abuse, ~~and~~
62 neglect, abandonment, dependency, and sexual abuse cases in this
63 state.

64 Section 4. Subsection (3) of section 827.03, Florida
65 Statutes, is amended to read:

66 827.03 Abuse, aggravated abuse, and neglect of a child;
67 penalties.—

68 (3) EXPERT TESTIMONY.—

69 (a) Except as provided in paragraph (b), a physician may
70 not provide expert testimony in a criminal child abuse case
71 unless the physician is a physician licensed under chapter 458
72 or chapter 459 or has obtained certification as an expert
73 witness pursuant to s. 458.3175 or s. 459.0066.

74 (b) A physician may not provide expert testimony in a
75 criminal child abuse case regarding mental injury unless the
76 physician is a physician licensed under chapter 458 or chapter
77 459 who has completed an accredited residency in psychiatry or
78 has obtained certification as an expert witness pursuant to s.
79 458.3175 or s. 459.0066.

80 (c) A psychologist may not give expert testimony in a
81 criminal child abuse case regarding mental injury unless the
82 psychologist is licensed under chapter 490.

83 (d) The expert testimony requirements of this subsection
84 apply only to criminal child abuse, neglect, abandonment,
85 dependency, and sexual abuse cases and not to family court ~~or~~
86 dependency court cases.

87 Section 5. The Children's Medical Services program in the

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88 Department of Health shall convene, and provide necessary
89 staffing to, a task force to develop a standardized protocol for
90 conducting forensic interviews of children suspected of being
91 victims of abuse.

92 (a) The task force membership must include, but need not be
93 limited to, the following persons, each appointed by the
94 respective organization or entity represented:

95 1. A representative of the Florida Prosecuting Attorneys
96 Association.

97 2. A representative of the Florida Psychological
98 Association.

99 3. The Statewide Medical Director for Child Protection.

100 4. A representative of the Florida Public Defender
101 Association, Inc.

102 5. A representative of the Florida Guardian ad Litem
103 Program.

104 6. A representative of a community-based care lead agency.

105 7. A representative of the Children's Medical Services
106 program.

107 (b) The department shall deliver the standardized protocol
108 developed by the task force to the Speaker of the House of
109 Representatives and the President of the Senate by January 1,
110 2018. Members of the task force may not receive per diem or
111 other payment for their service on the task force.

112 Section 6. This act shall take effect July 1, 2017.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/27/17

Meeting Date

1454

Bill Number (if applicable)

DE

Amendment Barcode (if applicable)

Topic Child Protection

Name Doug Bell

Job Title _____

Address 101 N. Monroe

Street

TLH

City

State

Zip

Phone _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Chapter American Academy of Pediatrics

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

march 27, 17

(Deliver) BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1454
Bill Number (if applicable)

Meeting Date

Topic SB 1454

Amendment Barcode (if applicable)

Name Victoria Zepp

Job Title Executive Director of GOVT Affairs

Address 411 E College Ave

Phone 850-2416309

City TlH State FL Zip 32301

Email Victoria@FLChildren.org

Waive Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Coalition for Children

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

e Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 1558

INTRODUCER: Senator Book

SUBJECT: Child Exploitation

DATE: March 24, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	Favorable
2.			CJ	
3.			AP	
4.			RC	

I. Summary:

SB 1558 repeals s. 827.071, F.S., and moves the provisions relating to sexual performance by a child and child pornography into ch. 847, F.S.

The bill also:

- Creates s. 847.003, F.S., to include the criminal offenses from s. 827.071, F.S., relating to the sexual performance by a child;
- Amends s. 847.0137, F.S. to include the criminal offenses from s. 827.071, F.S., relating to the possession and promotion of child pornography;
- Amends the definition of child pornography and offense of child pornography to include morphed child pornography where pornographic images are altered; and
- Revises terminology in ss. 847.0315 and 847.0137, F.S., to provide the ability to charge each act of sending or delivering child pornography as a separate offense.

The bill will likely have a fiscal impact on the state by increasing the need for prison beds in Florida.

The bill has an effective date of October 1, 2017.

II. Present Situation:

Florida Child Pornography Laws

Child pornography is defined, as *any* image depicting a minor, any person under the age of 18, engaged in sexual conduct.¹ Florida law currently contains a variety of statutes that prohibit acts

¹ Section 847.001, F.S.,

relating to child pornography. Currently, these statutes are found in two different chapters, ch. 827, F.S., and ch. 847, F.S.

“Morphing” refers to a process in which a computer user distorts or transforms one image picture into another.² In recent years, individuals have started using this technique to create “morphed” child pornography, e.g., images depicting sexually explicit conduct in which an actual child’s head has been superimposed onto an adult’s body.

Florida’s child pornography laws do not include morphed pornography.

Section 827.071, F.S., Sexual Performance by a Child

Section 827.071 specifies the criminal offenses for the production of child pornography and the possession and promotion of child pornography. The following terms apply to the offenses of s. 827.071, F.S.:

- “Intentionally view” means to deliberately, purposefully, and voluntarily view. Proof of intentional viewing requires establishing more than a single image, motion picture, exhibition, show, image, data, computer depiction, representation, or other presentation over any period of time;
- “Performance” means any play, motion picture, exhibition, show image, data, computer depiction, representation, or other presentation over any period of time;
- “Promote” means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise or to offer or agree to do the same;
- “Sexual conduct” means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed;³
- “Sexual performance” means any performance of part thereof which includes sexual conduct by a child of less than 18 years of age; and
- “Simulated” means the explicit depiction of sexual conduct which creates the appearance of such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks.⁴

Section 827.071, F.S., also defines the terms deviate sexual intercourse, sadomasochistic abuse, sexual battery, and sexual bestiality.⁵

Section 827.071(2), F.S., makes it a second degree felony⁶ for a person, knowing the character and content, to employ, authorize, or induce a child to engage in a sexual performance. It is also

² See Merriam-Webster, *Definition of “Morph,”* available at <https://www.merriam-webster.com/dictionary/morph> (last visited March 21, 2017).

³ Section 847.001(16), F.S., also defines “sexual conduct” in this manner.

⁴ Section 827.071(1), F.S.

⁵ See s. 827.071(1), F.S.

⁶ A second degree felony is punishable by up to 15 years imprisonment and up to a \$10,000 fine. Sections 775.082 and 775.083, F.S.

a second degree felony for a parent, legal guardian or custodian to consent for a child to participate in a sexual performance.⁷

It is also a second degree felony for a person, knowing the character and content, to produce, direct, or promote any performance which includes sexual conduct by a child.

It is a third degree felony⁸ for a person to knowingly possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation, which, in whole or in part, he or she knows to include any sexual conduct by a child.⁹

Section 827.071(4), F.S., makes it a second degree felony for a person to possess with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes any sexual conduct by a child.¹⁰

Federal Child Pornography Laws

Generally, the First Amendment does not protect child pornography. In *New York v. Ferber*,¹¹ the United States Supreme Court recognized that states have a compelling interest in safeguarding the physical and psychological well-being of minors and in preventing their sexual exploitation and abuse. The Court noted that it was “unlikely that visual depictions of children . . . lewdly exhibiting their genitals would often constitute an important and necessary part of a literary performance or scientific or educational work.”¹²

Under these principles, states have constitutionally been able to criminalize the possession, distribution, etc., of child pornography. However, the constitutionality of criminalizing such acts is less clear when the images at issue are morphed pornography.

Child Pornography Prevention Action of 1996

Prior to 1996, federal law criminalized a variety of acts relating to child pornography.¹³ At that time, the statutes described such material as images created using an actual minor.¹⁴ In 1996, Congress passed the Child Pornography Prevention Action of 1996 (CPPA),¹⁵ which created a definition of “child pornography” which for the first time criminalized acts relating to morphed

⁷ Section 827.071(2), F.S.

⁸ A third degree felony is punishable by up to five years imprisonment and up to a \$5,000 fine. Sections 775.082 and 775.083, F.S.

⁹ The statute also specifies that the possession, control, or intentional viewing of each such photograph, etc., is a separate offense. If such photograph, etc., includes sexual conduct by more than one child, then each child in each photograph, etc., that is knowingly possessed, controlled, or intentionally viewed is a separate offense.

¹⁰ Possession of three or more copies of such photographs, etc., is prima facie evidence of intent to promote.

¹¹ 458 U.S. 747 (1982).

¹² *Id.* at 763.

¹³ *See, e.g.*, 18 U.S.C. s. 2252 (1994 ed.).

¹⁴ *U.S. v. Hotaling*, 599 F.Supp. 2d 306, 309 (N.D.N.Y. 2008); *see also* 18 U.S.C. ss. 2252 and 2256 (1994 ed.).

¹⁵ Pub. L. No. 104-208, s. 121.

child pornography. Under the CPPA, “child pornography” was defined as:

- (8) Any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct,¹⁶ where:
- (A) The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
 - (B) Such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct (i.e., *virtual child pornography – created without using an actual child*);
 - (C) Such visual depiction has been created, adapted, or modified to appear that an identifiable minor¹⁷ is engaging in sexually explicit conduct (i.e., *morphed child pornography*); or
 - (D) Such visual depiction is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the material is or contains a visual depiction of a minor engaging in sexually explicit conduct.¹⁸

Case Law Following the Passage of the CPPA

In 2002, the United States Supreme Court decided *Ashcroft v. Free Speech Coalition*,¹⁹ a case in which a California trade association for the adult-entertainment industry challenged section 2256(8)(B) of the CPPA as unconstitutionally overbroad. As noted above, section 2256(8)(B) made it a crime to possess or distribute images depicting a child or what appears to be a child, engaging in sexually explicit conduct (i.e., virtual child pornography).²⁰

The Court held that the “speech” criminalized in the challenged provision of the CPPA violated the First Amendment because it extended the federal prohibition against child pornography to sexually explicit images that appeared to depict minors but were produced without using any real children.²¹ The Court decided that by prohibiting child pornography that did not depict an actual child, section 2256(8)(B) of the CPPA “abridged the freedom to engage in a substantial amount of lawful speech” and was therefore overbroad and unconstitutional.²²

The *Ashcroft* decision did not specifically address the constitutionality of 18 U.S.C. 2256(8)(C) (prohibiting *morphed* child pornography), it did note, in dictum, that “[a]lthough morphed images may fall within the definition of virtual child pornography, they implicate the interests of

¹⁶ The term “sexually explicit conduct” was defined as actual or simulated sexual intercourse (including genital-genital, oral-genital, anal-genital, or oral-anal) whether between persons of the same or opposite sex; bestiality; masturbation; sadistic or masochistic abuse; or lascivious exhibition of the genitals or pubic area of any person. 18 U.S.C. s. 2256(2) (1996 ed.)

¹⁷ The term “identifiable minor” was defined as a person who is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature, and: who was a minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor was used in creating, adapting, or modifying the visual depiction. The term was not be construed to require proof of the actual identity of the identifiable minor. 18 U.S.C. s. 2556(9) (1996 ed.).

¹⁸ 18 U.S.C. s. 2556(8) (1996 ed.).

¹⁹ 535 U.S. 234 (2002).

²⁰ 18 U.S.C. s. 2556(8) (1996 ed.).

²¹ *Ashcroft*, 535 U.S. at 256.

²² *Id.*

real children. . .”²³ Courts have taken this dictum to suggest that the *Ashcroft* court would have deemed morphed child pornography as not protected by the First Amendment.²⁴

Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act (Protect Act)

Congress attempted to remedy the constitutional issues raised in *Ashcroft* by passing the “Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act” (Protect Act) in 2003.²⁵ The Protect Act, in part, narrowed the definition of “virtual” child pornography in section (8)(B) of the CPPA to include virtual or computer-generated images that are “indistinguishable from” images of actual minors engaging in sexually explicit conduct.²⁶

Notably, the definition of “morphed” child pornography contained in section 2256(8)(C) remained unchanged between the CPPA and the Protect Act.

Case Law since the Passage of the Protect Act

To date, the federal statutes relating to morphed child pornography have been upheld.²⁷ In *United States v. Bach*,²⁸ the defendant was convicted of possessing morphed child pornography. The image at issue showed a young nude boy sitting in a tree, grinning, with his pelvis tilted upward, his legs opened wide, and a full erection.²⁹ The photograph of a well-known child entertainer’s head had been “skillfully inserted onto the photograph of the nude boy so that the resulting image appeared to be a nude picture of [the child entertainer] sitting in the tree.”³⁰

The defendant appealed arguing that his conviction was invalid because the definition of morphed child pornography violated the First Amendment. The United States Court of Appeals for the Eighth Circuit disagreed, holding that morphed child pornography “implicate the interests of a real child,” and creates a lasting record of an identifiable minor child seemingly engaged in sexually explicit activity.³¹ The court noted that there may be instances when the “application of s. 2256(8)(C) violates the First Amendment, this is not such a case. This image involves the type of harm which can constitutionally be prosecuted under [*Ashcroft*] and *Ferber*.”³²

In *United States v. Anderson*, the defendant was charged with distribution of morphed child pornography relating to an image in which the face of a minor female was superimposed over the face of an adult female engaging in sex with an adult male.³³ The defendant moved to dismiss the

²³ *Id.* at 242.

²⁴ *McFadden v. Alabama*, 67 So. 3d 169, 181-182 (Ala. Crim. App. 2010).

²⁵ Pub. L. No. 108-21.

²⁶ 18 U.S.C. s. 2256(8)(B).

²⁷ See *United States v. Ramos*, 685 F. 3d 120, 134 (2d Cir. 2012), *cert. denied*, 133 S.Ct. 567 (2012); see also *Doe v. Boland*, 630 F. 3d 491, 497 (6th Cir. 2011).

²⁸ 400 F. 3d 622 (8th Cir. 2005).

²⁹ *Id.* at 625.

³⁰ *Id.*

³¹ *Id.* at 632.

³² *Id.* See also *United States v. Hotaling*, 634 F. 3d 725 (2d Cir. 2008), *cert. denied*, 132 S.Ct. 843 (2011) (citing *Bach*, the Court held that “child pornography created by digitally altering sexually explicit photographs of adults to display the face of a child is not protected expressive speech under the First Amendment”).

³³ 759 F. 3d 891 (8th Cir. 2014).

charge, arguing that the definition of morphed child pornography was unconstitutionally overbroad.³⁴ The court noted that the image at issue was different from the one in *Bach* in that “no minor was sexually abused.”³⁵ However, the court held that because such images falsely portray identifiable children engaging in sexual activity, such images implicate the government’s compelling interest in protecting minors. Using this reasoning, the court held that the definition of morphed child pornography was constitutional.³⁶

Florida Case Law – Child Pornography

In 2010, Florida’s Second DCA decided *Stelmack v. State*,³⁷ a case in which the defendant was charged with violating s. 827.071(5), F.S. (possession of child pornography). The images at issue showed the faces and heads of two girls, ages 11 and 12, which were cut and pasted onto images of a 19-year old woman lewdly exhibiting her genitals.³⁸ The court closely examined the definition of “sexual conduct,” and determined that it requires images to include actual lewd exhibition of the genitals *by a child*.³⁹ Because the only sexual conduct in the images at issue was performed by an adult, the court held that the images were not prohibited by s. 827.071(5), F.S.⁴⁰

The court also noted that the images depicted *simulated* lewd exhibition of the genitals by a child. The state argued that s. 827.071(5), F.S., proscribed such images because they were photographs or representations “which ... *in part* ... include ... sexual conduct by a child.”⁴¹ The court disagreed and found that the legislature specifically excluded *simulated* lewd exhibition from the definition of “sexual conduct.” Specifically the court stated, “[i]f the legislature had intended to proscribe the possession of composite images that simulate lewd and lascivious exhibition of the genitals, it could have included a provision doing so. In fact, child pornography has been defined in the federal statutes to specifically include composite images. . . .”⁴²

Computer Pornography

Section 847.0135, F.S., – Computer Pornography; Prohibited Computer Usage; Traveling to Meet a Minor

It is a third degree felony if:

- A person:
 - Knowingly compiles, enters into, or transmits by use of computer;
 - Makes, prints, publishes, or reproduces by other computerized means;
 - Knowingly causes or allows to be entered into or transmitted by use of computer; or
 - Buys, sells, receives, exchanges, or disseminates;
- Any notice, statement, or advertisement of *any* minor’s name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for

³⁴ *Id.*

³⁵ *Id.* at 895.

³⁶ *Id.* at 896.

³⁷ 58 So. 3d 874 (Fla. 2d DCA 2010).

³⁸ *Id.* at 875.

³⁹ *Id.* at 877

⁴⁰ *Id.*

⁴¹ *Id.* (emphasis in original).

⁴² *Id.* at 876.

purposes of facilitating, encouraging, offering, or soliciting sexual conduct of or with *any* minor, or the visual depiction of such conduct.⁴³

Florida Case Law – Number of Offenses Charged

In 2015, the Fourth District Court of Appeal (DCA) in *State v. Losada*, considered the number of counts that may be charged for the offenses of computer pornography under s. 847.0135(2), F.S., and transmission of child pornography under s. 847.0137(2), F.S., where more than one image of child pornography is at issue.⁴⁴

In this case, the defendant sent an undercover police officer a single image containing child pornography. On a subsequent day, the officer requested and received from the defendant access to files stored on the defendant’s computer, which contained 32 images of child pornography. Defendant was charged with and convicted of 33 counts of computer pornography in violation of s. 847.0135(2), F.S., and 33 counts of transmission of child pornography in violation of s. 847.0137(2), F.S. The defendant appealed his convictions, arguing that he could not be prosecuted for 33 counts of each offense because the Legislature did not intend for these offenses to be charged on an image-by-image basis.⁴⁵

The court affirmed the trial court’s dismissal of 31 counts of computer pornography and 31 counts of transmission of child pornography. The dismissal was based on the Florida Supreme Court’s “a/any” test which holds that use of the word “a” before an item described in a statute evidences the intent of the Legislature to make each item subject to a separate prosecution; whereas, use of the word “any” before the item, is ambiguous and may evidence legislative intent that only one prosecution is intended for multiple items.⁴⁶

Due to the use the term “any” in ss. 847.0135 and 847.0137, the court concluded that the Legislature did not intend to make each individual image subject to separate prosecution.⁴⁷

Section 847.0137, F.S., Transmitting Child Pornography

Section 847.0137, F.S., specifies that any person who knew or reasonably should have known that he or she was transmitting child pornography to another person it is a third degree felony.

The following definitions apply to the above-described offense:

- “Child pornography” means *any* image depicting a minor engaged in sexual conduct;
- “Minor” means any person under the age of 18 years;
- “Sexual conduct” means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual lewd exhibition of the genitals; actual physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed;

⁴³ Section 847.0135(2), F.S.

⁴⁴ 175 So. 3d 911 (Fla. 4th DCA 2015).

⁴⁵ *Id.* at 912.

⁴⁶ *Id.* at 913-914.

⁴⁷ *Id.* at 914-915

- “Simulated” means the explicit depiction of sexual conduct which creates the appearance of such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks; and
- “Transmit” means the act of sending and causing to be delivered any image, information, or data from one or more persons or places to one or more other persons or places over or through any medium, including the Internet, by use of any electronic equipment or device.⁴⁸

Florida Case law – Transmitting Child Pornography

Recently, the Florida Supreme Court resolved a conflict between two District Courts of Appeal (DCAs) that considered whether the definition of “transmit” as used in s. 847.0137, F.S., to prohibit the transmission of child pornography includes transmission via a file-sharing program. According to the Fifth DCA in *Biller v. State*, the definition did not;⁴⁹ whereas, the Fourth DCA in *Smith v. State*,⁵⁰ found that a file-sharing program could be used to transmit child pornography in violation of s. 847.0137, F.S.

The Florida Supreme court affirmed the Fourth DCA’s decision in *Smith* and held “that the use of a file-sharing program, where the originator affirmatively grants the receiver access to child pornography placed by the originator in files accessible through the file-sharing program, constitutes the transmission of child pornography under the plain meaning of s. 847.0137, F.S.”⁵¹

III. Effect of Proposed Changes:

Child Pornography

Section 827.071, F.S., Sexual Performance by a Child

The bill repeals s. 827.071, F.S. (Section 28).

Section 847.003, F.S., Sexual Performance by a Child

The bill creates s. 847.003, F.S. (Section 30).

The bill moves the criminal offenses from s. 827.071, F.S., relating to the sexual performance by a child, to the newly created s. 847.003, F.S. The bill does changes the elements of these offenses.

The bill also moves the definitions of the terms “performance,” “promote,” and “sexual performance,” from s. 827.071, F.S., to s. 847.003, F.S. The bill does not change the definitions of these terms.

Section 847.0137, F.S., Child Pornography

The bill moves the criminal offenses from s. 827.071, F.S., for the possession and promotion of child pornography to s. 847.0137, F.S., and makes the following changes (Section 33).

⁴⁸ Section 847.001, F.S.

⁴⁹ 109 So. 3d 1240 (Fla. 5th DCA 2013).

⁵⁰ 190 So. 3d 94 (Fla. 4th DCA 2015).

⁵¹ 204 So. 3d 18, 19 (Fla. 2016).

The bill defines the terms child pornography, identifiable minor, and visual depiction to mirror the federal definitions in 18 U.S.C. s. 2256.

The bill defines child pornography to mean *a* visual depiction of sexual conduct, in which:

- The production of such visual depiction involves the use of a minor engaging in sexual conduct; or
- Such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexual conduct.

An identifiable minor is a person who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature and:

- Who was a minor at the time the visual depiction was created, adapted, or modified; or
- Whose image as a minor was used in creating, adapting, or modifying the visual depiction.

As in 18 U.S.C. s. 2256(9), the bill does not require proof of the actual identity of the identifiable minor.

A visual depiction includes, but is not limited to, a photograph, picture, image, motion picture, film, video, representation, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means. The term also includes undeveloped film and videotape, data stored on computer disk or by electronic means which is capable of conversion into a visual image, and data that is capable of conversion into a visual image that has been transmitted by any means, whether stored in a permanent or nonpermanent format.

The bill also moves the definitions of the terms “intentionally view” and “promote” from s. 827.071, F.S., to s. 847.0137, F.S. The bill does not change the definitions of these terms.

The bill amends the definition of “transmit” to add that the act of sending and causing to be delivered *includes the act of providing access for receiving and causing to be delivered*. The bill also removes the reference to *any image* and replaces it with *visual depiction*. The bill also adds *an interconnected network* to the definition of transmit.

The definition of “transmit” now reads, “act of sending and causing to be delivered, including the act of providing access for receiving and causing to be delivered, a visual depiction, information, or data over or through any medium, including the Internet or an interconnected network, by use of electronic equipment or other device.”

The bill amends the offenses of possession and promotion of child pornography to include newly defined term “visual depiction.”

Cumulatively, the above-described changes make it a crime to possess, promote, and transmit morphed child pornography in Florida.

The bill amends s. 847.0137, F.S., to change the term “any” to “an” where it is used in the offense of the transmission of child pornography. These changes result in the ability to charge

transmission of child pornography offenses separately based upon each visual depiction, data, or information and each recipient.

The bill also makes numerous conforming changes that reflect the repeal of s. 827.071, F.S., the creation of s. 847.003, F.S., and the expansion of s. 847.0137, F.S.

Section 847.001, F.S., Definitions

The bill changes the definition of “child pornography” and “minor” to incorporate the court’s findings in *State v. Losada*, 175 So. 3d 911 (Fla. 4th DCA 2015) (Section 29).

The bill removes the current definition of child pornography, “any image depicting a minor engaged in sexual conduct,” and instead defines the term by a cross-reference to the definition of child pornography created by the bill in s. 847.0137, F.S.

The bill changes the term “minor” to “minor or child” and defines it to mean a person under the age of 18 years.

The bill expands the definition of "sexual conduct" applicable to all of ch. 847, F.S., to include “simulated” lewd exhibition of the genitals.

Computer Pornography

Section 847.0135, F.S., Computer Pornography; Child Exploitation

The bill amends s. 847.0135, F.S., (Section 31) to change the term “any” to “an” where used in the provisions for the offense of computer pornography. These changes result in the ability to charge computer pornography offenses separately based upon each notice, statement, or advertisement and each minor affected.

Other

To better clarify the contents of ch. 847, F.S., the bill also directs the Division of Law Revision and Information to rename the chapter as “Obscenity; Child Exploitation” (Section 61).

Sections 1 – 27, 32, 34 – 60, amend ss. 16.56, 39.01, 39.0132, 39.0139, 39.301, 39.509, 90.404, 92.56, 92.561, 92.565, 435.04, 435.07, 456.074, 480.041, 480.043, 743.067, 772.102, 775.082, 775.0847, 775.0877, 775.21, 775.215, 784.046, 794.0115, 794.024, 794.056, 796.001, 847.01357, 856.022, 895.02, 905.34, 934.07, 938.085, 938.10, 943.0435, 943.04354, 943.0585, 943.059, 944.606, 944.607, 947.1405, 948.013, 948.03, 948.04, 948.06, 948.062, 948.101, 948.30, 948.32, 960.03, 960.197, 985.04, 985.475, 1012.315 and 921.0022, F.S., to conform provisions to changes made by the bill and correct cross references.

Sections 62 – 133 amend ss. 39.402, 39.506, 39.509, 39.521, 39.524, 39.806, 63.089, 63.092, 68.07, 92.55, 92.605, 322.141, 381.004, 384.29, 390.01114, 393.067, 394.495, 394.9125, 397.4872, 409.1678, 435.07, 655.50, 741.313, 775.084, 775.0862, 775.13, 775.21, 775.24, 775.25, 775.261, 784.049, 794.011, 794.03, 794.075, 847.002, 847.012, 847.01357, 847.0138, 896.101, 903.0351, 903.046, 905.34, 921.0022, 921.141, 921.187, 943.0435, 943.0436, 943.325,

944.11, 944.607, 944.608, 944.609, 944.70, 947.13, 947.1405, 947.141, 948.06, 948.063, 948.064, 948.08, 948.12, 948.30, 948.31, 951.27, 960.003, 960.065, 984.03, 985.0301, 985.04, 985.441, 985.4815, and 1012.467, F.S., to reenact provisions to incorporate changes made by the bill.

The bill has an effective date of October 1, 2017 (section 134).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill repeals s. 827.071, F.S., and moves the provisions relating to sexual performance by a child and child pornography into ch. 847, F.S. This bill also defines a variety of terms to include “morphing,” conforming to those in federal law. The bill revises terminology to allow the ability to charge each act sending or delivering child pornography as a separate offense.

The Criminal Justice Impact Conference (CJIC) has not yet met to determine the bill’s impact. However, the CJIC considered a substantively similar bill during the 2016 legislative session and determined the bill would have a fiscal impact on the state by increasing the use of prison beds. The amount of the impact was indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill identically defines the term “promote” in s. 847.003, F.S., and 847.0137, F.S. It is unclear why this term is not included in definition section for ch. 847, F.S., s. 847.001, F.S.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 16.56, 39.01, 39.0132, 39.0139, 39.301, 39.509, 90.404, 92.56, 92.561, 92.565, 435.04, 435.07, 456.074, 480.041, 480.043, 743.067, 772.102, 775.082, 775.0847, 775.0877, 775.21, 775.215, 784.046, 794.0115, 794.024, 794.056, 796.001, 847.001, 847.0135, 847.01357, 847.0137, 856.022, 895.02, 905.34, 934.07, 938.085, 938.10, 943.0435, 943.04354, 943.0585, 943.059, 944.606, 944.607, 947.1405, 948.013, 948.03, 948.04, 948.06, 948.062, 948.101, 948.30, 948.32, 960.03, 960.197, 985.04, 985.475, 1012.315 and 921.0022.

This bill creates section 847.003 of the Florida Statutes.

This bill repeals section 827.071 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes: 39.402, 39.506, 39.509, 39.521, 39.524, 39.806, 63.089, 63.092, 68.07, 92.55, 92.605, 322.141, 381.004, 384.29, 390.01114, 393.067, 394.495, 394.9125, 397.4872, 409.1678, 435.07, 655.50, 741.313, 775.084, 775.0862, 775.13, 775.21, 775.24, 775.25, 775.261, 784.049, 794.011, 794.03, 794.075, 847.002, 847.012, 847.01357, 847.0138, 896.101, 903.0351, 903.046, 905.34, 921.0022, 921.141, 921.187, 943.0435, 943.0436, 943.325, 944.11, 944.607, 944.608, 944.609, 944.70, 947.13, 947.1405, 947.141, 948.06, 948.063, 948.064, 948.08, 948.12, 948.30, 948.31, 951.27, 960.003, 960.065, 984.03, 985.0301, 985.04, 985.441, 985.4815, and 1012.467.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Book

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1 A bill to be entitled
 2 An act relating to child exploitation; amending s.
 3 16.56, F.S.; revising the offenses that may be
 4 investigated and prosecuted by the Office of Statewide
 5 Prosecution; amending s. 39.01, F.S.; conforming
 6 provisions to changes made by the act; amending s.
 7 39.0132, F.S.; revising the types of offenses
 8 committed by a child in the custody of the Department
 9 of Children and Families which require the department
 10 to provide notice to the school superintendent;
 11 conforming provisions to changes made by the act;
 12 amending s. 39.0139, F.S.; revising the type of
 13 offenses that create a rebuttable presumption of
 14 detriment for judicial determinations related to
 15 contact between a parent or caregiver and certain
 16 child victims; conforming provisions to changes made
 17 by the act; amending s. 39.301, F.S.; conforming
 18 provisions to changes made by the act; amending s.
 19 39.509, F.S.; revising the offenses that may be
 20 considered in determining whether grandparental
 21 visitation is in the child's best interest; conforming
 22 provisions to changes made by the act; amending s.
 23 90.404, F.S.; conforming provisions to changes made by
 24 the act; amending s. 92.56, F.S.; revising the
 25 offenses for which a criminal defendant may seek an
 26 order of disclosure for certain confidential and
 27 exempt court records, for which the state may use a
 28 pseudonym instead of the victim's name, and for which
 29 a publication or broadcast of trial testimony may not

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30 include certain victim identifying information;
 31 conforming provisions to changes made by the act;
 32 amending ss. 92.561, 92.565, and 435.04, F.S.;
 33 conforming provisions to changes made by the act;
 34 amending s. 435.07, F.S.; revising the offenses that
 35 disqualify certain child care personnel from specified
 36 employment; conforming provisions to changes made by
 37 the act; amending s. 456.074, F.S.; revising the
 38 offenses for which the licenses of massage therapists
 39 and massage establishments must be suspended;
 40 conforming provisions to changes made by the act;
 41 amending ss. 480.041 and 480.043, F.S.; revising the
 42 offenses for which applications for licensure as a
 43 massage therapist or massage establishment must be
 44 denied; conforming provisions to changes made by the
 45 act; amending s. 743.067, F.S.; revising the offenses
 46 for which an unaccompanied homeless youth may consent
 47 to specified treatment, care, and examination;
 48 conforming provisions to changes made by the act;
 49 amending ss. 772.102 and 775.082, F.S.; conforming
 50 provisions to changes made by the act; amending s.
 51 775.0847, F.S.; revising definitions; conforming
 52 provisions to changes made by the act; amending ss.
 53 775.0877, 775.21, 775.215, 784.046, and 794.0115,
 54 F.S.; conforming provisions to changes made by the
 55 act; amending s. 794.024, F.S.; revising the offenses
 56 for which certain victim information may not be
 57 disclosed by public employees or officers; providing
 58 penalties; conforming provisions to changes made by

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59 the act; amending ss. 794.056 and 796.001, F.S.;

60 conforming provisions to changes made by the act;

61 repealing s. 827.071, F.S., relating to sexual

62 performance by a child; amending s. 847.001, F.S.;

63 revising definitions; creating s. 847.003, F.S.;

64 providing definitions; prohibiting a person from using

65 a child in a sexual performance or promoting a sexual

66 performance by a child; providing penalties; amending

67 s. 847.0135, F.S.; providing for separate offenses of

68 computer pornography and child exploitation under

69 certain circumstances; conforming provisions to

70 changes made by the act; amending s. 847.01357, F.S.;

71 conforming provisions to changes made by the act;

72 amending s. 847.0137, F.S.; revising and providing

73 definitions; prohibiting a person from possessing,

74 with the intent to promote, child pornography;

75 prohibiting a person from knowingly possessing,

76 controlling, or intentionally viewing child

77 pornography; providing penalties; providing

78 application and construction; providing for separate

79 offenses of transmission of child pornography under

80 certain circumstances; amending ss. 856.022, 895.02,

81 905.34, and 934.07, F.S.; conforming provisions to

82 changes made by the act; amending s. 938.085, F.S.;

83 revising the offenses for which a surcharge to be

84 deposited into the Rape Crisis Program Trust Fund

85 shall be imposed; conforming provisions to changes

86 made by the act; amending s. 938.10, F.S.; revising

87 the offenses for which an additional court cost shall

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88 be imposed; conforming provisions to changes made by

89 the act; amending ss. 943.0435, 943.04354, 943.0585,

90 943.059, 944.606, 944.607, 947.1405, 948.013, 948.03,

91 and 948.04, F.S.; conforming provisions to changes

92 made by the act; amending s. 948.06, F.S.; revising

93 the offenses that constitute a qualifying offense for

94 purposes relating to a violation of probation or

95 community control; conforming provisions to changes

96 made by the act; amending ss. 948.062, 948.101,

97 948.30, 948.32, 960.03, and 960.197, F.S.; conforming

98 provisions to changes made by the act; amending s.

99 985.04, F.S.; revising the types of offenses committed

100 by a child in certain custody or supervision of the

101 Department of Juvenile Justice which require the

102 department to provide notice to the school

103 superintendent; conforming provisions to changes made

104 by the act; amending ss. 985.475 and 1012.315, F.S.;

105 conforming provisions to changes made by the act;

106 amending s. 921.0022, F.S.; ranking the offense of

107 solicitation of a child via a computer service while

108 misrepresenting one's age on level 8 of the offense

109 severity ranking chart; conforming provisions to

110 changes made by the act; providing a directive to the

111 Division of Law Revision and Information; reenacting

112 ss. 39.402(9)(a), 39.506(6), 39.509(6)(b),

113 39.521(3)(d), 39.524(1), 39.806(1)(d) and (n),

114 63.089(4)(b), 63.092(3), 68.07(3)(i) and (6),

115 92.55(1)(b), 92.605(1)(b), 322.141(3), 381.004(2)(h),

116 384.29(1)(c) and (3), 390.01114(2)(b) and (e),

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117 393.067(4)(h), (7), and (9), 394.495(4)(p),
 118 394.9125(2)(a), 397.4872(2)(a) and (c), 409.1678
 119 (1)(c) and (6)(a) and (b), 435.07(4)(b), 655.50(3)(g),
 120 741.313(1)(e), 775.084(4)(j), 775.0862(2),
 121 775.13(4)(e) and (f), 775.21(3)(b), (5)(d), (6)(f),
 122 and (10)(c), 775.24(2), 775.25, 775.261(3)(b),
 123 784.049(2)(d), 794.011(2)(a), (3), (4), and (5),
 124 794.03, 794.075(1), 847.002(1)(b), (2), and (3),
 125 847.012(3)(b), 847.01357(3), 847.0138(2) and (3),
 126 896.101(2)(g) and (10), 903.0351(1)(b) and (c),
 127 903.046(2)(m), 905.34(3), 921.0022(3)(g),
 128 921.141(6)(o), 921.187(1)(n), 943.0435(3), (4)(a), and
 129 (5), 943.0436(2), 943.325(2)(g), 944.11(2),
 130 944.607(4)(a) and (9), 944.608(7), 944.609(4),
 131 944.70(1), 947.13(1)(f), 947.1405(2)(c) and (12),
 132 947.141(1), (2), and (7), 948.06(8)(b) and (d),
 133 948.063, 948.064(4), 948.08(7)(a), 948.12(3),
 134 948.30(3)(b) and (4), 948.31, 951.27, 960.003(2)(a)
 135 and (b) and (3)(a), 960.065(5), 984.03(2),
 136 985.0301(5)(c), 985.04(6)(b), 985.441(1)(c),
 137 985.4815(9), and 1012.467(2)(g), F.S., relating to
 138 placement in a shelter, arraignment hearings,
 139 grandparents rights, disposition hearings, safe-harbor
 140 placement, grounds for termination of parental rights,
 141 proceedings to terminate parental rights pending
 142 adoption, report to the court of intended placement by
 143 an adoption entity, change of name, proceedings
 144 involving certain victims or witnesses, production of
 145 certain records, color or markings of certain licenses

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146 or identification cards, HIV testing, confidentiality,
 147 the Parental Notice of Abortion Act, facility
 148 licensure, the child and adolescent mental health
 149 system of care, authority of a state attorney to refer
 150 a person for civil commitment, exemption from
 151 disqualification, specialized residential options for
 152 children who are victims of sexual exploitation,
 153 exemptions from disqualification, the Florida Control
 154 of Money Laundering and Terrorist Financing in
 155 Financial Institutions Act, unlawful action against
 156 employees seeking protection, violent career
 157 criminals, habitual felony offenders, and habitual
 158 violent felony offenders, sexual offenses against
 159 students by authority figures, registration of
 160 convicted felons, the Florida Sexual Predators Act,
 161 the duty of the court to uphold laws governing sexual
 162 predators and sexual offenders, prosecutions for acts
 163 or omissions, the Florida Career Offender Registration
 164 Act, sexual cyberharassment, sexual battery,
 165 publishing or broadcasting information identifying
 166 sexual offense victims, sexual predators and erectile
 167 dysfunction drugs, child pornography prosecutions, a
 168 prohibition against the sale or distribution of
 169 harmful materials to minors or the use of minors in
 170 production, civil remedies for exploited children,
 171 transmission of material harmful to minors to a minor
 172 by electronic devices, the Florida Money Laundering
 173 Act, restrictions on pretrial release pending
 174 probation-violation hearings or community-control-

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

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

217
 218 Be It Enacted by the Legislature of the State of Florida:

219
 220 Section 1. Paragraph (a) of subsection (1) of section
 221 16.56, Florida Statutes, is amended, and paragraph (b) of that
 222 subsection is republished, to read:

223 16.56 Office of Statewide Prosecution.—

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

228 (a) Investigate and prosecute the offenses of:

229 1. Bribery, burglary, criminal usury, extortion, gambling,
 230 kidnapping, larceny, murder, prostitution, perjury, robbery,
 231 carjacking, and home-invasion robbery;

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

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- 233 3. Any violation of the Florida RICO (Racketeer Influenced
234 and Corrupt Organization) Act, including any offense listed in
235 the definition of racketeering activity in s. 895.02(8) (a),
236 providing such listed offense is investigated in connection with
237 a violation of s. 895.03 and is charged in a separate count of
238 an information or indictment containing a count charging a
239 violation of s. 895.03, the prosecution of which listed offense
240 may continue independently if the prosecution of the violation
241 of s. 895.03 is terminated for any reason;
- 242 4. Any violation of the Florida Anti-Fencing Act;
- 243 5. Any violation of the Florida Antitrust Act of 1980, as
244 amended;
- 245 6. Any crime involving, or resulting in, fraud or deceit
246 upon any person;
- 247 7. Any violation of s. 847.0135, relating to computer
248 pornography and child exploitation ~~prevention~~, or any offense
249 related to a violation of former s. 827.071, s. 847.003, s.
250 847.0135, or s. 847.0137 ~~when any violation of chapter 827 where~~
251 ~~the crime is facilitated by or connected to the use of the~~
252 ~~Internet or any device capable of electronic data storage or~~
253 ~~transmission;~~
- 254 8. Any violation of chapter 815;
- 255 9. Any criminal violation of part I of chapter 499;
- 256 10. Any violation of the Florida Motor Fuel Tax Relief Act
257 of 2004;
- 258 11. Any criminal violation of s. 409.920 or s. 409.9201;
- 259 12. Any crime involving voter registration, voting, or
260 candidate or issue petition activities;
- 261 13. Any criminal violation of the Florida Money Laundering

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- 262 Act;
- 263 14. Any criminal violation of the Florida Securities and
264 Investor Protection Act; or
- 265 15. Any violation of chapter 787, as well as any and all
266 offenses related to a violation of chapter 787;
- 267
- 268 or any attempt, solicitation, or conspiracy to commit any of the
269 crimes specifically enumerated above. The office shall have such
270 power only when any such offense is occurring, or has occurred,
271 in two or more judicial circuits as part of a related
272 transaction, or when any such offense is connected with an
273 organized criminal conspiracy affecting two or more judicial
274 circuits. Informations or indictments charging such offenses
275 shall contain general allegations stating the judicial circuits
276 and counties in which crimes are alleged to have occurred or the
277 judicial circuits and counties in which crimes affecting such
278 circuits or counties are alleged to have been connected with an
279 organized criminal conspiracy.
- 280 (b) Investigate and prosecute any crime enumerated in
281 paragraph (a) facilitated by or connected to the use of the
282 Internet. Any such crime is a crime occurring in every judicial
283 circuit within the state.
- 284 Section 2. Paragraph (c) of subsection (30) and paragraph
285 (g) of subsection (70) of section 39.01, Florida Statutes, are
286 amended to read:
- 287 39.01 Definitions.—When used in this chapter, unless the
288 context otherwise requires:
- 289 (30) "Harm" to a child's health or welfare can occur when
290 any person:

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291 (c) Allows, encourages, or forces the sexual exploitation
 292 of a child, which includes allowing, encouraging, or forcing a
 293 child to:

294 1. Solicit for or engage in prostitution; or
 295 2. Engage in a sexual performance, as defined by former s.
 296 827.071 or s. 847.003 ~~chapter 827~~.

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

299 (g) The sexual exploitation of a child, which includes the
 300 act of a child offering to engage in or engaging in
 301 prostitution, or the act of allowing, encouraging, or forcing a
 302 child to:

303 1. Solicit for or engage in prostitution;
 304 2. Engage in a sexual performance, as defined by former s.
 305 827.071 or s. 847.003 ~~chapter 827~~; or
 306 3. Participate in the trade of human trafficking as
 307 provided in s. 787.06(3)(g).

308 Section 3. Paragraph (b) of subsection (4) of section
 309 39.0132, Florida Statutes, is amended to read:

310 39.0132 Oaths, records, and confidential information.—
 311 (4)
 312 (b) The department shall disclose to the school
 313 superintendent the presence of ~~a any~~ child in the care and
 314 custody or under the jurisdiction or supervision of the
 315 department who has a known history of criminal sexual behavior
 316 with other juveniles; is an alleged juvenile sex offender, as
 317 defined in s. 39.01; or has pled guilty or nolo contendere to,
 318 or has been found to have committed, a violation of chapter 794,
 319 chapter 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s.

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320 847.0133, s. 847.0135(5), or s. 847.0137, regardless of
 321 adjudication. ~~An Any~~ employee of a district school board who
 322 knowingly and willfully discloses such information to an
 323 unauthorized person commits a misdemeanor of the second degree,
 324 punishable as provided in s. 775.082 or s. 775.083.

325 Section 4. Paragraph (a) of subsection (3) of section
 326 39.0139, Florida Statutes, is amended to read:

327 39.0139 Visitation or other contact; restrictions.—
 328 (3) PRESUMPTION OF DETRIMENT.—
 329 (a) A rebuttable presumption of detriment to a child is
 330 created when:

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

334 2. A parent or caregiver has been found guilty of,
 335 regardless of adjudication, or has entered a plea of guilty or
 336 nolo contendere to, charges under the following statutes or
 337 substantially similar statutes of other jurisdictions:

338 a. Section 787.04, relating to removing minors from the
 339 state or concealing minors contrary to court order;
 340 b. Section 794.011, relating to sexual battery;
 341 c. Section 798.02, relating to lewd and lascivious
 342 behavior;

343 d. Chapter 800, relating to lewdness and indecent exposure;
 344 e. Section 826.04, relating to incest; ~~or~~
 345 f. Chapter 827, relating to the abuse of children; ~~or~~
 346 g. Section 847.003, relating to sexual performance by a
 347 child;
 348 h. Section 847.0135, excluding s. 847.0135(6), relating to

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349 computer pornography and child exploitation; or

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

351 3. A court of competent jurisdiction has determined a
352 parent or caregiver to be a sexual predator as defined in s.
353 775.21 or a parent or caregiver has received a substantially
354 similar designation under laws of another jurisdiction.

355 Section 5. Paragraph (b) of subsection (2) of section
356 39.301, Florida Statutes, is amended to read:

357 39.301 Initiation of protective investigations.-

358 (2)

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

361 1. A child is known or suspected to be the victim of child
362 abuse, as defined in s. 827.03, or of neglect of a child, as
363 defined in s. 827.03.

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

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

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

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

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

376 Section 6. Paragraph (a) of subsection (6) of section
377 39.509, Florida Statutes, is amended to read:

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378 39.509 Grandparents rights.--Notwithstanding any other
379 provision of law, a maternal or paternal grandparent as well as
380 a stepgrandparent is entitled to reasonable visitation with his
381 or her grandchild who has been adjudicated a dependent child and
382 taken from the physical custody of the parent unless the court
383 finds that such visitation is not in the best interest of the
384 child or that such visitation would interfere with the goals of
385 the case plan. Reasonable visitation may be unsupervised and,
386 where appropriate and feasible, may be frequent and continuing.
387 Any order for visitation or other contact must conform to the
388 provisions of s. 39.0139.

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

392 (a) The finding of guilt, regardless of adjudication, or
393 entry or plea of guilty or nolo contendere to charges under the
394 following statutes, or similar statutes of other jurisdictions:
395 s. 787.04, relating to removing minors from the state or
396 concealing minors contrary to court order; s. 794.011, relating
397 to sexual battery; s. 798.02, relating to lewd and lascivious
398 behavior; chapter 800, relating to lewdness and indecent
399 exposure; s. 826.04, relating to incest; ~~or~~ chapter 827,
400 relating to the abuse of children; s. 847.003, relating to
401 sexual performance by a child; s. 847.0135, excluding s.
402 847.0135(6), relating to computer pornography and child
403 exploitation; or s. 847.0137, relating to child pornography.

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

406 90.404 Character evidence; when admissible.-

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

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

413 2. For the purposes of this paragraph, the term "child
414 molestation" means conduct proscribed by s. 787.025(2)(c), s.
415 787.06(3)(g), former s. 787.06(3)(h), s. 794.011, excluding s.
416 794.011(10), s. 794.05, former s. 796.03, former s. 796.035, s.
417 800.04, former s. 827.071, s. 847.003, s. 847.0135(5), s.
418 847.0137(2), s. 847.0145, or s. 985.701(1) when committed
419 against a person 16 years of age or younger.

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

425 2. For the purposes of this paragraph, the term "sexual
426 offense" means conduct proscribed by s. 787.025(2)(c), s.
427 787.06(3)(b), (d), (f), or (g), former s. 787.06(3)(h), s.
428 794.011, excluding s. 794.011(10), s. 794.05, former s. 796.03,
429 former s. 796.035, s. 825.1025(2)(b), former s. 827.071, s.
430 847.003, s. 847.0135(5), s. 847.0137(2), s. 847.0145, or s.
431 985.701(1).

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

434 92.56 Judicial proceedings and court records involving
435 sexual offenses and human trafficking.—

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

456 (3) The state may use a pseudonym instead of the victim's
457 name to designate the victim of a crime described in s.
458 787.06(3)(a)1., (c)1., or (e)1. ~~;~~ ~~in~~ s. 787.06(3)(b), (d), (f),
459 or (g) ~~;~~ ~~or~~ ~~in~~ chapter 794 ~~;~~ or chapter 800 ~~;~~ ~~or~~
460 ~~or~~ aggravated child abuse, ~~or sexual performance by a child as~~
461 described in chapter 827; of sexual performance by a child as
462 described in former s. 827.071; ~~or of a sexual offense any~~
463 ~~crime involving the production, possession, or promotion of~~
464 ~~child pornography as described in chapter 847, in all court~~

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465 records and records of court proceedings, both civil and
466 criminal.

467 (5) This section does not prohibit the publication or
468 broadcast of the substance of trial testimony in a prosecution
469 for an offense described in s. 787.06(3)(a)1., (c)1., or (e)1. or
470 s. 787.06(3)(b), (d), (f), or (g); or chapter 794 or chapter
471 800; ~~for, or~~ a crime of child abuse or aggravated child abuse,
472 ~~or sexual performance by a child~~, as described in chapter 827;
473 for sexual performance by a child as described in former s.
474 827.071; or for a sexual offense described in chapter 847, but
475 the publication or broadcast may not include an identifying
476 photograph, an identifiable voice, or the name or address of the
477 victim, unless the victim has consented in writing to the
478 publication and filed such consent with the court or unless the
479 court has declared such records not confidential and exempt as
480 provided for in subsection (1).

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

483 92.561 Prohibition on reproduction of child pornography.—

484 (1) In a criminal proceeding, any property or material that
485 portrays sexual performance by a child as defined in former s.
486 827.071 or s. 847.003, or constitutes child pornography as
487 defined in s. 847.0137 ~~s. 847.001~~, must remain secured or locked
488 in the care, custody, and control of a law enforcement agency,
489 the state attorney, or the court.

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

492 92.565 Admissibility of confession in sexual abuse cases.—

493 (2) In any criminal action in which the defendant is

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494 charged with a crime against a victim under s. 794.011; s.
495 794.05; s. 800.04; s. 826.04; s. 827.03, involving sexual abuse;
496 s. 827.04, involving sexual abuse; former s. 827.071; s.
497 847.003; ~~or~~ s. 847.0135(5); or s. 847.0137(2), or any other
498 crime involving sexual abuse of another, or with any attempt,
499 solicitation, or conspiracy to commit any of these crimes, the
500 defendant's memorialized confession or admission is admissible
501 during trial without the state having to prove a corpus delicti
502 of the crime if the court finds in a hearing conducted outside
503 the presence of the jury that the state is unable to show the
504 existence of each element of the crime, and having so found,
505 further finds that the defendant's confession or admission is
506 trustworthy. Factors which may be relevant in determining
507 whether the state is unable to show the existence of each
508 element of the crime include, but are not limited to, the fact
509 that, at the time the crime was committed, the victim was:

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

512 (b) Physically incapacitated due to age, infirmity, or any
513 other cause; or

514 (c) Less than 12 years of age.

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

517 435.04 Level 2 screening standards.—

518 (2) The security background investigations under this
519 section must ensure that no persons subject to the provisions of
520 this section have been arrested for and are awaiting final
521 disposition of, have been found guilty of, regardless of
522 adjudication, or entered a plea of nolo contendere or guilty to,

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523 or have been adjudicated delinquent and the record has not been
524 sealed or expunged for, any offense prohibited under any of the
525 following provisions of state law or similar law of another
526 jurisdiction:

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

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

531 Section 12. Paragraph (c) of subsection (4) of section
532 435.07, Florida Statutes, is amended to read:

533 435.07 Exemptions from disqualification.—Unless otherwise
534 provided by law, the provisions of this section apply to
535 exemptions from disqualification for disqualifying offenses
536 revealed pursuant to background screenings required under this
537 chapter, regardless of whether those disqualifying offenses are
538 listed in this chapter or other laws.

539 (4)

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

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552 provisions of state law or a similar law of another
553 jurisdiction:

554 1. A felony offense prohibited under any of the following
555 statutes:

556 a. Chapter 741, relating to domestic violence.

557 b. Section 782.04, relating to murder.

558 c. Section 782.07, relating to manslaughter, aggravated
559 manslaughter of an elderly person or disabled adult, aggravated
560 manslaughter of a child, or aggravated manslaughter of an
561 officer, a firefighter, an emergency medical technician, or a
562 paramedic.

563 d. Section 784.021, relating to aggravated assault.

564 e. Section 784.045, relating to aggravated battery.

565 f. Section 787.01, relating to kidnapping.

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

567 h. Section 787.04(2), relating to leading, taking,
568 enticing, or removing a minor beyond the state limits, or
569 concealing the location of a minor, with criminal intent pending
570 custody proceedings.

571 i. Section 787.04(3), relating to leading, taking,
572 enticing, or removing a minor beyond the state limits, or
573 concealing the location of a minor, with criminal intent pending
574 dependency proceedings or proceedings concerning alleged abuse
575 or neglect of a minor.

576 j. Section 794.011, relating to sexual battery.

577 k. Former s. 794.041, relating to sexual activity with or
578 solicitation of a child by a person in familial or custodial
579 authority.

580 l. Section 794.05, relating to unlawful sexual activity

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581 with certain minors.

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

583 n. Section 806.01, relating to arson.

584 o. Section 826.04, relating to incest.

585 p. Section 827.03, relating to child abuse, aggravated

586 child abuse, or neglect of a child.

587 q. Section 827.04, relating to contributing to the

588 delinquency or dependency of a child.

589 r. ~~Former s. Section~~ 827.071 or s. 847.003, relating to

590 sexual performance by a child.

591 s. Chapter 847, relating to obscenity and child

592 exploitation pornography.

593 t. Section 985.701, relating to sexual misconduct in

594 juvenile justice programs.

595 2. A misdemeanor offense prohibited under any of the

596 following statutes:

597 a. Section 784.03, relating to battery, if the victim of

598 the offense was a minor.

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

600 c. Chapter 847, relating to obscenity and child

601 exploitation pornography.

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

603 federal law which, if committed in this state, constitutes an

604 offense prohibited under any statute listed in subparagraph 1.

605 or subparagraph 2.

606 Section 13. Paragraphs (o) and (q) of subsection (5) of

607 section 456.074, Florida Statutes, are amended, present

608 paragraphs (r) and (s) of that subsection are redesignated as

609 paragraphs (s) and (t), respectively, and a new paragraph (r) is

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610 added to that subsection, to read:

611 456.074 Certain health care practitioners; immediate

612 suspension of license.—

613 (5) The department shall issue an emergency order

614 suspending the license of a massage therapist or establishment

615 as defined in chapter 480 upon receipt of information that the

616 massage therapist, a person with an ownership interest in the

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

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

619 individual directly involved in the management of the

620 establishment has been convicted or found guilty of, or has

621 entered a plea of guilty or nolo contendere to, regardless of

622 adjudication, a violation of s. 796.07(2)(a) which is

623 reclassified under s. 796.07(7) or a felony offense under any of

624 the following provisions of state law or a similar provision in

625 another jurisdiction:

626 (o) ~~Former s. Section~~ 827.071 or s. 847.003, relating to

627 sexual performance by a child.

628 (q) Section 847.0135, relating to computer pornography and

629 child exploitation.

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

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

632 section 480.041, Florida Statutes, are amended, present

633 paragraphs (r) and (s) of that subsection are redesignated as

634 paragraphs (s) and (t), respectively, and a new paragraph (r) is

635 added to that subsection, to read:

636 480.041 Massage therapists; qualifications; licensure;

637 endorsement.—

638 (7) The board shall deny an application for a new or

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639 renewal license if an applicant has been convicted or found
640 guilty of, or enters a plea of guilty or nolo contendere to,
641 regardless of adjudication, a violation of s. 796.07(2)(a) which
642 is reclassified under s. 796.07(7) or a felony offense under any
643 of the following provisions of state law or a similar provision
644 in another jurisdiction:

645 (o) ~~Former s. Section 827.071 or s. 847.003~~, relating to
646 sexual performance by a child.

647 (q) Section 847.0135, relating to computer pornography and
648 child exploitation.

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

650 Section 15. Paragraphs (o) and (q) of subsection (8) of
651 section 480.043, Florida Statutes, are amended, present
652 paragraphs (r) and (s) of that subsection are redesignated as
653 paragraphs (s) and (t), respectively, and a new paragraph (r) is
654 added to that subsection, to read:

655 480.043 Massage establishments; requisites; licensure;
656 inspection.—

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

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

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

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

673 Section 16. Paragraph (b) of subsection (3) of section
674 743.067, Florida Statutes, is amended to read:

675 743.067 Unaccompanied homeless youths.—

676 (3) An unaccompanied homeless youth may:

677 (b) Notwithstanding s. 394.4625(1), consent to medical,
678 dental, psychological, substance abuse, and surgical diagnosis
679 and treatment, including preventative care and care by a
680 facility licensed under chapter 394, chapter 395, or chapter 397
681 and any forensic medical examination for the purpose of
682 investigating any felony offense under chapter 784, chapter 787,
683 chapter 794, chapter 800, ~~or~~ chapter 827, s. 847.003, or s.
684 847.0137, for:

685 1. Himself or herself; or

686 2. His or her child, if the unaccompanied homeless youth is
687 unmarried, is the parent of the child, and has actual custody of
688 the child.

689 Section 17. Paragraph (a) of subsection (1) of section
690 772.102, Florida Statutes, is amended to read:

691 772.102 Definitions.—As used in this chapter, the term:

692 (1) "Criminal activity" means to commit, to attempt to
693 commit, to conspire to commit, or to solicit, coerce, or
694 intimidate another person to commit:

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

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697 1. Section 210.18, relating to evasion of payment of
698 cigarette taxes.

699 2. Section 414.39, relating to public assistance fraud.

700 3. Section 440.105 or s. 440.106, relating to workers'
701 compensation.

702 4. Part IV of chapter 501, relating to telemarketing.

703 5. Chapter 517, relating to securities transactions.

704 6. Section 550.235 or s. 550.3551, relating to dogracing
705 and horseracing.

706 7. Chapter 550, relating to jai alai frontons.

707 8. Chapter 552, relating to the manufacture, distribution,
708 and use of explosives.

709 9. Chapter 562, relating to beverage law enforcement.

710 10. Section 624.401, relating to transacting insurance
711 without a certificate of authority, s. 624.437(4)(c)1., relating
712 to operating an unauthorized multiple-employer welfare
713 arrangement, or s. 626.902(1)(b), relating to representing or
714 aiding an unauthorized insurer.

715 11. Chapter 687, relating to interest and usurious
716 practices.

717 12. Section 721.08, s. 721.09, or s. 721.13, relating to
718 real estate timeshare plans.

719 13. Chapter 782, relating to homicide.

720 14. Chapter 784, relating to assault and battery.

721 15. Chapter 787, relating to kidnapping or human
722 trafficking.

723 16. Chapter 790, relating to weapons and firearms.

724 17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,
725 relating to prostitution.

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726 18. Chapter 806, relating to arson.

727 19. Section 810.02(2)(c), relating to specified burglary of
728 a dwelling or structure.

729 20. Chapter 812, relating to theft, robbery, and related
730 crimes.

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

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

734 23. Former s. Section 827.071, relating to commercial
735 sexual exploitation of children.

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

737 25. Chapter 832, relating to issuance of worthless checks
738 and drafts.

739 26. Section 836.05, relating to extortion.

740 27. Chapter 837, relating to perjury.

741 28. Chapter 838, relating to bribery and misuse of public
742 office.

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

744 30. Section 847.003, relating to sexual performance by a
745 child.

746 ~~31.30.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
747 or s. 847.07, relating to obscene literature and profanity.

748 ~~32.31.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
749 s. 849.25, relating to gambling.

750 ~~33.32.~~ Chapter 893, relating to drug abuse prevention and
751 control.

752 ~~34.33.~~ Section 914.22 or s. 914.23, relating to witnesses,
753 victims, or informants.

754 ~~35.34.~~ Section 918.12 or s. 918.13, relating to tampering

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755 with jurors and evidence.
 756 Section 18. Paragraph (a) of subsection (9) of section
 757 775.082, Florida Statutes, is amended to read:
 758 775.082 Penalties; applicability of sentencing structures;
 759 mandatory minimum sentences for certain reoffenders previously
 760 released from prison.—
 761 (9) (a) 1. "Prison releasee reoffender" means any defendant
 762 who commits, or attempts to commit:
 763 a. Treason;
 764 b. Murder;
 765 c. Manslaughter;
 766 d. Sexual battery;
 767 e. Carjacking;
 768 f. Home-invasion robbery;
 769 g. Robbery;
 770 h. Arson;
 771 i. Kidnapping;
 772 j. Aggravated assault with a deadly weapon;
 773 k. Aggravated battery;
 774 l. Aggravated stalking;
 775 m. Aircraft piracy;
 776 n. Unlawful throwing, placing, or discharging of a
 777 destructive device or bomb;
 778 o. Any felony that involves the use or threat of physical
 779 force or violence against an individual;
 780 p. Armed burglary;
 781 q. Burglary of a dwelling or burglary of an occupied
 782 structure; or
 783 r. Any felony violation of s. 790.07, s. 800.04, s. 827.03,

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784 former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.
 785 847.0137(2);
 786
 787 within 3 years after being released from a state correctional
 788 facility operated by the Department of Corrections or a private
 789 vendor or within 3 years after being released from a
 790 correctional institution of another state, the District of
 791 Columbia, the United States, any possession or territory of the
 792 United States, or any foreign jurisdiction, following
 793 incarceration for an offense for which the sentence is
 794 punishable by more than 1 year in this state.
 795 2. "Prison releasee reoffender" also means any defendant
 796 who commits or attempts to commit any offense listed in sub-
 797 subparagraphs (a) 1.a.-r. while the defendant was serving a
 798 prison sentence or on escape status from a state correctional
 799 facility operated by the Department of Corrections or a private
 800 vendor or while the defendant was on escape status from a
 801 correctional institution of another state, the District of
 802 Columbia, the United States, any possession or territory of the
 803 United States, or any foreign jurisdiction, following
 804 incarceration for an offense for which the sentence is
 805 punishable by more than 1 year in this state.
 806 3. If the state attorney determines that a defendant is a
 807 prison releasee reoffender as defined in subparagraph 1., the
 808 state attorney may seek to have the court sentence the defendant
 809 as a prison releasee reoffender. Upon proof from the state
 810 attorney that establishes by a preponderance of the evidence
 811 that a defendant is a prison releasee reoffender as defined in
 812 this section, such defendant is not eligible for sentencing

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813 under the sentencing guidelines and must be sentenced as
814 follows:

815 a. For a felony punishable by life, by a term of
816 imprisonment for life;

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

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

821 d. For a felony of the third degree, by a term of
822 imprisonment of 5 years.

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

826 775.0847 Possession or promotion of certain visual
827 depictions ~~images~~ of child pornography; reclassification.—

828 (1) For purposes of this section:

829 (b) "Child pornography" has the same meaning as in s.
830 847.0137 ~~means any image depicting a minor engaged in sexual~~
831 ~~conduct.~~

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

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842 constitute "sexual conduct."

843 (g) "Visual depiction" has the same meaning as in s.
844 847.0137.

845 (2) A violation of former s. 827.071, s. 847.003, s.
846 847.0135, s. 847.0137, or s. 847.0138 shall be reclassified to
847 the next higher degree as provided in subsection (3) if:

848 (a) The offender possesses 10 or more visual depictions
849 ~~images~~ of any form of child pornography regardless of content;
850 and

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

853 1. A child who is younger than the age of 5.

854 2. Sadomasochistic abuse involving a child.

855 3. Sexual battery involving a child.

856 4. Sexual bestiality involving a child.

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

859 Section 20. Paragraph (1) of subsection (1) of section
860 775.0877, Florida Statutes, is amended to read:

861 775.0877 Criminal transmission of HIV; procedures;
862 penalties.—

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

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

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

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

886 775.21 The Florida Sexual Predators Act.—

887 (4) SEXUAL PREDATOR CRITERIA.—

888 (a) For a current offense committed on or after October 1,
 889 1993, upon conviction, an offender shall be designated as a
 890 "sexual predator" under subsection (5), and subject to
 891 registration under subsection (6) and community and public
 892 notification under subsection (7) if:

893 1. The felony is:

894 a. A capital, life, or first degree felony violation, or
 895 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
 896 is a minor, or s. 794.011, s. 800.04, or s. 847.0145, or a
 897 violation of a similar law of another jurisdiction; or

898 b. Any felony violation, or any attempt thereof, of s.
 899 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.

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900 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
 901 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
 902 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
 903 s. 800.04; s. 810.145(8)(b); s. 825.1025; former s. 827.071; s.
 904 847.003; s. 847.0135, excluding s. 847.0135(6); s. 847.0137(2);
 905 s. 847.0145; s. 895.03, if the court makes a written finding
 906 that the racketeering activity involved at least one sexual
 907 offense listed in this sub-subparagraph or at least one offense
 908 listed in this sub-subparagraph with sexual intent or motive; s.
 909 916.1075(2); or s. 985.701(1); or a violation of a similar law
 910 of another jurisdiction, and the offender has previously been
 911 convicted of or found to have committed, or has pled nolo
 912 contendere or guilty to, regardless of adjudication, any
 913 violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.
 914 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 915 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 916 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 917 former s. 796.035; s. 800.04; s. 825.1025; former s. 827.071; s.
 918 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
 919 847.0137(2); s. 847.0145; s. 895.03, if the court makes a
 920 written finding that the racketeering activity involved at least
 921 one sexual offense listed in this sub-subparagraph or at least
 922 one offense listed in this sub-subparagraph with sexual intent
 923 or motive; s. 916.1075(2); or s. 985.701(1); or a violation of a
 924 similar law of another jurisdiction;
 925 2. The offender has not received a pardon for any felony or
 926 similar law of another jurisdiction that is necessary for the
 927 operation of this paragraph; and
 928 3. A conviction of a felony or similar law of another

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929 jurisdiction necessary to the operation of this paragraph has
 930 not been set aside in any postconviction proceeding.

931 (10) PENALTIES.—

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

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

949 775.215 Residency restriction for persons convicted of
 950 certain sex offenses.—

951 (2) (a) A person who has been convicted of a violation of s.
 952 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
 953 847.0135(5), s. 847.0137(2), or s. 847.0145, regardless of
 954 whether adjudication has been withheld, in which the victim of
 955 the offense was less than 16 years of age, may not reside within
 956 1,000 feet of any school, child care facility, park, or
 957 playground. However, a person does not violate this subsection

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958 and may not be forced to relocate if he or she is living in a
 959 residence that meets the requirements of this subsection and a
 960 school, child care facility, park, or playground is subsequently
 961 established within 1,000 feet of his or her residence.

962 (b) A person who violates this subsection and whose
 963 conviction under s. 794.011, s. 800.04, former s. 827.071, s.
 964 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 was
 965 classified as a felony of the first degree or higher commits a
 966 felony of the third degree, punishable as provided in s. 775.082
 967 or s. 775.083. A person who violates this subsection and whose
 968 conviction under s. 794.011, s. 800.04, former s. 827.071, s.
 969 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 was
 970 classified as a felony of the second or third degree commits a
 971 misdemeanor of the first degree, punishable as provided in s.
 972 775.082 or s. 775.083.

973 (c) This subsection applies to any person convicted of a
 974 violation of s. 794.011, s. 800.04, former s. 827.071, s.
 975 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 for
 976 offenses that occur on or after October 1, 2004, excluding
 977 persons who have been removed from the requirement to register
 978 as a sexual offender or sexual predator pursuant to s.
 979 943.04354.

980 (3) (a) A person who has been convicted of an offense in
 981 another jurisdiction that is similar to a violation of s.
 982 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
 983 847.0135(5), s. 847.0137(2), or s. 847.0145, regardless of
 984 whether adjudication has been withheld, in which the victim of
 985 the offense was less than 16 years of age, may not reside within
 986 1,000 feet of any school, child care facility, park, or

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

992 (c) This subsection applies to any person convicted of an
993 offense in another jurisdiction that is similar to a violation
994 of s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
995 847.0135(5), s. 847.0137(2), or s. 847.0145 if such offense
996 occurred on or after May 26, 2010, excluding persons who have
997 been removed from the requirement to register as a sexual
998 offender or sexual predator pursuant to s. 943.04354.

999 Section 23. Paragraph (c) of subsection (1) of section
1000 784.046, Florida Statutes, is amended to read:

1001 784.046 Action by victim of repeat violence, sexual
1002 violence, or dating violence for protective injunction; dating
1003 violence investigations, notice to victims, and reporting;
1004 pretrial release violations; public records exemption.—

1005 (1) As used in this section, the term:

1006 (c) "Sexual violence" means any one incident of:

1007 1. Sexual battery, as defined in chapter 794;

1008 2. A lewd or lascivious act, as defined in chapter 800,
1009 committed upon or in the presence of a person younger than 16
1010 years of age;

1011 3. Luring or enticing a child, as described in chapter 787;

1012 4. Sexual performance by a child, as described in former s.
1013 827.071 or s. 847.003 ~~chapter 827~~; or

1014 5. Any other forcible felony wherein a sexual act is
1015 committed or attempted,

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1016
1017 regardless of whether criminal charges based on the incident
1018 were filed, reduced, or dismissed by the state attorney.

1019 Section 24. Subsection (2) of section 794.0115, Florida
1020 Statutes, is amended to read:

1021 794.0115 Dangerous sexual felony offender; mandatory
1022 sentencing.—

1023 (2) Any person who is convicted of a violation of s.
1024 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
1025 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),
1026 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; or
1027 of any similar offense under a former designation, which offense
1028 the person committed when he or she was 18 years of age or
1029 older, and the person:

1030 (a) Caused serious personal injury to the victim as a
1031 result of the commission of the offense;

1032 (b) Used or threatened to use a deadly weapon during the
1033 commission of the offense;

1034 (c) Victimized more than one person during the course of
1035 the criminal episode applicable to the offense;

1036 (d) Committed the offense while under the jurisdiction of a
1037 court for a felony offense under the laws of this state, for an
1038 offense that is a felony in another jurisdiction, or for an
1039 offense that would be a felony if that offense were committed in
1040 this state; or

1041 (e) Has previously been convicted of a violation of s.
1042 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
1043 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),
1044 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; of

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1045 any offense under a former statutory designation which is
 1046 similar in elements to an offense described in this paragraph;
 1047 or of any offense that is a felony in another jurisdiction, or
 1048 would be a felony if that offense were committed in this state,
 1049 and which is similar in elements to an offense described in this
 1050 paragraph,
 1051
 1052 is a dangerous sexual felony offender, who must be sentenced to
 1053 a mandatory minimum term of 25 years imprisonment up to, and
 1054 including, life imprisonment. If the offense described in this
 1055 subsection was committed on or after October 1, 2014, a person
 1056 who qualifies as a dangerous sexual felony offender pursuant to
 1057 this subsection must be sentenced to a mandatory minimum term of
 1058 50 years imprisonment up to, and including, life imprisonment.

1059 Section 25. Subsection (1) of section 794.024, Florida
 1060 Statutes, is amended to read:

1061 794.024 Unlawful to disclose identifying information.—
 1062 (1) A public employee or officer who has access to the
 1063 photograph, name, or address of a person who is alleged to be
 1064 the victim of an offense described in this chapter, chapter 800,
 1065 s. 827.03, s. 827.04, or former ~~or~~ s. 827.071, or of a sexual
 1066 offense described in chapter 847 may not willfully and knowingly
 1067 disclose it to a person who is not assisting in the
 1068 investigation or prosecution of the alleged offense or to any
 1069 person other than the defendant, the defendant's attorney, a
 1070 person specified in an order entered by the court having
 1071 jurisdiction of the alleged offense, or organizations authorized
 1072 to receive such information made exempt by s. 119.071(2)(h), or
 1073 to a rape crisis center or sexual assault counselor, as defined

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1074 in s. 90.5035(1)(b), who will be offering services to the
 1075 victim.
 1076 Section 26. Subsection (1) of section 794.056, Florida
 1077 Statutes, is amended to read:
 1078 794.056 Rape Crisis Program Trust Fund.—
 1079 (1) The Rape Crisis Program Trust Fund is created within
 1080 the Department of Health for the purpose of providing funds for
 1081 rape crisis centers in this state. Trust fund moneys shall be
 1082 used exclusively for the purpose of providing services for
 1083 victims of sexual assault. Funds credited to the trust fund
 1084 consist of those funds collected as an additional court
 1085 assessment in each case in which a defendant pleads guilty or
 1086 nolo contendere to, or is found guilty of, regardless of
 1087 adjudication, an offense provided in s. 775.21(6) and (10)(a),
 1088 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
 1089 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
 1090 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
 1091 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
 1092 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
 1093 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
 1094 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
 1095 825.1025; former s. 827.071; s. 836.10; s. 847.003; s. 847.0133;
 1096 s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c),
 1097 (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds
 1098 credited to the trust fund also shall include revenues provided
 1099 by law, moneys appropriated by the Legislature, and grants from
 1100 public or private entities.

1101 Section 27. Section 796.001, Florida Statutes, is amended
 1102 to read:

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1103 796.001 Offenses by adults involving minors; intent.—It is
 1104 the intent of the Legislature that adults who involve minors in
 1105 any behavior prohibited under this chapter be prosecuted under
 1106 other laws of this state, such as, but not limited to, s.
 1107 787.06, chapter 794, chapter 800, s. 810.145, former s. 827.071
 1108 ~~chapter 827~~, and chapter 847. The Legislature finds that
 1109 prosecution of such adults under this chapter is inappropriate
 1110 since a minor is unable to consent to such behavior.
 1111 Section 28. Section 827.071, Florida Statutes, is repealed.
 1112 Section 29. Subsections (3), (8), and (16) of section
 1113 847.001, Florida Statutes, are amended to read:
 1114 847.001 Definitions.—As used in this chapter, the term:
 1115 (3) “Child pornography” has the same meaning as provided in
 1116 s. 847.0137 means any image depicting a minor engaged in sexual
 1117 conduct.
 1118 (8) “Minor” or “child” means a any person under the age of
 1119 18 years.
 1120 (16) “Sexual conduct” means actual or simulated sexual
 1121 intercourse, deviate sexual intercourse, sexual bestiality,
 1122 masturbation, or sadomasochistic abuse; actual or simulated lewd
 1123 exhibition of the genitals; actual physical contact with a
 1124 person’s clothed or unclothed genitals, pubic area, buttocks,
 1125 or, if such person is a female, breast with the intent to arouse
 1126 or gratify the sexual desire of either party; or any act or
 1127 conduct which constitutes sexual battery or simulates that
 1128 sexual battery is being or will be committed. A mother’s
 1129 breastfeeding of her baby does not under any circumstance
 1130 constitute “sexual conduct.”
 1131 Section 30. Section 847.003, Florida Statutes, is created

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1132 to read:
 1133 847.003 Sexual performance by a child; penalties.—
 1134 (1) As used in this section, the term:
 1135 (a) “Performance” means a play, motion picture, photograph,
 1136 or dance or other visual representation exhibited before an
 1137 audience.
 1138 (b) “Promote” means to procure, manufacture, issue, sell,
 1139 give, provide, lend, mail, deliver, transfer, transmute,
 1140 publish, distribute, circulate, disseminate, present, exhibit,
 1141 or advertise or to offer or agree to do the same.
 1142 (c) “Sexual performance” means a performance or part
 1143 thereof which includes sexual conduct by a child.
 1144 (2) A person who, knowing the character and content
 1145 thereof, employs, authorizes, or induces a child to engage in a
 1146 sexual performance or, being a parent, legal guardian, or
 1147 custodian of such child, consents to the participation by such
 1148 child in a sexual performance commits the offense of use of a
 1149 child in a sexual performance, a felony of the second degree,
 1150 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 1151 (3) A person who, knowing the character and content
 1152 thereof, produces, directs, or promotes a performance that
 1153 includes sexual conduct by a child commits the offense of
 1154 promoting a sexual performance by a child, a felony of the
 1155 second degree, punishable as provided in s. 775.082, s. 775.083,
 1156 or s. 775.084.
 1157 Section 31. Subsections (2), (3), and (4) of section
 1158 847.0135, Florida Statutes, are amended to read:
 1159 847.0135 Computer pornography; child exploitation
 1160 ~~prohibited computer usage; traveling to meet minor; penalties.—~~

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1161 (2) COMPUTER PORNOGRAPHY.—A person who:
 1162 (a) Knowingly compiles, enters into, or transmits by use of
 1163 computer;
 1164 (b) Makes, prints, publishes, or reproduces by other
 1165 computerized means;
 1166 (c) Knowingly causes or allows to be entered into or
 1167 transmitted by use of computer; or
 1168 (d) Buys, sells, receives, exchanges, or disseminates,
 1169
 1170 a any notice, statement, or advertisement of a any minor's name,
 1171 telephone number, place of residence, physical characteristics,
 1172 or other descriptive or identifying information for purposes of
 1173 facilitating, encouraging, offering, or soliciting sexual
 1174 conduct of or with a any minor, or the visual depiction of such
 1175 conduct, commits a felony of the third degree, punishable as
 1176 provided in s. 775.082, s. 775.083, or s. 775.084. The fact that
 1177 an undercover operative or law enforcement officer was involved
 1178 in the detection and investigation of an offense under this
 1179 section shall not constitute a defense to a prosecution under
 1180 this section.
 1181 (3) CERTAIN USES OF COMPUTER SERVICES OR DEVICES
 1182 PROHIBITED.—A Any person who knowingly uses a computer online
 1183 service, Internet service, local bulletin board service, or ~~any~~
 1184 other device capable of electronic data storage or transmission
 1185 to:
 1186 (a) Seduce, solicit, lure, or entice, or attempt to seduce,
 1187 solicit, lure, or entice, a child or another person believed by
 1188 the person to be a child, to commit an any illegal act described
 1189 in chapter 794, chapter 800, former s. 827.071 ~~or chapter 827,~~

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1190 s. 847.003, or s. 847.0137, or to otherwise engage in ~~any~~
 1191 unlawful sexual conduct with a child or with another person
 1192 believed by the person to be a child; or
 1193 (b) Solicit, lure, or entice, or attempt to solicit, lure,
 1194 or entice a parent, legal guardian, or custodian of a child or a
 1195 person believed to be a parent, legal guardian, or custodian of
 1196 a child to consent to the participation of such child in an any
 1197 act described in chapter 794, chapter 800, former s. 827.071 ~~or~~
 1198 chapter 827, s. 847.003, or s. 847.0137, or to otherwise engage
 1199 in ~~any~~ sexual conduct,
 1200
 1201 commits a felony of the third degree, punishable as provided in
 1202 s. 775.082, s. 775.083, or s. 775.084. A Any person who, in
 1203 violating this subsection, misrepresents his or her age, commits
 1204 a felony of the second degree, punishable as provided in s.
 1205 775.082, s. 775.083, or s. 775.084. Each separate use of a
 1206 computer online service, Internet service, local bulletin board
 1207 service, or ~~any~~ other device capable of electronic data storage
 1208 or transmission wherein an offense described in this section is
 1209 committed may be charged as a separate offense.
 1210 (4) TRAVELING TO MEET A MINOR.—A Any person who travels any
 1211 distance either within this state, to this state, or from this
 1212 state by any means, who attempts to do so, or who causes another
 1213 to do so or to attempt to do so for the purpose of engaging in
 1214 an any illegal act described in chapter 794, chapter 800, former
 1215 s. 827.071 ~~or chapter 827, s. 847.003, or s. 847.0137,~~ or to
 1216 otherwise engage in other unlawful sexual conduct with a child
 1217 or with another person believed by the person to be a child
 1218 after using a computer online service, Internet service, local

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1219 bulletin board service, or ~~any~~ other device capable of
1220 electronic data storage or transmission to:

1221 (a) Seduce, solicit, lure, or entice or attempt to seduce,
1222 solicit, lure, or entice a child or another person believed by
1223 the person to be a child, to engage in an ~~any~~ illegal act
1224 described in chapter 794, chapter 800, ~~former s. 827.071 or~~
1225 ~~chapter 827, s. 847.003, or s. 847.0137,~~ or to otherwise engage
1226 in other unlawful sexual conduct with a child; or

1227 (b) Solicit, lure, or entice or attempt to solicit, lure,
1228 or entice a parent, legal guardian, or custodian of a child or a
1229 person believed to be a parent, legal guardian, or custodian of
1230 a child to consent to the participation of such child in an ~~any~~
1231 act described in chapter 794, chapter 800, ~~former s. 827.071 or~~
1232 ~~chapter 827, s. 847.003, or s. 847.0137,~~ or to otherwise engage
1233 in any sexual conduct,

1234
1235 commits a felony of the second degree, punishable as provided in
1236 s. 775.082, s. 775.083, or s. 775.084.

1237 Section 32. Subsection (1) of section 847.01357, Florida
1238 Statutes, is amended to read:

1239 847.01357 Exploited children's civil remedy.—

1240 (1) A ~~Any~~ person who, while under the age of 18, was a
1241 victim of a sexual abuse crime listed in chapter 794, chapter
1242 800, ~~former s. 827.071 chapter 827,~~ or chapter 847, where any
1243 portion of such abuse was used in the production of child
1244 pornography, and who suffers personal or psychological injury as
1245 a result of the production, promotion, or possession of such
1246 images or movies, may bring an action in an appropriate state
1247 court against the producer, promoter, or possessor of such

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1248 images or movies, regardless of whether the victim is now an
1249 adult. In any action brought under this section, a prevailing
1250 plaintiff shall recover the actual damages such person sustained
1251 and the cost of the suit, including reasonable attorney
1252 attorney's fees. A ~~Any~~ victim who is awarded damages under this
1253 section shall be deemed to have sustained damages of at least
1254 \$150,000.

1255 Section 33. Section 847.0137, Florida Statutes, is amended
1256 to read:

1257 847.0137 Child pornography; Transmission of pornography by
1258 electronic device or equipment prohibited acts; penalties.—

1259 (1) For purposes of this section, the term:

1260 (a) "Child pornography" means a visual depiction of sexual
1261 conduct, in which:

1262 1. The production of such visual depiction involves the use
1263 of a minor engaging in sexual conduct; or

1264 2. Such visual depiction has been created, adapted, or
1265 modified to appear that an identifiable minor is engaging in
1266 sexual conduct "Minor" means any person less than 18 years of
1267 age.

1268 (b) "Identifiable minor" means a person who is recognizable
1269 as an actual person by the person's face, likeness, or other
1270 distinguishing characteristic, such as a unique birthmark, or
1271 other recognizable feature and:

1272 1. Who was a minor at the time the visual depiction was
1273 created, adapted, or modified; or

1274 2. Whose image as a minor was used in creating, adapting,
1275 or modifying the visual depiction.

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1277 This paragraph does not require proof of the actual identity of
 1278 the identifiable minor.

1279 (c) "Intentionally view" means to deliberately,
 1280 purposefully, and voluntarily view. Proof of intentional viewing
 1281 requires establishing that a person deliberately, purposefully,
 1282 and voluntarily viewed more than one visual depiction over any
 1283 period of time.

1284 (d) "Promote" means to procure, manufacture, issue, sell,
 1285 give, provide, lend, mail, deliver, transfer, transmute,
 1286 publish, distribute, circulate, disseminate, present, exhibit,
 1287 or advertise or to offer or agree to do the same.

1288 (e) ~~(b)~~ "Transmit" means the act of sending and causing to
 1289 be delivered, including the act of providing access for
 1290 receiving and causing to be delivered, a visual depiction ~~any~~
 1291 image, information, or data ~~from one or more persons or places~~
 1292 to one or more other persons or places over or through any
 1293 medium, including the Internet or an interconnected network, by
 1294 use of ~~any~~ electronic equipment or other device.

1295 (f) "Visual depiction" includes, but is not limited to, a
 1296 photograph, picture, image, motion picture, film, video,
 1297 representation, or computer or computer-generated image or
 1298 picture, whether made or produced by electronic, mechanical, or
 1299 other means. The term also includes undeveloped film and
 1300 videotape, data stored on computer disk or by electronic means
 1301 which is capable of conversion into a visual image, and data
 1302 that is capable of conversion into a visual image that has been
 1303 transmitted by any means, whether stored in a permanent or
 1304 nonpermanent format.

1305 (2) (a) It is unlawful for a person to possess, with the

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1306 intent to promote, child pornography. The possession of three or
 1307 more visual depictions of child pornography is prima facie
 1308 evidence of an intent to promote. A person who violates this
 1309 paragraph commits a felony of the second degree, punishable as
 1310 provided in s. 775.082, s. 775.083, or s. 775.084.

1311 (b) It is unlawful for a person to knowingly possess,
 1312 control, or intentionally view child pornography. The
 1313 possession, control, or intentional viewing of each visual
 1314 depiction of child pornography is a separate offense. If the
 1315 visual depiction includes sexual conduct by more than one minor,
 1316 each minor in each visual depiction that is knowingly possessed,
 1317 controlled, or intentionally viewed is a separate offense. A
 1318 person who violates this paragraph commits a felony of the third
 1319 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1320 775.084.

1321 (c) This subsection does not apply to child pornography
 1322 possessed, controlled, or intentionally viewed as part of a law
 1323 enforcement investigation.

1324 (d) Prosecution of a person for an offense under this
 1325 subsection does not prohibit prosecution of that person in this
 1326 state for a violation of any law of this state, including a law
 1327 providing for greater penalties than prescribed in this section,
 1328 or for any other crime punishing the sexual performance or
 1329 sexual exploitation of children.

1330 (3) (a) ~~(2)~~ Notwithstanding ss. 847.012 and 847.0133, a ~~any~~
 1331 person in this state who knew or reasonably should have known
 1332 that he or she was transmitting child pornography, ~~as defined in~~
 1333 s. 847.001, to another person in this state or in another
 1334 jurisdiction commits a felony of the third degree, punishable as

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1335 provided in s. 775.082, s. 775.083, or s. 775.084.

1336 ~~(b)(3)~~ Notwithstanding ss. 847.012 and 847.0133, a any
 1337 person in any jurisdiction other than this state who knew or
 1338 reasonably should have known that he or she was transmitting
 1339 child pornography, ~~as defined in s. 847.001,~~ to another any
 1340 person in this state commits a felony of the third degree,
 1341 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1342 ~~(c)(4)~~ This subsection does ~~section shall not be construed~~
 1343 ~~to~~ prohibit prosecution of a person in this state or another
 1344 jurisdiction for a violation of any law of this state, including
 1345 a law providing for greater penalties than prescribed in this
 1346 subsection section, for the transmission of child pornography,
 1347 ~~as defined in s. 847.001,~~ to another any person in this state.

1348 ~~(d)(5)~~ A person is subject to prosecution in this state
 1349 pursuant to chapter 910 for any act or conduct proscribed by
 1350 this subsection section, including a person in a jurisdiction
 1351 other than this state, if the act or conduct violates paragraph

1352 ~~(b) subsection (3).~~

1353 ~~(e)~~ This subsection does ~~The provisions of this section do~~
 1354 not apply to subscription-based transmissions such as list
 1355 servers.

1356 Section 34. Subsection (1) of section 856.022, Florida
 1357 Statutes, is amended to read:

1358 856.022 Loitering or prowling by certain offenders in close
 1359 proximity to children; penalty.—

1360 (1) Except as provided in subsection (2), this section
 1361 applies to a person convicted of committing, or attempting,
 1362 soliciting, or conspiring to commit, any of the criminal
 1363 offenses proscribed in the following statutes in this state or

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1364 similar offenses in another jurisdiction against a victim who
 1365 was under 18 years of age at the time of the offense: s. 787.01,
 1366 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 1367 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;
 1368 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025;
 1369 former s. 827.071; s. 847.003; s. 847.0133; s. 847.0135,
 1370 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
 1371 s. 985.701(1); or any similar offense committed in this state
 1372 which has been redesignated from a former statute number to one
 1373 of those listed in this subsection, if the person has not
 1374 received a pardon for any felony or similar law of another
 1375 jurisdiction necessary for the operation of this subsection and
 1376 a conviction of a felony or similar law of another jurisdiction
 1377 necessary for the operation of this subsection has not been set
 1378 aside in any postconviction proceeding.

1379 Section 35. Paragraph (a) of subsection (8) of section
 1380 895.02, Florida Statutes, is amended to read:

1381 895.02 Definitions.—As used in ss. 895.01-895.08, the term:
 1382 (8) "Racketeering activity" means to commit, to attempt to
 1383 commit, to conspire to commit, or to solicit, coerce, or
 1384 intimidate another person to commit:

1385 (a) Any crime that is chargeable by petition, indictment,
 1386 or information under the following provisions of the Florida
 1387 Statutes:

1388 1. Section 210.18, relating to evasion of payment of
 1389 cigarette taxes.

1390 2. Section 316.1935, relating to fleeing or attempting to
 1391 elude a law enforcement officer and aggravated fleeing or
 1392 eluding.

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1393 3. Section 403.727(3)(b), relating to environmental
 1394 control.

1395 4. Section 409.920 or s. 409.9201, relating to Medicaid
 1396 fraud.

1397 5. Section 414.39, relating to public assistance fraud.

1398 6. Section 440.105 or s. 440.106, relating to workers'
 1399 compensation.

1400 7. Section 443.071(4), relating to creation of a fictitious
 1401 employer scheme to commit reemployment assistance fraud.

1402 8. Section 465.0161, relating to distribution of medicinal
 1403 drugs without a permit as an Internet pharmacy.

1404 9. Section 499.0051, relating to crimes involving
 1405 contraband, adulterated, or misbranded drugs.

1406 10. Part IV of chapter 501, relating to telemarketing.

1407 11. Chapter 517, relating to sale of securities and
 1408 investor protection.

1409 12. Section 550.235 or s. 550.3551, relating to dogracing
 1410 and horseracing.

1411 13. Chapter 550, relating to jai alai frontons.

1412 14. Section 551.109, relating to slot machine gaming.

1413 15. Chapter 552, relating to the manufacture, distribution,
 1414 and use of explosives.

1415 16. Chapter 560, relating to money transmitters, if the
 1416 violation is punishable as a felony.

1417 17. Chapter 562, relating to beverage law enforcement.

1418 18. Section 624.401, relating to transacting insurance
 1419 without a certificate of authority, s. 624.437(4)(c)1., relating
 1420 to operating an unauthorized multiple-employer welfare
 1421 arrangement, or s. 626.902(1)(b), relating to representing or

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1422 aiding an unauthorized insurer.

1423 19. Section 655.50, relating to reports of currency
 1424 transactions, when such violation is punishable as a felony.

1425 20. Chapter 687, relating to interest and usurious
 1426 practices.

1427 21. Section 721.08, s. 721.09, or s. 721.13, relating to
 1428 real estate timeshare plans.

1429 22. Section 775.13(5)(b), relating to registration of
 1430 persons found to have committed any offense for the purpose of
 1431 benefiting, promoting, or furthering the interests of a criminal
 1432 gang.

1433 23. Section 777.03, relating to commission of crimes by
 1434 accessories after the fact.

1435 24. Chapter 782, relating to homicide.

1436 25. Chapter 784, relating to assault and battery.

1437 26. Chapter 787, relating to kidnapping or human
 1438 trafficking.

1439 27. Chapter 790, relating to weapons and firearms.

1440 28. Chapter 794, relating to sexual battery, but only if
 1441 such crime was committed with the intent to benefit, promote, or
 1442 further the interests of a criminal gang, or for the purpose of
 1443 increasing a criminal gang member's own standing or position
 1444 within a criminal gang.

1445 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
 1446 796.05, or s. 796.07, relating to prostitution.

1447 30. Chapter 806, relating to arson and criminal mischief.

1448 31. Chapter 810, relating to burglary and trespass.

1449 32. Chapter 812, relating to theft, robbery, and related
 1450 crimes.

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1451 33. Chapter 815, relating to computer-related crimes.
 1452 34. Chapter 817, relating to fraudulent practices, false
 1453 pretenses, fraud generally, and credit card crimes.
 1454 35. Chapter 825, relating to abuse, neglect, or
 1455 exploitation of an elderly person or disabled adult.
 1456 36. ~~Former s. Section~~ 827.071, relating to commercial
 1457 sexual exploitation of children.
 1458 37. Section 828.122, relating to fighting or baiting
 1459 animals.
 1460 38. Chapter 831, relating to forgery and counterfeiting.
 1461 39. Chapter 832, relating to issuance of worthless checks
 1462 and drafts.
 1463 40. Section 836.05, relating to extortion.
 1464 41. Chapter 837, relating to perjury.
 1465 42. Chapter 838, relating to bribery and misuse of public
 1466 office.
 1467 43. Chapter 843, relating to obstruction of justice.
 1468 44. Section 847.003, relating to sexual performance by a
 1469 child.
 1470 ~~45.44.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
 1471 or s. 847.07, relating to obscene literature and profanity.
 1472 ~~46.45.~~ Chapter 849, relating to gambling, lottery, gambling
 1473 or gaming devices, slot machines, or any of the provisions
 1474 within that chapter.
 1475 ~~47.46.~~ Chapter 874, relating to criminal gangs.
 1476 ~~48.47.~~ Chapter 893, relating to drug abuse prevention and
 1477 control.
 1478 ~~49.48.~~ Chapter 896, relating to offenses related to
 1479 financial transactions.

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1480 ~~50.49.~~ Sections 914.22 and 914.23, relating to tampering
 1481 with or harassing a witness, victim, or informant, and
 1482 retaliation against a witness, victim, or informant.
 1483 ~~51.50.~~ Sections 918.12 and 918.13, relating to tampering
 1484 with jurors and evidence.
 1485 Section 36. Subsection (8) of section 905.34, Florida
 1486 Statutes, is amended to read:
 1487 905.34 Powers and duties; law applicable.—The jurisdiction
 1488 of a statewide grand jury impaneled under this chapter shall
 1489 extend throughout the state. The subject matter jurisdiction of
 1490 the statewide grand jury shall be limited to the offenses of:
 1491 (8) Any violation of s. 847.003, s. 847.0135, s. 847.0137,
 1492 or s. 847.0138 relating to computer pornography and child
 1493 exploitation prevention, or any offense related to a violation
 1494 of s. 847.003, s. 847.0135, s. 847.0137, or s. 847.0138 or any
 1495 violation of former s. 827.071 when chapter 827 where the crime
 1496 is facilitated by or connected to the use of the Internet or any
 1497 device capable of electronic data storage or transmission;
 1498
 1499 or any attempt, solicitation, or conspiracy to commit any
 1500 violation of the crimes specifically enumerated above, when any
 1501 such offense is occurring, or has occurred, in two or more
 1502 judicial circuits as part of a related transaction or when any
 1503 such offense is connected with an organized criminal conspiracy
 1504 affecting two or more judicial circuits. The statewide grand
 1505 jury may return indictments and presentments irrespective of the
 1506 county or judicial circuit where the offense is committed or
 1507 triable. If an indictment is returned, it shall be certified and
 1508 transferred for trial to the county where the offense was

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1509 committed. The powers and duties of, and law applicable to,
 1510 county grand juries shall apply to a statewide grand jury except
 1511 when such powers, duties, and law are inconsistent with the
 1512 provisions of ss. 905.31-905.40.

1513 Section 37. Paragraph (a) of subsection (1) of section
 1514 934.07, Florida Statutes, is amended to read:

1515 934.07 Authorization for interception of wire, oral, or
 1516 electronic communications.—

1517 (1) The Governor, the Attorney General, the statewide
 1518 prosecutor, or any state attorney may authorize an application
 1519 to a judge of competent jurisdiction for, and such judge may
 1520 grant in conformity with ss. 934.03-934.09 an order authorizing
 1521 or approving the interception of, wire, oral, or electronic
 1522 communications by:

1523 (a) The Department of Law Enforcement or any law
 1524 enforcement agency as defined in s. 934.02 having responsibility
 1525 for the investigation of the offense as to which the application
 1526 is made when such interception may provide or has provided
 1527 evidence of the commission of the offense of murder, kidnapping,
 1528 aircraft piracy, arson, gambling, robbery, burglary, theft,
 1529 dealing in stolen property, criminal usury, bribery, or
 1530 extortion; any felony violation of ss. 790.161-790.166,
 1531 inclusive; any violation of s. 787.06; any violation of chapter
 1532 893; any violation of the provisions of the Florida Anti-Fencing
 1533 Act; any violation of chapter 895; any violation of chapter 896;
 1534 any violation of chapter 815; any violation of chapter 847; any
 1535 violation of former s. 827.071; any violation of s. 944.40; or
 1536 any conspiracy or solicitation to commit any violation of the
 1537 laws of this state relating to the crimes specifically

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1538 enumerated in this paragraph.

1539 Section 38. Section 938.085, Florida Statutes, is amended
 1540 to read:

1541 938.085 Additional cost to fund rape crisis centers.—In
 1542 addition to any sanction imposed when a person pleads guilty or
 1543 nolo contendere to, or is found guilty of, regardless of
 1544 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
 1545 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
 1546 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
 1547 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
 1548 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
 1549 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
 1550 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
 1551 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; former
 1552 s. 827.071; s. 836.10; s. 847.003; s. 847.0133; s. 847.0135
 1553 ~~847.0135(2);~~ s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7),
 1554 (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court
 1555 shall impose a surcharge of \$151. Payment of the surcharge shall
 1556 be a condition of probation, community control, or any other
 1557 court-ordered supervision. The sum of \$150 of the surcharge
 1558 shall be deposited into the Rape Crisis Program Trust Fund
 1559 established within the Department of Health by chapter 2003-140,
 1560 Laws of Florida. The clerk of the court shall retain \$1 of each
 1561 surcharge that the clerk of the court collects as a service
 1562 charge of the clerk's office.

1563 Section 39. Subsection (1) of section 938.10, Florida
 1564 Statutes, is amended to read:

1565 938.10 Additional court cost imposed in cases of certain
 1566 crimes.—

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1567 (1) If a person pleads guilty or nolo contendere to, or is
 1568 found guilty of, regardless of adjudication, any offense against
 1569 a minor in violation of s. 784.085, chapter 787, chapter 794,
 1570 former s. 796.03, former s. 796.035, s. 800.04, chapter 827,
 1571 former s. 827.071, s. 847.003, s. 847.012, s. 847.0133, s.
 1572 847.0135 ~~847.0135(5)~~, s. 847.0137, s. 847.0138, s. 847.0145, s.
 1573 893.147(3), or s. 985.701, or any offense in violation of s.
 1574 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
 1575 court shall impose a court cost of \$151 against the offender in
 1576 addition to any other cost or penalty required by law.

1577 Section 40. Paragraph (h) of subsection (1) of section
 1578 943.0435, Florida Statutes, is amended to read:
 1579 943.0435 Sexual offenders required to register with the
 1580 department; penalty.—

1581 (1) As used in this section, the term:

1582 (h)1. "Sexual offender" means a person who meets the
 1583 criteria in sub-subparagraph a., sub-subparagraph b., sub-
 1584 subparagraph c., or sub-subparagraph d., as follows:

1585 a.(I) Has been convicted of committing, or attempting,
 1586 soliciting, or conspiring to commit, any of the criminal
 1587 offenses proscribed in the following statutes in this state or
 1588 similar offenses in another jurisdiction: s. 393.135(2); s.
 1589 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 1590 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
 1591 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
 1592 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
 1593 810.145(8); s. 825.1025; former s. 827.071; s. 847.003; s.
 1594 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
 1595 847.0138; s. 847.0145; s. 895.03, if the court makes a written

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1596 finding that the racketeering activity involved at least one
 1597 sexual offense listed in this sub-sub-subparagraph or at least
 1598 one offense listed in this sub-sub-subparagraph with sexual
 1599 intent or motive; s. 916.1075(2); or s. 985.701(1); or any
 1600 similar offense committed in this state which has been
 1601 redesignated from a former statute number to one of those listed
 1602 in this sub-sub-subparagraph; and

1603 (II) Has been released on or after October 1, 1997, from
 1604 the sanction imposed for any conviction of an offense described
 1605 in sub-sub-subparagraph (I). For purposes of sub-sub-
 1606 subparagraph (I), a sanction imposed in this state or in any
 1607 other jurisdiction includes, but is not limited to, a fine,
 1608 probation, community control, parole, conditional release,
 1609 control release, or incarceration in a state prison, federal
 1610 prison, private correctional facility, or local detention
 1611 facility;

1612 b. Establishes or maintains a residence in this state and
 1613 who has not been designated as a sexual predator by a court of
 1614 this state but who has been designated as a sexual predator, as
 1615 a sexually violent predator, or by another sexual offender
 1616 designation in another state or jurisdiction and was, as a
 1617 result of such designation, subjected to registration or
 1618 community or public notification, or both, or would be if the
 1619 person were a resident of that state or jurisdiction, without
 1620 regard to whether the person otherwise meets the criteria for
 1621 registration as a sexual offender;

1622 c. Establishes or maintains a residence in this state who
 1623 is in the custody or control of, or under the supervision of,
 1624 any other state or jurisdiction as a result of a conviction for

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1625 committing, or attempting, soliciting, or conspiring to commit,
 1626 any of the criminal offenses proscribed in the following
 1627 statutes or similar offense in another jurisdiction: s.
 1628 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 1629 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
 1630 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
 1631 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
 1632 s. 800.04; s. 810.145(8); s. 825.1025; former s. 827.071; s.
 1633 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
 1634 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
 1635 makes a written finding that the racketeering activity involved
 1636 at least one sexual offense listed in this sub-subparagraph or
 1637 at least one offense listed in this sub-subparagraph with sexual
 1638 intent or motive; s. 916.1075(2); or s. 985.701(1); or any
 1639 similar offense committed in this state which has been
 1640 redesignated from a former statute number to one of those listed
 1641 in this sub-subparagraph; or
 1642 d. On or after July 1, 2007, has been adjudicated
 1643 delinquent for committing, or attempting, soliciting, or
 1644 conspiring to commit, any of the criminal offenses proscribed in
 1645 the following statutes in this state or similar offenses in
 1646 another jurisdiction when the juvenile was 14 years of age or
 1647 older at the time of the offense:
 1648 (I) Section 794.011, excluding s. 794.011(10);
 1649 (II) Section 800.04(4)(a)2. where the victim is under 12
 1650 years of age or where the court finds sexual activity by the use
 1651 of force or coercion;
 1652 (III) Section 800.04(5)(c)1. where the court finds
 1653 molestation involving unclothed genitals;

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1654 (IV) Section 800.04(5)(d) where the court finds the use of
 1655 force or coercion and unclothed genitals; or
 1656 (V) Any similar offense committed in this state which has
 1657 been redesignated from a former statute number to one of those
 1658 listed in this sub-subparagraph.
 1659 2. For all qualifying offenses listed in sub-subparagraph
 1660 1.d., the court shall make a written finding of the age of the
 1661 offender at the time of the offense.
 1662
 1663 For each violation of a qualifying offense listed in this
 1664 subsection, except for a violation of s. 794.011, the court
 1665 shall make a written finding of the age of the victim at the
 1666 time of the offense. For a violation of s. 800.04(4), the court
 1667 shall also make a written finding indicating whether the offense
 1668 involved sexual activity and indicating whether the offense
 1669 involved force or coercion. For a violation of s. 800.04(5), the
 1670 court shall also make a written finding that the offense did or
 1671 did not involve unclothed genitals or genital area and that the
 1672 offense did or did not involve the use of force or coercion.
 1673 Section 41. Paragraph (a) of subsection (1) and subsection
 1674 (3) of section 943.04354, Florida Statutes, are amended to read:
 1675 943.04354 Removal of the requirement to register as a
 1676 sexual offender or sexual predator in special circumstances.—
 1677 (1) For purposes of this section, a person shall be
 1678 considered for removal of the requirement to register as a
 1679 sexual offender or sexual predator only if the person:
 1680 (a) Was convicted, regardless of adjudication, or
 1681 adjudicated delinquent of a violation of s. 800.04, former s.
 1682 827.071, s. 847.003, ~~s.~~ s. 847.0135(5), or s. 847.0137(2) or of

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1683 a similar offense in another jurisdiction and if the person does
 1684 not have any other conviction, regardless of adjudication, or
 1685 adjudication of delinquency for a violation of s. 794.011, s.
 1686 800.04, former s. 827.071, s. 847.003, ~~s. 847.0135(5)~~, or s.

1687 847.0137(2) or for a similar offense in another jurisdiction;

1688 (3) If a person provides to the Department of Law
 1689 Enforcement a certified copy of the court's order removing the
 1690 requirement that the person register as a sexual offender or
 1691 sexual predator for the violation of s. 794.011, s. 800.04,
 1692 former s. 827.071, s. 847.003, ~~s. 847.0135(5)~~, or s.
 1693 847.0137(2) or a similar offense in another jurisdiction, the
 1694 registration requirement will not apply to the person and the
 1695 department shall remove all information about the person from
 1696 the public registry of sexual offenders and sexual predators
 1697 maintained by the department. However, the removal of this
 1698 information from the public registry does not mean that the
 1699 public is denied access to information about the person's
 1700 criminal history or record that is otherwise available as a
 1701 public record.

1702 Section 42. Section 943.0585, Florida Statutes, is amended
 1703 to read:

1704 943.0585 Court-ordered expunction of criminal history
 1705 records.—The courts of this state have jurisdiction over their
 1706 own procedures, including the maintenance, expunction, and
 1707 correction of judicial records containing criminal history
 1708 information to the extent such procedures are not inconsistent
 1709 with the conditions, responsibilities, and duties established by
 1710 this section. Any court of competent jurisdiction may order a
 1711 criminal justice agency to expunge the criminal history record

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1712 of a minor or an adult who complies with the requirements of
 1713 this section. The court shall not order a criminal justice
 1714 agency to expunge a criminal history record until the person
 1715 seeking to expunge a criminal history record has applied for and
 1716 received a certificate of eligibility for expunction pursuant to
 1717 subsection (2) or subsection (5). A criminal history record that
 1718 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,
 1719 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,
 1720 s. 825.1025, former s. 827.071, chapter 839, s. 847.003, s.
 1721 847.0133, s. 847.0135, s. 847.0137(2), s. 847.0145, s. 893.135,
 1722 s. 916.1075, a violation enumerated in s. 907.041, or any
 1723 violation specified as a predicate offense for registration as a
 1724 sexual predator pursuant to s. 775.21, without regard to whether
 1725 that offense alone is sufficient to require such registration,
 1726 or for registration as a sexual offender pursuant to s.
 1727 943.0435, may not be expunged, without regard to whether
 1728 adjudication was withheld, if the defendant was found guilty of
 1729 or pled guilty or nolo contendere to the offense, or if the
 1730 defendant, as a minor, was found to have committed, or pled
 1731 guilty or nolo contendere to committing, the offense as a
 1732 delinquent act. The court may only order expunction of a
 1733 criminal history record pertaining to one arrest or one incident
 1734 of alleged criminal activity, except as provided in this
 1735 section. The court may, at its sole discretion, order the
 1736 expunction of a criminal history record pertaining to more than
 1737 one arrest if the additional arrests directly relate to the
 1738 original arrest. If the court intends to order the expunction of
 1739 records pertaining to such additional arrests, such intent must
 1740 be specified in the order. A criminal justice agency may not

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 1741 expunge any record pertaining to such additional arrests if the
 1742 order to expunge does not articulate the intention of the court
 1743 to expunge a record pertaining to more than one arrest. This
 1744 section does not prevent the court from ordering the expunction
 1745 of only a portion of a criminal history record pertaining to one
 1746 arrest or one incident of alleged criminal activity.
 1747 Notwithstanding any law to the contrary, a criminal justice
 1748 agency may comply with laws, court orders, and official requests
 1749 of other jurisdictions relating to expunction, correction, or
 1750 confidential handling of criminal history records or information
 1751 derived therefrom. This section does not confer any right to the
 1752 expunction of any criminal history record, and any request for
 1753 expunction of a criminal history record may be denied at the
 1754 sole discretion of the court.

1755 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each
 1756 petition to a court to expunge a criminal history record is
 1757 complete only when accompanied by:

1758 (a) A valid certificate of eligibility for expunction
 1759 issued by the department pursuant to subsection (2).

1760 (b) The petitioner's sworn statement attesting that the
 1761 petitioner:

1762 1. Has never, prior to the date on which the petition is
 1763 filed, been adjudicated guilty of a criminal offense or
 1764 comparable ordinance violation, or been adjudicated delinquent
 1765 for committing any felony or a misdemeanor specified in s.
 1766 943.051(3)(b).

1767 2. Has not been adjudicated guilty of, or adjudicated
 1768 delinquent for committing, any of the acts stemming from the
 1769 arrest or alleged criminal activity to which the petition

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 1770 pertains.

1771 3. Has never secured a prior sealing or expunction of a
 1772 criminal history record under this section, s. 943.059, former
 1773 s. 893.14, former s. 901.33, or former s. 943.058, unless
 1774 expunction is sought of a criminal history record previously
 1775 sealed for 10 years pursuant to paragraph (2)(h) and the record
 1776 is otherwise eligible for expunction.

1777 4. Is eligible for such an expunction to the best of his or
 1778 her knowledge or belief and does not have any other petition to
 1779 expunge or any petition to seal pending before any court.

1780
 1781 Any person who knowingly provides false information on such
 1782 sworn statement to the court commits a felony of the third
 1783 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1784 775.084.

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

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1799 eligibility for expunction to a person who is the subject of a
 1800 criminal history record if that person:

1801 (a) Has obtained, and submitted to the department, a
 1802 written, certified statement from the appropriate state attorney
 1803 or statewide prosecutor which indicates:

1804 1. That an indictment, information, or other charging
 1805 document was not filed or issued in the case.

1806 2. That an indictment, information, or other charging
 1807 document, if filed or issued in the case, was dismissed or nolle
 1808 prosequi by the state attorney or statewide prosecutor, or was
 1809 dismissed by a court of competent jurisdiction, and that none of
 1810 the charges related to the arrest or alleged criminal activity
 1811 to which the petition to expunge pertains resulted in a trial,
 1812 without regard to whether the outcome of the trial was other
 1813 than an adjudication of guilt.

1814 3. That the criminal history record does not relate to a
 1815 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
 1816 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
 1817 former s. 827.071, chapter 839, s. 847.003, s. 847.0133, s.
 1818 847.0135, s. 847.0137(2), s. 847.0145, s. 893.135, s. 916.1075,
 1819 a violation enumerated in s. 907.041, or any violation specified
 1820 as a predicate offense for registration as a sexual predator
 1821 pursuant to s. 775.21, without regard to whether that offense
 1822 alone is sufficient to require such registration, or for
 1823 registration as a sexual offender pursuant to s. 943.0435, where
 1824 the defendant was found guilty of, or pled guilty or nolo
 1825 contendere to any such offense, or that the defendant, as a
 1826 minor, was found to have committed, or pled guilty or nolo
 1827 contendere to committing, such an offense as a delinquent act,

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1828 without regard to whether adjudication was withheld.

1829 (b) Remits a \$75 processing fee to the department for
 1830 placement in the Department of Law Enforcement Operating Trust
 1831 Fund, unless such fee is waived by the executive director.

1832 (c) Has submitted to the department a certified copy of the
 1833 disposition of the charge to which the petition to expunge
 1834 pertains.

1835 (d) Has never, prior to the date on which the application
 1836 for a certificate of eligibility is filed, been adjudicated
 1837 guilty of a criminal offense or comparable ordinance violation,
 1838 or been adjudicated delinquent for committing any felony or a
 1839 misdemeanor specified in s. 943.051(3)(b).

1840 (e) Has not been adjudicated guilty of, or adjudicated
 1841 delinquent for committing, any of the acts stemming from the
 1842 arrest or alleged criminal activity to which the petition to
 1843 expunge pertains.

1844 (f) Has never secured a prior sealing or expunction of a
 1845 criminal history record under this section, s. 943.059, former
 1846 s. 893.14, former s. 901.33, or former s. 943.058, unless
 1847 expunction is sought of a criminal history record previously
 1848 sealed for 10 years pursuant to paragraph (h) and the record is
 1849 otherwise eligible for expunction.

1850 (g) Is no longer under court supervision applicable to the
 1851 disposition of the arrest or alleged criminal activity to which
 1852 the petition to expunge pertains.

1853 (h) Has previously obtained a court order sealing the
 1854 record under this section, former s. 893.14, former s. 901.33,
 1855 or former s. 943.058 for a minimum of 10 years because
 1856 adjudication was withheld or because all charges related to the

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1857 arrest or alleged criminal activity to which the petition to
 1858 expunge pertains were not dismissed prior to trial, without
 1859 regard to whether the outcome of the trial was other than an
 1860 adjudication of guilt. The requirement for the record to have
 1861 previously been sealed for a minimum of 10 years does not apply
 1862 when a plea was not entered or all charges related to the arrest
 1863 or alleged criminal activity to which the petition to expunge
 1864 pertains were dismissed prior to trial.

1865 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

1866 (a) In judicial proceedings under this section, a copy of
 1867 the completed petition to expunge shall be served upon the
 1868 appropriate state attorney or the statewide prosecutor and upon
 1869 the arresting agency; however, it is not necessary to make any
 1870 agency other than the state a party. The appropriate state
 1871 attorney or the statewide prosecutor and the arresting agency
 1872 may respond to the court regarding the completed petition to
 1873 expunge.

1874 (b) If relief is granted by the court, the clerk of the
 1875 court shall certify copies of the order to the appropriate state
 1876 attorney or the statewide prosecutor and the arresting agency.
 1877 The arresting agency is responsible for forwarding the order to
 1878 any other agency to which the arresting agency disseminated the
 1879 criminal history record information to which the order pertains.
 1880 The department shall forward the order to expunge to the Federal
 1881 Bureau of Investigation. The clerk of the court shall certify a
 1882 copy of the order to any other agency which the records of the
 1883 court reflect has received the criminal history record from the
 1884 court.

1885 (c) For an order to expunge entered by a court prior to

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1886 July 1, 1992, the department shall notify the appropriate state
 1887 attorney or statewide prosecutor of an order to expunge which is
 1888 contrary to law because the person who is the subject of the
 1889 record has previously been convicted of a crime or comparable
 1890 ordinance violation or has had a prior criminal history record
 1891 sealed or expunged. Upon receipt of such notice, the appropriate
 1892 state attorney or statewide prosecutor shall take action, within
 1893 60 days, to correct the record and petition the court to void
 1894 the order to expunge. The department shall seal the record until
 1895 such time as the order is voided by the court.

1896 (d) On or after July 1, 1992, the department or any other
 1897 criminal justice agency is not required to act on an order to
 1898 expunge entered by a court when such order does not comply with
 1899 the requirements of this section. Upon receipt of such an order,
 1900 the department must notify the issuing court, the appropriate
 1901 state attorney or statewide prosecutor, the petitioner or the
 1902 petitioner's attorney, and the arresting agency of the reason
 1903 for noncompliance. The appropriate state attorney or statewide
 1904 prosecutor shall take action within 60 days to correct the
 1905 record and petition the court to void the order. No cause of
 1906 action, including contempt of court, shall arise against any
 1907 criminal justice agency for failure to comply with an order to
 1908 expunge when the petitioner for such order failed to obtain the
 1909 certificate of eligibility as required by this section or such
 1910 order does not otherwise comply with the requirements of this
 1911 section.

1912 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
 1913 criminal history record of a minor or an adult which is ordered
 1914 expunged by a court of competent jurisdiction pursuant to this

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1915 section must be physically destroyed or obliterated by any
 1916 criminal justice agency having custody of such record; except
 1917 that any criminal history record in the custody of the
 1918 department must be retained in all cases. A criminal history
 1919 record ordered expunged that is retained by the department is
 1920 confidential and exempt from the provisions of s. 119.07(1) and
 1921 s. 24(a), Art. I of the State Constitution and not available to
 1922 any person or entity except upon order of a court of competent
 1923 jurisdiction. A criminal justice agency may retain a notation
 1924 indicating compliance with an order to expunge.

1925 (a) The person who is the subject of a criminal history
 1926 record that is expunged under this section or under other
 1927 provisions of law, including former s. 893.14, former s. 901.33,
 1928 and former s. 943.058, may lawfully deny or fail to acknowledge
 1929 the arrests covered by the expunged record, except when the
 1930 subject of the record:

- 1931 1. Is a candidate for employment with a criminal justice
 1932 agency;
- 1933 2. Is a defendant in a criminal prosecution;
- 1934 3. Concurrently or subsequently petitions for relief under
 1935 this section, s. 943.0583, or s. 943.059;
- 1936 4. Is a candidate for admission to The Florida Bar;
- 1937 5. Is seeking to be employed or licensed by or to contract
 1938 with the Department of Children and Families, the Division of
 1939 Vocational Rehabilitation within the Department of Education,
 1940 the Agency for Health Care Administration, the Agency for
 1941 Persons with Disabilities, the Department of Health, the
 1942 Department of Elderly Affairs, or the Department of Juvenile
 1943 Justice or to be employed or used by such contractor or licensee

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1944 in a sensitive position having direct contact with children, the
 1945 disabled, or the elderly;

1946 6. Is seeking to be employed or licensed by the Department
 1947 of Education, any district school board, any university
 1948 laboratory school, any charter school, any private or parochial
 1949 school, or any local governmental entity that licenses child
 1950 care facilities;

1951 7. Is seeking to be licensed by the Division of Insurance
 1952 Agent and Agency Services within the Department of Financial
 1953 Services; or

1954 8. Is seeking to be appointed as a guardian pursuant to s.
 1955 744.3125.

1956 (b) Subject to the exceptions in paragraph (a), a person
 1957 who has been granted an expunction under this section, former s.
 1958 893.14, former s. 901.33, or former s. 943.058 may not be held
 1959 under any provision of law of this state to commit perjury or to
 1960 be otherwise liable for giving a false statement by reason of
 1961 such person's failure to recite or acknowledge an expunged
 1962 criminal history record.

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

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 1973 entity set forth in subparagraph (a)1., subparagraph (a)4.,
 1974 subparagraph (a)5., subparagraph (a)6., subparagraph (a)7., or
 1975 subparagraph (a)8. to disclose information relating to the
 1976 existence of an expunged criminal history record of a person
 1977 seeking employment, access authorization, or licensure with such
 1978 entity or contractor, except to the person to whom the criminal
 1979 history record relates or to persons having direct
 1980 responsibility for employment, access authorization, or
 1981 licensure decisions. Any person who violates this paragraph
 1982 commits a misdemeanor of the first degree, punishable as
 1983 provided in s. 775.082 or s. 775.083.

(5) EXCEPTION FOR LAWFUL SELF-DEFENSE.—Notwithstanding the
 1985 eligibility requirements prescribed in paragraph (1)(b) and
 1986 subsection (2), the department shall issue a certificate of
 1987 eligibility for expunction under this subsection to a person who
 1988 is the subject of a criminal history record if that person:

(a) Has obtained, and submitted to the department, on a
 1989 form provided by the department, a written, certified statement
 1990 from the appropriate state attorney or statewide prosecutor
 1991 which states whether an information, indictment, or other
 1992 charging document was not filed or was dismissed by the state
 1993 attorney, or dismissed by the court, because it was found that
 1994 the person acted in lawful self-defense pursuant to the
 1995 provisions related to justifiable use of force in chapter 776.

(b) Each petition to a court to expunge a criminal history
 1996 record pursuant to this subsection is complete only when
 1997 accompanied by:
 1998

1. A valid certificate of eligibility for expunction issued
 2000 by the department pursuant to this subsection.
 2001

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 2002 2. The petitioner's sworn statement attesting that the
 2003 petitioner is eligible for such an expunction to the best of his
 2004 or her knowledge or belief.
 2005

Any person who knowingly provides false information on such
 2006 sworn statement to the court commits a felony of the third
 2007 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2008 775.084.
 2009

(c) This subsection does not confer any right to the
 2010 expunction of a criminal history record, and any request for
 2011 expunction of a criminal history record may be denied at the
 2012 discretion of the court.
 2013

(d) Subsections (3) and (4) shall apply to expunction
 2014 ordered under this subsection.
 2015

(e) The department shall, by rule adopted pursuant to
 2016 chapter 120, establish procedures pertaining to the application
 2017 for and issuance of certificates of eligibility for expunction
 2018 under this subsection.
 2019

(6) STATUTORY REFERENCES.—Any reference to any other
 2020 chapter, section, or subdivision of the Florida Statutes in this
 2021 section constitutes a general reference under the doctrine of
 2022 incorporation by reference.
 2023

Section 43. Section 943.059, Florida Statutes, is amended
 2024 to read:
 2025

943.059 Court-ordered sealing of criminal history records.—
 2026 The courts of this state shall continue to have jurisdiction
 2027 over their own procedures, including the maintenance, sealing,
 2028 and correction of judicial records containing criminal history
 2029 information to the extent such procedures are not inconsistent
 2030

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2031 with the conditions, responsibilities, and duties established by
 2032 this section. Any court of competent jurisdiction may order a
 2033 criminal justice agency to seal the criminal history record of a
 2034 minor or an adult who complies with the requirements of this
 2035 section. The court shall not order a criminal justice agency to
 2036 seal a criminal history record until the person seeking to seal
 2037 a criminal history record has applied for and received a
 2038 certificate of eligibility for sealing pursuant to subsection
 2039 (2). A criminal history record that relates to a violation of s.
 2040 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
 2041 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, former s.
 2042 827.071, chapter 839, s. 847.003, s. 847.0133, s. 847.0135, s.
 2043 847.0137(2), s. 847.0145, s. 893.135, s. 916.1075, a violation
 2044 enumerated in s. 907.041, or any violation specified as a
 2045 predicate offense for registration as a sexual predator pursuant
 2046 to s. 775.21, without regard to whether that offense alone is
 2047 sufficient to require such registration, or for registration as
 2048 a sexual offender pursuant to s. 943.0435, may not be sealed,
 2049 without regard to whether adjudication was withheld, if the
 2050 defendant was found guilty of or pled guilty or nolo contendere
 2051 to the offense, or if the defendant, as a minor, was found to
 2052 have committed or pled guilty or nolo contendere to committing
 2053 the offense as a delinquent act. The court may only order
 2054 sealing of a criminal history record pertaining to one arrest or
 2055 one incident of alleged criminal activity, except as provided in
 2056 this section. The court may, at its sole discretion, order the
 2057 sealing of a criminal history record pertaining to more than one
 2058 arrest if the additional arrests directly relate to the original
 2059 arrest. If the court intends to order the sealing of records

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2060 pertaining to such additional arrests, such intent must be
 2061 specified in the order. A criminal justice agency may not seal
 2062 any record pertaining to such additional arrests if the order to
 2063 seal does not articulate the intention of the court to seal
 2064 records pertaining to more than one arrest. This section does
 2065 not prevent the court from ordering the sealing of only a
 2066 portion of a criminal history record pertaining to one arrest or
 2067 one incident of alleged criminal activity. Notwithstanding any
 2068 law to the contrary, a criminal justice agency may comply with
 2069 laws, court orders, and official requests of other jurisdictions
 2070 relating to sealing, correction, or confidential handling of
 2071 criminal history records or information derived therefrom. This
 2072 section does not confer any right to the sealing of any criminal
 2073 history record, and any request for sealing a criminal history
 2074 record may be denied at the sole discretion of the court.

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

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

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

1. Has never, prior to the date on which the petition is
 filed, been adjudicated guilty of a criminal offense or
 comparable ordinance violation, or been adjudicated delinquent
 for committing any felony or a misdemeanor specified in s.
 943.051(3)(b).
2. Has not been adjudicated guilty of or adjudicated
 delinquent for committing any of the acts stemming from the

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2089 arrest or alleged criminal activity to which the petition to
2090 seal pertains.

2091 3. Has never secured a prior sealing or expunction of a
2092 criminal history record under this section, s. 943.0585, former
2093 s. 893.14, former s. 901.33, or former s. 943.058.

2094 4. Is eligible for such a sealing to the best of his or her
2095 knowledge or belief and does not have any other petition to seal
2096 or any petition to expunge pending before any court.

2097

2098 Any person who knowingly provides false information on such
2099 sworn statement to the court commits a felony of the third
2100 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2101 775.084.

2102 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to
2103 petitioning the court to seal a criminal history record, a
2104 person seeking to seal a criminal history record shall apply to
2105 the department for a certificate of eligibility for sealing. The
2106 department shall, by rule adopted pursuant to chapter 120,
2107 establish procedures pertaining to the application for and
2108 issuance of certificates of eligibility for sealing. A
2109 certificate of eligibility for sealing is valid for 12 months
2110 after the date stamped on the certificate when issued by the
2111 department. After that time, the petitioner must reapply to the
2112 department for a new certificate of eligibility. Eligibility for
2113 a renewed certification of eligibility must be based on the
2114 status of the applicant and the law in effect at the time of the
2115 renewal application. The department shall issue a certificate of
2116 eligibility for sealing to a person who is the subject of a
2117 criminal history record provided that such person:

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2118 (a) Has submitted to the department a certified copy of the
2119 disposition of the charge to which the petition to seal
2120 pertains.

2121 (b) Remits a \$75 processing fee to the department for
2122 placement in the Department of Law Enforcement Operating Trust
2123 Fund, unless such fee is waived by the executive director.

2124 (c) Has never, prior to the date on which the application
2125 for a certificate of eligibility is filed, been adjudicated
2126 guilty of a criminal offense or comparable ordinance violation,
2127 or been adjudicated delinquent for committing any felony or a
2128 misdemeanor specified in s. 943.051(3)(b).

2129 (d) Has not been adjudicated guilty of or adjudicated
2130 delinquent for committing any of the acts stemming from the
2131 arrest or alleged criminal activity to which the petition to
2132 seal pertains.

2133 (e) Has never secured a prior sealing or expunction of a
2134 criminal history record under this section, s. 943.0585, former
2135 s. 893.14, former s. 901.33, or former s. 943.058.

2136 (f) Is no longer under court supervision applicable to the
2137 disposition of the arrest or alleged criminal activity to which
2138 the petition to seal pertains.

2139 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

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

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2147 seal.

2148 (b) If relief is granted by the court, the clerk of the
 2149 court shall certify copies of the order to the appropriate state
 2150 attorney or the statewide prosecutor and to the arresting
 2151 agency. The arresting agency is responsible for forwarding the
 2152 order to any other agency to which the arresting agency
 2153 disseminated the criminal history record information to which
 2154 the order pertains. The department shall forward the order to
 2155 seal to the Federal Bureau of Investigation. The clerk of the
 2156 court shall certify a copy of the order to any other agency
 2157 which the records of the court reflect has received the criminal
 2158 history record from the court.

2159 (c) For an order to seal entered by a court prior to July
 2160 1, 1992, the department shall notify the appropriate state
 2161 attorney or statewide prosecutor of any order to seal which is
 2162 contrary to law because the person who is the subject of the
 2163 record has previously been convicted of a crime or comparable
 2164 ordinance violation or has had a prior criminal history record
 2165 sealed or expunged. Upon receipt of such notice, the appropriate
 2166 state attorney or statewide prosecutor shall take action, within
 2167 60 days, to correct the record and petition the court to void
 2168 the order to seal. The department shall seal the record until
 2169 such time as the order is voided by the court.

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

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2176 petitioner's attorney, and the arresting agency of the reason
 2177 for noncompliance. The appropriate state attorney or statewide
 2178 prosecutor shall take action within 60 days to correct the
 2179 record and petition the court to void the order. No cause of
 2180 action, including contempt of court, shall arise against any
 2181 criminal justice agency for failure to comply with an order to
 2182 seal when the petitioner for such order failed to obtain the
 2183 certificate of eligibility as required by this section or when
 2184 such order does not comply with the requirements of this
 2185 section.

2186 (e) An order sealing a criminal history record pursuant to
 2187 this section does not require that such record be surrendered to
 2188 the court, and such record shall continue to be maintained by
 2189 the department and other criminal justice agencies.

2190 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
 2191 history record of a minor or an adult which is ordered sealed by
 2192 a court pursuant to this section is confidential and exempt from
 2193 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 2194 Constitution and is available only to the person who is the
 2195 subject of the record, to the subject's attorney, to criminal
 2196 justice agencies for their respective criminal justice purposes,
 2197 which include conducting a criminal history background check for
 2198 approval of firearms purchases or transfers as authorized by
 2199 state or federal law, to judges in the state courts system for
 2200 the purpose of assisting them in their case-related
 2201 decisionmaking responsibilities, as set forth in s. 943.053(5),
 2202 or to those entities set forth in subparagraphs (a)1., 4., 5.,
 2203 6., 8., 9., and 10. for their respective licensing, access
 2204 authorization, and employment purposes.

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2205 (a) The subject of a criminal history record sealed under
 2206 this section or under other provisions of law, including former
 2207 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
 2208 deny or fail to acknowledge the arrests covered by the sealed
 2209 record, except when the subject of the record:

- 2210 1. Is a candidate for employment with a criminal justice
 2211 agency;
- 2212 2. Is a defendant in a criminal prosecution;
- 2213 3. Concurrently or subsequently petitions for relief under
 2214 this section, s. 943.0583, or s. 943.0585;
- 2215 4. Is a candidate for admission to The Florida Bar;
- 2216 5. Is seeking to be employed or licensed by or to contract
 2217 with the Department of Children and Families, the Division of
 2218 Vocational Rehabilitation within the Department of Education,
 2219 the Agency for Health Care Administration, the Agency for
 2220 Persons with Disabilities, the Department of Health, the
 2221 Department of Elderly Affairs, or the Department of Juvenile
 2222 Justice or to be employed or used by such contractor or licensee
 2223 in a sensitive position having direct contact with children, the
 2224 disabled, or the elderly;
- 2225 6. Is seeking to be employed or licensed by the Department
 2226 of Education, a district school board, a university laboratory
 2227 school, a charter school, a private or parochial school, or a
 2228 local governmental entity that licenses child care facilities;
- 2229 7. Is attempting to purchase a firearm from a licensed
 2230 importer, licensed manufacturer, or licensed dealer and is
 2231 subject to a criminal history check under state or federal law;
- 2232 8. Is seeking to be licensed by the Division of Insurance
 2233 Agent and Agency Services within the Department of Financial

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2234 Services;

2235 9. Is seeking to be appointed as a guardian pursuant to s.
 2236 744.3125; or

2237 10. Is seeking to be licensed by the Bureau of License
 2238 Issuance of the Division of Licensing within the Department of
 2239 Agriculture and Consumer Services to carry a concealed weapon or
 2240 concealed firearm. This subparagraph applies only in the
 2241 determination of an applicant's eligibility under s. 790.06.

2242 (b) Subject to the exceptions in paragraph (a), a person
 2243 who has been granted a sealing under this section, former s.
 2244 893.14, former s. 901.33, or former s. 943.058 may not be held
 2245 under any provision of law of this state to commit perjury or to
 2246 be otherwise liable for giving a false statement by reason of
 2247 such person's failure to recite or acknowledge a sealed criminal
 2248 history record.

2249 (c) Information relating to the existence of a sealed
 2250 criminal record provided in accordance with the provisions of
 2251 paragraph (a) is confidential and exempt from the provisions of
 2252 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
 2253 except that the department shall disclose the sealed criminal
 2254 history record to the entities set forth in subparagraphs (a)1.,
 2255 4., 5., 6., 8., 9., and 10. for their respective licensing,
 2256 access authorization, and employment purposes. An employee of an
 2257 entity set forth in subparagraph (a)1., subparagraph (a)4.,
 2258 subparagraph (a)5., subparagraph (a)6., subparagraph (a)8.,
 2259 subparagraph (a)9., or subparagraph (a)10. may not disclose
 2260 information relating to the existence of a sealed criminal
 2261 history record of a person seeking employment, access
 2262 authorization, or licensure with such entity or contractor,

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2263 except to the person to whom the criminal history record relates
 2264 or to persons having direct responsibility for employment,
 2265 access authorization, or licensure decisions. A person who
 2266 violates the provisions of this paragraph commits a misdemeanor
 2267 of the first degree, punishable as provided in s. 775.082 or s.
 2268 775.083.

2269 (5) STATUTORY REFERENCES.—Any reference to any other
 2270 chapter, section, or subdivision of the Florida Statutes in this
 2271 section constitutes a general reference under the doctrine of
 2272 incorporation by reference.

2273 Section 44. Paragraph (f) of subsection (1) of section
 2274 944.606, Florida Statutes, is amended to read:

2275 944.606 Sexual offenders; notification upon release.—

2276 (1) As used in this section, the term:

2277 (f) "Sexual offender" means a person who has been convicted
 2278 of committing, or attempting, soliciting, or conspiring to
 2279 commit, any of the criminal offenses proscribed in the following
 2280 statutes in this state or similar offenses in another
 2281 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
 2282 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 2283 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 2284 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 2285 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former
 2286 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.
 2287 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
 2288 if the court makes a written finding that the racketeering
 2289 activity involved at least one sexual offense listed in this
 2290 paragraph or at least one offense listed in this paragraph with
 2291 sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or

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2292 any similar offense committed in this state which has been
 2293 redesignated from a former statute number to one of those listed
 2294 in this subsection, when the department has received verified
 2295 information regarding such conviction; an offender's
 2296 computerized criminal history record is not, in and of itself,
 2297 verified information.

2298 Section 45. Paragraph (f) of subsection (1) of section
 2299 944.607, Florida Statutes, is amended to read:

2300 944.607 Notification to Department of Law Enforcement of
 2301 information on sexual offenders.—

2302 (1) As used in this section, the term:

2303 (f) "Sexual offender" means a person who is in the custody
 2304 or control of, or under the supervision of, the department or is
 2305 in the custody of a private correctional facility:

2306 1. On or after October 1, 1997, as a result of a conviction
 2307 for committing, or attempting, soliciting, or conspiring to
 2308 commit, any of the criminal offenses proscribed in the following
 2309 statutes in this state or similar offenses in another
 2310 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
 2311 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 2312 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 2313 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 2314 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former
 2315 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.
 2316 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
 2317 if the court makes a written finding that the racketeering
 2318 activity involved at least one sexual offense listed in this
 2319 subparagraph or at least one offense listed in this subparagraph
 2320 with sexual intent or motive; s. 916.1075(2); or s. 985.701(1);

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2321 or any similar offense committed in this state which has been
 2322 redesignated from a former statute number to one of those listed
 2323 in this paragraph; or

2324 2. Who establishes or maintains a residence in this state
 2325 and who has not been designated as a sexual predator by a court
 2326 of this state but who has been designated as a sexual predator,
 2327 as a sexually violent predator, or by another sexual offender
 2328 designation in another state or jurisdiction and was, as a
 2329 result of such designation, subjected to registration or
 2330 community or public notification, or both, or would be if the
 2331 person were a resident of that state or jurisdiction, without
 2332 regard as to whether the person otherwise meets the criteria for
 2333 registration as a sexual offender.

2334 Section 46. Subsections (7), (10), and (14) of section
 2335 947.1405, Florida Statutes, are amended, and subsection (15) is
 2336 added to that section, to read:

2337 947.1405 Conditional release program.—

2338 (7) (a) Any inmate who is convicted of a crime committed on
 2339 or after October 1, 1995, or who has been previously convicted
 2340 of a crime committed on or after October 1, 1995, in violation
 2341 of chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or
 2342 s. 847.0145, and is subject to conditional release supervision,
 2343 shall have, in addition to any other conditions imposed, the
 2344 following special conditions imposed by the commission:

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

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2350 commission may consider alternative sanctions.

2351 2. If the victim was under the age of 18, a prohibition on
 2352 living within 1,000 feet of a school, child care facility, park,
 2353 playground, designated public school bus stop, or other place
 2354 where children regularly congregate. A releasee who is subject
 2355 to this subparagraph may not relocate to a residence that is
 2356 within 1,000 feet of a public school bus stop. Beginning October
 2357 1, 2004, the commission or the department may not approve a
 2358 residence that is located within 1,000 feet of a school, child
 2359 care facility, park, playground, designated school bus stop, or
 2360 other place where children regularly congregate for any releasee
 2361 who is subject to this subparagraph. On October 1, 2004, the
 2362 department shall notify each affected school district of the
 2363 location of the residence of a releasee 30 days prior to release
 2364 and thereafter, if the releasee relocates to a new residence,
 2365 shall notify any affected school district of the residence of
 2366 the releasee within 30 days after relocation. If, on October 1,
 2367 2004, any public school bus stop is located within 1,000 feet of
 2368 the existing residence of such releasee, the district school
 2369 board shall relocate that school bus stop. Beginning October 1,
 2370 2004, a district school board may not establish or relocate a
 2371 public school bus stop within 1,000 feet of the residence of a
 2372 releasee who is subject to this subparagraph. The failure of the
 2373 district school board to comply with this subparagraph shall not
 2374 result in a violation of conditional release supervision. A
 2375 releasee who is subject to this subparagraph may not be forced
 2376 to relocate and does not violate his or her conditional release
 2377 supervision if he or she is living in a residence that meets the
 2378 requirements of this subparagraph and a school, child care

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2379 facility, park, playground, designated public school bus stop,
2380 or other place where children regularly congregate is
2381 subsequently established within 1,000 feet of his or her
2382 residence.

2383 3. Active participation in and successful completion of a
2384 sex offender treatment program with qualified practitioners
2385 specifically trained to treat sex offenders, at the releasee's
2386 own expense. If a qualified practitioner is not available within
2387 a 50-mile radius of the releasee's residence, the offender shall
2388 participate in other appropriate therapy.

2389 4. A prohibition on any contact with the victim, directly
2390 or indirectly, including through a third person, unless approved
2391 by the victim, a qualified practitioner in the sexual offender
2392 treatment program, and the sentencing court.

2393 5. If the victim was under the age of 18, a prohibition
2394 against contact with children under the age of 18 without review
2395 and approval by the commission. The commission may approve
2396 supervised contact with a child under the age of 18 if the
2397 approval is based upon a recommendation for contact issued by a
2398 qualified practitioner who is basing the recommendation on a
2399 risk assessment. Further, the sex offender must be currently
2400 enrolled in or have successfully completed a sex offender
2401 therapy program. The commission may not grant supervised contact
2402 with a child if the contact is not recommended by a qualified
2403 practitioner and may deny supervised contact with a child at any
2404 time. When considering whether to approve supervised contact
2405 with a child, the commission must review and consider the
2406 following:

2407 a. A risk assessment completed by a qualified practitioner.

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2408 The qualified practitioner must prepare a written report that
2409 must include the findings of the assessment and address each of
2410 the following components:

2411 (I) The sex offender's current legal status;

2412 (II) The sex offender's history of adult charges with
2413 apparent sexual motivation;

2414 (III) The sex offender's history of adult charges without
2415 apparent sexual motivation;

2416 (IV) The sex offender's history of juvenile charges,
2417 whenever available;

2418 (V) The sex offender's offender treatment history,
2419 including a consultation from the sex offender's treating, or
2420 most recent treating, therapist;

2421 (VI) The sex offender's current mental status;

2422 (VII) The sex offender's mental health and substance abuse
2423 history as provided by the Department of Corrections;

2424 (VIII) The sex offender's personal, social, educational,
2425 and work history;

2426 (IX) The results of current psychological testing of the
2427 sex offender if determined necessary by the qualified
2428 practitioner;

2429 (X) A description of the proposed contact, including the
2430 location, frequency, duration, and supervisory arrangement;

2431 (XI) The child's preference and relative comfort level with
2432 the proposed contact, when age-appropriate;

2433 (XII) The parent's or legal guardian's preference regarding
2434 the proposed contact; and

2435 (XIII) The qualified practitioner's opinion, along with the
2436 basis for that opinion, as to whether the proposed contact would

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2437 likely pose significant risk of emotional or physical harm to
 2438 the child.

2439

2440 The written report of the assessment must be given to the
 2441 commission.

2442 b. A recommendation made as a part of the risk-assessment
 2443 report as to whether supervised contact with the child should be
 2444 approved;

2445 c. A written consent signed by the child's parent or legal
 2446 guardian, if the parent or legal guardian is not the sex
 2447 offender, agreeing to the sex offender having supervised contact
 2448 with the child after receiving full disclosure of the sex
 2449 offender's present legal status, past criminal history, and the
 2450 results of the risk assessment. The commission may not approve
 2451 contact with the child if the parent or legal guardian refuses
 2452 to give written consent for supervised contact;

2453 d. A safety plan prepared by the qualified practitioner,
 2454 who provides treatment to the offender, in collaboration with
 2455 the sex offender, the child's parent or legal guardian, and the
 2456 child, when age appropriate, which details the acceptable
 2457 conditions of contact between the sex offender and the child.
 2458 The safety plan must be reviewed and approved by the Department
 2459 of Corrections before being submitted to the commission; and

2460 e. Evidence that the child's parent or legal guardian, if
 2461 the parent or legal guardian is not the sex offender,
 2462 understands the need for and agrees to the safety plan and has
 2463 agreed to provide, or to designate another adult to provide,
 2464 constant supervision any time the child is in contact with the
 2465 offender.

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2466

2467 The commission may not appoint a person to conduct a risk
 2468 assessment and may not accept a risk assessment from a person
 2469 who has not demonstrated to the commission that he or she has
 2470 met the requirements of a qualified practitioner as defined in
 2471 this section.

2472 6. If the victim was under age 18, a prohibition on working
 2473 for pay or as a volunteer at any school, child care facility,
 2474 park, playground, or other place where children regularly
 2475 congregate, as prescribed by the commission.

2476 7. Unless otherwise indicated in the treatment plan
 2477 provided by a qualified practitioner in the sexual offender
 2478 treatment program, a prohibition on viewing, owning, or
 2479 possessing any obscene, pornographic, or sexually stimulating
 2480 visual or auditory material, including telephone, electronic
 2481 media, computer programs, or computer services that are relevant
 2482 to the offender's deviant behavior pattern.

2483 8. Effective for a releasee whose crime is committed on or
 2484 after July 1, 2005, a prohibition on accessing the Internet or
 2485 other computer services until a qualified practitioner in the
 2486 offender's sex offender treatment program, after a risk
 2487 assessment is completed, approves and implements a safety plan
 2488 for the offender's accessing or using the Internet or other
 2489 computer services.

2490 9. A requirement that the releasee must submit two
 2491 specimens of blood to the Department of Law Enforcement to be
 2492 registered with the DNA database.

2493 10. A requirement that the releasee make restitution to the
 2494 victim, as determined by the sentencing court or the commission,

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2495 for all necessary medical and related professional services
2496 relating to physical, psychiatric, and psychological care.

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

2500 (b) For a releasee whose crime was committed on or after
2501 October 1, 1997, in violation of chapter 794, s. 800.04, former
2502 s. 827.071, s. 847.0135(5), or s. 847.0145, and who is subject
2503 to conditional release supervision, in addition to any other
2504 provision of this subsection, the commission shall impose the
2505 following additional conditions of conditional release
2506 supervision:

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

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

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

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2524 4. If there was sexual contact, a submission to, at the
2525 releasee's expense, an HIV test with the results to be released
2526 to the victim or the victim's parent or guardian.

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

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

2546 (14) Effective for a releasee whose crime was committed on
2547 or after October 1, 2014, in violation of chapter 794, s.
2548 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, in
2549 addition to any other provision of this section, the commission
2550 must impose a condition prohibiting the releasee from viewing,
2551 accessing, owning, or possessing any obscene, pornographic, or
2552 sexually stimulating visual or auditory material unless

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2553 otherwise indicated in the treatment plan provided by a
 2554 qualified practitioner in the sexual offender treatment program.
 2555 Visual or auditory material includes, but is not limited to,
 2556 telephone, electronic media, computer programs, and computer
 2557 services.

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

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

2566 948.013 Administrative probation.—

2567 (2) Effective for an offense committed on or after July 1,
 2568 1998, a person is ineligible for placement on administrative
 2569 probation if the person is sentenced to or is serving a term of
 2570 probation or community control, regardless of the conviction or
 2571 adjudication, for committing, or attempting, conspiring, or
 2572 soliciting to commit, any of the felony offenses described in s.
 2573 787.01 or s. 787.02, where the victim is a minor and the
 2574 defendant is not the victim's parent; s. 787.025; s.
 2575 787.06(3)(g); chapter 794; former s. 796.03; s. 800.04; s.
 2576 825.1025(2)(b); former s. 827.071; s. 847.0133; s. 847.0135; or
 2577 s. 847.0145.

2578 (3) Effective for an offense committed on or after October
 2579 1, 2017, a person is ineligible for placement on administrative
 2580 probation if the person is sentenced to or is serving a term of
 2581 probation or community control, regardless of the conviction or

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2582 adjudication, for committing, or attempting, conspiring, or
 2583 soliciting to commit, any of the felony offenses described in s.
 2584 847.003 or s. 847.0137(2).

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

2587 948.03 Terms and conditions of probation.—

2588 (2) The enumeration of specific kinds of terms and
 2589 conditions shall not prevent the court from adding thereto such
 2590 other or others as it considers proper. However, the sentencing
 2591 court may only impose a condition of supervision allowing an
 2592 offender convicted of s. 794.011, s. 800.04, former s. 827.071,
 2593 s. 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145, to
 2594 reside in another state, if the order stipulates that it is
 2595 contingent upon the approval of the receiving state interstate
 2596 compact authority. The court may rescind or modify at any time
 2597 the terms and conditions theretofore imposed by it upon the
 2598 probationer. However, if the court withholds adjudication of
 2599 guilt or imposes a period of incarceration as a condition of
 2600 probation, the period shall not exceed 364 days, and
 2601 incarceration shall be restricted to either a county facility, a
 2602 probation and restitution center under the jurisdiction of the
 2603 Department of Corrections, a probation program drug punishment
 2604 phase I secure residential treatment institution, or a community
 2605 residential facility owned or operated by any entity providing
 2606 such services.

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

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

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

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

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

2626 (4) Notwithstanding any other provision of this section, a
 2627 felony probationer or an offender in community control who is
 2628 arrested for violating his or her probation or community control
 2629 in a material respect may be taken before the court in the
 2630 county or circuit in which the probationer or offender was
 2631 arrested. That court shall advise him or her of the charge of a
 2632 violation and, if such charge is admitted, shall cause him or
 2633 her to be brought before the court that granted the probation or
 2634 community control. If the violation is not admitted by the
 2635 probationer or offender, the court may commit him or her or
 2636 release him or her with or without bail to await further
 2637 hearing. However, if the probationer or offender is under
 2638 supervision for any criminal offense proscribed in chapter 794,
 2639 s. 800.04(4), (5), (6), former s. 827.071, or s. 847.0145, or is

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2640 a registered sexual predator or a registered sexual offender, or
 2641 is under supervision for a criminal offense for which he or she
 2642 would meet the registration criteria in s. 775.21, s. 943.0435,
 2643 or s. 944.607 but for the effective date of those sections, the
 2644 court must make a finding that the probationer or offender is
 2645 not a danger to the public prior to release with or without
 2646 bail. In determining the danger posed by the offender's or
 2647 probationer's release, the court may consider the nature and
 2648 circumstances of the violation and any new offenses charged; the
 2649 offender's or probationer's past and present conduct, including
 2650 convictions of crimes; any record of arrests without conviction
 2651 for crimes involving violence or sexual crimes; any other
 2652 evidence of allegations of unlawful sexual conduct or the use of
 2653 violence by the offender or probationer; the offender's or
 2654 probationer's family ties, length of residence in the community,
 2655 employment history, and mental condition; his or her history and
 2656 conduct during the probation or community control supervision
 2657 from which the violation arises and any other previous
 2658 supervisions, including disciplinary records of previous
 2659 incarcerations; the likelihood that the offender or probationer
 2660 will engage again in a criminal course of conduct; the weight of
 2661 the evidence against the offender or probationer; and any other
 2662 facts the court considers relevant. The court, as soon as is
 2663 practicable, shall give the probationer or offender an
 2664 opportunity to be fully heard on his or her behalf in person or
 2665 by counsel. After the hearing, the court shall make findings of
 2666 fact and forward the findings to the court that granted the
 2667 probation or community control and to the probationer or
 2668 offender or his or her attorney. The findings of fact by the

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2669 hearing court are binding on the court that granted the
 2670 probation or community control. Upon the probationer or offender
 2671 being brought before it, the court that granted the probation or
 2672 community control may revoke, modify, or continue the probation
 2673 or community control or may place the probationer into community
 2674 control as provided in this section. However, the probationer or
 2675 offender shall not be released and shall not be admitted to
 2676 bail, but shall be brought before the court that granted the
 2677 probation or community control if any violation of felony
 2678 probation or community control other than a failure to pay costs
 2679 or fines or make restitution payments is alleged to have been
 2680 committed by:

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

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

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

2694 (8)

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

2697 1. Kidnapping or attempted kidnapping under s. 787.01,

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2698 false imprisonment of a child under the age of 13 under s.
 2699 787.02(3), or luring or enticing a child under s. 787.025(2) (b)
 2700 or (c).
 2701 2. Murder or attempted murder under s. 782.04, attempted
 2702 felony murder under s. 782.051, or manslaughter under s. 782.07.
 2703 3. Aggravated battery or attempted aggravated battery under
 2704 s. 784.045.
 2705 4. Sexual battery or attempted sexual battery under s.
 2706 794.011(2), (3), (4), or (8) (b) or (c).
 2707 5. Lewd or lascivious battery or attempted lewd or
 2708 lascivious battery under s. 800.04(4), lewd or lascivious
 2709 molestation under s. 800.04(5) (b) or (c)2., lewd or lascivious
 2710 conduct under s. 800.04(6) (b), or lewd or lascivious exhibition
 2711 under s. 800.04(7) (b), ~~or lewd or lascivious exhibition on~~
 2712 ~~computer under s. 847.0135(5) (b)~~.
 2713 6. Robbery or attempted robbery under s. 812.13, carjacking
 2714 or attempted carjacking under s. 812.133, or home invasion
 2715 robbery or attempted home invasion robbery under s. 812.135.
 2716 7. Lewd or lascivious offense upon or in the presence of an
 2717 elderly or disabled person or attempted lewd or lascivious
 2718 offense upon or in the presence of an elderly or disabled person
 2719 under s. 825.1025.
 2720 8. Sexual performance by a child or attempted sexual
 2721 performance by a child under former s. 827.071 or s. 847.003.
 2722 9. Computer pornography or child exploitation under s.
 2723 847.0135 ~~s. 847.0135(2) or (3)~~, ~~transmission of~~ child
 2724 pornography under s. 847.0137, or selling or buying of minors
 2725 under s. 847.0145.
 2726 10. Poisoning food or water under s. 859.01.

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2727 11. Abuse of a dead human body under s. 872.06.

2728 12. Any burglary offense or attempted burglary offense that

2729 is either a first degree felony or second degree felony under s.

2730 810.02(2) or (3).

2731 13. Arson or attempted arson under s. 806.01(1).

2732 14. Aggravated assault under s. 784.021.

2733 15. Aggravated stalking under s. 784.048(3), (4), (5), or

2734 (7).

2735 16. Aircraft piracy under s. 860.16.

2736 17. Unlawful throwing, placing, or discharging of a

2737 destructive device or bomb under s. 790.161(2), (3), or (4).

2738 18. Treason under s. 876.32.

2739 19. Any offense committed in another jurisdiction which

2740 would be an offense listed in this paragraph if that offense had

2741 been committed in this state.

2742 Section 51. Subsection (1) of section 948.062, Florida

2743 Statutes, is amended to read:

2744 948.062 Reviewing and reporting serious offenses committed

2745 by offenders placed on probation or community control.—

2746 (1) The department shall review the circumstances related

2747 to an offender placed on probation or community control who has

2748 been arrested while on supervision for the following offenses:

2749 (a) Any murder as provided in s. 782.04;

2750 (b) Any sexual battery as provided in s. 794.011 or s.

2751 794.023;

2752 (c) Any sexual performance by a child as provided in former

2753 s. 827.071 or s. 847.003;

2754 (d) Any kidnapping, false imprisonment, or luring of a

2755 child as provided in s. 787.01, s. 787.02, or s. 787.025;

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2756 (e) Any lewd and lascivious battery or lewd and lascivious

2757 molestation as provided in s. 800.04(4) or (5);

2758 (f) Any aggravated child abuse as provided in s.

2759 827.03(2) (a);

2760 (g) Any robbery with a firearm or other deadly weapon, home

2761 invasion robbery, or carjacking as provided in s. 812.13(2) (a),

2762 s. 812.135, or s. 812.133;

2763 (h) Any aggravated stalking as provided in s. 784.048(3),

2764 (4), or (5);

2765 (i) Any forcible felony as provided in s. 776.08, committed

2766 by a person on probation or community control who is designated

2767 as a sexual predator; or

2768 (j) Any DUI manslaughter as provided in s. 316.193(3) (c),

2769 or vehicular or vessel homicide as provided in s. 782.071 or s.

2770 782.072, committed by a person who is on probation or community

2771 control for an offense involving death or injury resulting from

2772 a driving incident.

2773 Section 52. Subsection (2) of section 948.101, Florida

2774 Statutes, is amended to read:

2775 948.101 Terms and conditions of community control.—

2776 (2) The enumeration of specific kinds of terms and

2777 conditions does not prevent the court from adding any other

2778 terms or conditions that the court considers proper. However,

2779 the sentencing court may only impose a condition of supervision

2780 allowing an offender convicted of s. 794.011, s. 800.04, former

2781 s. 827.071, s. 847.003, s. 847.0135(5), s. 847.0137(2), or s.

2782 847.0145 to reside in another state if the order stipulates that

2783 it is contingent upon the approval of the receiving state

2784 interstate compact authority. The court may rescind or modify at

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2785 any time the terms and conditions theretofore imposed by it upon
 2786 the offender in community control. However, if the court
 2787 withholds adjudication of guilt or imposes a period of
 2788 incarceration as a condition of community control, the period
 2789 may not exceed 364 days, and incarceration shall be restricted
 2790 to a county facility, a probation and restitution center under
 2791 the jurisdiction of the Department of Corrections, a probation
 2792 program drug punishment phase I secure residential treatment
 2793 institution, or a community residential facility owned or
 2794 operated by any entity providing such services.

2795 Section 53. Subsections (1), (2), (3), and (5) of section
 2796 948.30, Florida Statutes, are amended, and subsection (6) is
 2797 added to that section, to read:

2798 948.30 Additional terms and conditions of probation or
 2799 community control for certain sex offenses.—Conditions imposed
 2800 pursuant to this section do not require oral pronouncement at
 2801 the time of sentencing and shall be considered standard
 2802 conditions of probation or community control for offenders
 2803 specified in this section.

2804 (1) Effective for probationers or community controllees
 2805 whose crime was committed on or after October 1, 1995, and who
 2806 are placed under supervision for violation of chapter 794, s.
 2807 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, the
 2808 court must impose the following conditions in addition to all
 2809 other standard and special conditions imposed:

2810 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court may
 2811 designate another 8-hour period if the offender's employment
 2812 precludes the above specified time, and the alternative is
 2813 recommended by the Department of Corrections. If the court

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2814 determines that imposing a curfew would endanger the victim, the
 2815 court may consider alternative sanctions.

2816 (b) If the victim was under the age of 18, a prohibition on
 2817 living within 1,000 feet of a school, child care facility, park,
 2818 playground, or other place where children regularly congregate,
 2819 as prescribed by the court. The 1,000-foot distance shall be
 2820 measured in a straight line from the offender's place of
 2821 residence to the nearest boundary line of the school, child care
 2822 facility, park, playground, or other place where children
 2823 congregate. The distance may not be measured by a pedestrian
 2824 route or automobile route. A probationer or community controllee
 2825 who is subject to this paragraph may not be forced to relocate
 2826 and does not violate his or her probation or community control
 2827 if he or she is living in a residence that meets the
 2828 requirements of this paragraph and a school, child care
 2829 facility, park, playground, or other place where children
 2830 regularly congregate is subsequently established within 1,000
 2831 feet of his or her residence.

2832 (c) Active participation in and successful completion of a
 2833 sex offender treatment program with qualified practitioners
 2834 specifically trained to treat sex offenders, at the
 2835 probationer's or community controllee's own expense. If a
 2836 qualified practitioner is not available within a 50-mile radius
 2837 of the probationer's or community controllee's residence, the
 2838 offender shall participate in other appropriate therapy.

2839 (d) A prohibition on any contact with the victim, directly
 2840 or indirectly, including through a third person, unless approved
 2841 by the victim, a qualified practitioner in the sexual offender
 2842 treatment program, and the sentencing court.

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2843 (e) If the victim was under the age of 18, a prohibition on
 2844 contact with a child under the age of 18 except as provided in
 2845 this paragraph. The court may approve supervised contact with a
 2846 child under the age of 18 if the approval is based upon a
 2847 recommendation for contact issued by a qualified practitioner
 2848 who is basing the recommendation on a risk assessment. Further,
 2849 the sex offender must be currently enrolled in or have
 2850 successfully completed a sex offender therapy program. The court
 2851 may not grant supervised contact with a child if the contact is
 2852 not recommended by a qualified practitioner and may deny
 2853 supervised contact with a child at any time. When considering
 2854 whether to approve supervised contact with a child, the court
 2855 must review and consider the following:

2856 1. A risk assessment completed by a qualified practitioner.
 2857 The qualified practitioner must prepare a written report that
 2858 must include the findings of the assessment and address each of
 2859 the following components:

2860 a. The sex offender's current legal status;

2861 b. The sex offender's history of adult charges with
 2862 apparent sexual motivation;

2863 c. The sex offender's history of adult charges without
 2864 apparent sexual motivation;

2865 d. The sex offender's history of juvenile charges, whenever
 2866 available;

2867 e. The sex offender's offender treatment history, including
 2868 consultations with the sex offender's treating, or most recent
 2869 treating, therapist;

2870 f. The sex offender's current mental status;

2871 g. The sex offender's mental health and substance abuse

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2872 treatment history as provided by the Department of Corrections;

2873 h. The sex offender's personal, social, educational, and
 2874 work history;

2875 i. The results of current psychological testing of the sex
 2876 offender if determined necessary by the qualified practitioner;

2877 j. A description of the proposed contact, including the
 2878 location, frequency, duration, and supervisory arrangement;

2879 k. The child's preference and relative comfort level with
 2880 the proposed contact, when age appropriate;

2881 1. The parent's or legal guardian's preference regarding
 2882 the proposed contact; and

2883 m. The qualified practitioner's opinion, along with the
 2884 basis for that opinion, as to whether the proposed contact would
 2885 likely pose significant risk of emotional or physical harm to
 2886 the child.

2887

2888 The written report of the assessment must be given to the court;

2889 2. A recommendation made as a part of the risk assessment
 2890 report as to whether supervised contact with the child should be
 2891 approved;

2892 3. A written consent signed by the child's parent or legal
 2893 guardian, if the parent or legal guardian is not the sex
 2894 offender, agreeing to the sex offender having supervised contact
 2895 with the child after receiving full disclosure of the sex
 2896 offender's present legal status, past criminal history, and the
 2897 results of the risk assessment. The court may not approve
 2898 contact with the child if the parent or legal guardian refuses
 2899 to give written consent for supervised contact;

2900 4. A safety plan prepared by the qualified practitioner,

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2901 who provides treatment to the offender, in collaboration with
 2902 the sex offender, the child's parent or legal guardian, if the
 2903 parent or legal guardian is not the sex offender, and the child,
 2904 when age appropriate, which details the acceptable conditions of
 2905 contact between the sex offender and the child. The safety plan
 2906 must be reviewed and approved by the court; and

2907 5. Evidence that the child's parent or legal guardian
 2908 understands the need for and agrees to the safety plan and has
 2909 agreed to provide, or to designate another adult to provide,
 2910 constant supervision any time the child is in contact with the
 2911 offender.

2912

2913 The court may not appoint a person to conduct a risk assessment
 2914 and may not accept a risk assessment from a person who has not
 2915 demonstrated to the court that he or she has met the
 2916 requirements of a qualified practitioner as defined in this
 2917 section.

2918 (f) If the victim was under age 18, a prohibition on
 2919 working for pay or as a volunteer at any place where children
 2920 regularly congregate, including, but not limited to, schools,
 2921 child care facilities, parks, playgrounds, pet stores,
 2922 libraries, zoos, theme parks, and malls.

2923 (g) Unless otherwise indicated in the treatment plan
 2924 provided by a qualified practitioner in the sexual offender
 2925 treatment program, a prohibition on viewing, accessing, owning,
 2926 or possessing any obscene, pornographic, or sexually stimulating
 2927 visual or auditory material, including telephone, electronic
 2928 media, computer programs, or computer services that are relevant
 2929 to the offender's deviant behavior pattern.

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2930 (h) Effective for probationers and community controllees
 2931 whose crime is committed on or after July 1, 2005, a prohibition
 2932 on accessing the Internet or other computer services until a
 2933 qualified practitioner in the offender's sex offender treatment
 2934 program, after a risk assessment is completed, approves and
 2935 implements a safety plan for the offender's accessing or using
 2936 the Internet or other computer services.

2937 (i) A requirement that the probationer or community
 2938 controllee must submit a specimen of blood or other approved
 2939 biological specimen to the Department of Law Enforcement to be
 2940 registered with the DNA data bank.

2941 (j) A requirement that the probationer or community
 2942 controllee make restitution to the victim, as ordered by the
 2943 court under s. 775.089, for all necessary medical and related
 2944 professional services relating to physical, psychiatric, and
 2945 psychological care.

2946 (k) Submission to a warrantless search by the community
 2947 control or probation officer of the probationer's or community
 2948 controllee's person, residence, or vehicle.

2949 (2) Effective for a probationer or community controllee
 2950 whose crime was committed on or after October 1, 1997, and who
 2951 is placed on community control or sex offender probation for a
 2952 violation of chapter 794, s. 800.04, former s. 827.071, s.
 2953 847.0135(5), or s. 847.0145, in addition to any other provision
 2954 of this section, the court must impose the following conditions
 2955 of probation or community control:

2956 (a) As part of a treatment program, participation at least
 2957 annually in polygraph examinations to obtain information
 2958 necessary for risk management and treatment and to reduce the

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2959 sex offender's denial mechanisms. A polygraph examination must
 2960 be conducted by a polygrapher who is a member of a national or
 2961 state polygraph association and who is certified as a
 2962 postconviction sex offender polygrapher, where available, and
 2963 shall be paid for by the probationer or community controllee.
 2964 The results of the polygraph examination shall be provided to
 2965 the probationer's or community controllee's probation officer
 2966 and qualified practitioner and shall not be used as evidence in
 2967 court to prove that a violation of community supervision has
 2968 occurred.

2969 (b) Maintenance of a driving log and a prohibition against
 2970 driving a motor vehicle alone without the prior approval of the
 2971 supervising officer.

2972 (c) A prohibition against obtaining or using a post office
 2973 box without the prior approval of the supervising officer.

2974 (d) If there was sexual contact, a submission to, at the
 2975 probationer's or community controllee's expense, an HIV test
 2976 with the results to be released to the victim or the victim's
 2977 parent or guardian.

2978 (e) Electronic monitoring when deemed necessary by the
 2979 community control or probation officer and his or her
 2980 supervisor, and ordered by the court at the recommendation of
 2981 the Department of Corrections.

2982 (3) Effective for a probationer or community controllee
 2983 whose crime was committed on or after September 1, 2005, and
 2984 who:

2985 (a) Is placed on probation or community control for a
 2986 violation of chapter 794, s. 800.04(4), (5), or (6), former s.
 2987 827.071, or s. 847.0145 and the unlawful sexual activity

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2988 involved a victim 15 years of age or younger and the offender is
 2989 18 years of age or older;

2990 (b) Is designated a sexual predator pursuant to s. 775.21;
 2991 or

2992 (c) Has previously been convicted of a violation of chapter
 2993 794, s. 800.04(4), (5), or (6), former s. 827.071, or s.
 2994 847.0145 and the unlawful sexual activity involved a victim 15
 2995 years of age or younger and the offender is 18 years of age or
 2996 older,

2997
 2998 the court must order, in addition to any other provision of this
 2999 section, mandatory electronic monitoring as a condition of the
 3000 probation or community control supervision.

3001 (5) Effective for a probationer or community controllee
 3002 whose crime was committed on or after October 1, 2014, and who
 3003 is placed on probation or community control for a violation of
 3004 chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or s.
 3005 847.0145, in addition to all other conditions imposed, the court
 3006 must impose a condition prohibiting the probationer or community
 3007 controllee from viewing, accessing, owning, or possessing any
 3008 obscene, pornographic, or sexually stimulating visual or
 3009 auditory material unless otherwise indicated in the treatment
 3010 plan provided by a qualified practitioner in the sexual offender
 3011 treatment program. Visual or auditory material includes, but is
 3012 not limited to, telephone, electronic media, computer programs,
 3013 and computer services.

3014 (6) Effective for a probationer or community controllee
 3015 whose crime was committed on or after October 1, 2017, and who
 3016 is placed under supervision for violation of s. 847.003 or s.

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3017 847.0137(2), the court must impose the conditions specified in
 3018 subsections (1)-(5) in addition to all other standard and
 3019 special conditions imposed.

3020 Section 54. Subsection (1) of section 948.32, Florida
 3021 Statutes, is amended to read:

3022 948.32 Requirements of law enforcement agency upon arrest
 3023 of persons for certain sex offenses.—

3024 (1) When any state or local law enforcement agency
 3025 investigates or arrests a person for committing, or attempting,
 3026 soliciting, or conspiring to commit, a violation of s.
 3027 787.025(2)(c), s. 787.06(3)(g), chapter 794, former s. 796.03,
 3028 s. 800.04, former s. 827.071, s. 847.003, s. 847.0133, s.
 3029 847.0135, s. 847.0137(2), or s. 847.0145, the law enforcement
 3030 agency shall contact the Department of Corrections to verify
 3031 whether the person under investigation or under arrest is on
 3032 probation, community control, parole, conditional release, or
 3033 control release.

3034 Section 55. Paragraph (e) of subsection (3) and subsection
 3035 (10) of section 960.03, Florida Statutes, are amended to read:

3036 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
 3037 960.01-960.28, unless the context otherwise requires, the term:

3038 (3) "Crime" means:

3039 (e) A violation of former s. 827.071, s. 847.003, s.
 3040 847.0135, s. 847.0137, or s. 847.0138, related to online sexual
 3041 exploitation and child pornography.

3042 (10) "Identified victim of child pornography" means any
 3043 person who, while under the age of 18, is depicted in any visual
 3044 depiction image or movie of child pornography, as defined in s.
 3045 847.0137, and who is identified through a report generated by a

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3046 law enforcement agency and provided to the National Center for
 3047 Missing and Exploited Children's Child Victim Identification
 3048 Program.

3049 Section 56. Section 960.197, Florida Statutes, is amended
 3050 to read:

3051 960.197 Assistance to victims of online sexual exploitation
 3052 and child pornography.—

3053 (1) Notwithstanding the criteria set forth in s. 960.13 for
 3054 crime victim compensation awards, the department may award
 3055 compensation for counseling and other mental health services to
 3056 treat psychological injury or trauma to:

3057 (a) A child younger than 18 years of age who suffers
 3058 psychiatric or psychological injury as a direct result of online
 3059 sexual exploitation under former ~~any provision of~~ s. 827.071, s.
 3060 847.003, s. 847.0135, s. 847.0137, or s. 847.0138, and who does
 3061 not otherwise sustain a personal injury or death; or

3062 (b) Any person who, while younger than age 18, was depicted
 3063 in any visual depiction ~~image or movie, regardless of length,~~ of
 3064 child pornography as defined in s. 847.0137 ~~s. 847.004~~, who has
 3065 been identified by a law enforcement agency or the National
 3066 Center for Missing and Exploited Children as an identified
 3067 victim of child pornography, who suffers psychiatric or
 3068 psychological injury as a direct result of the crime, and who
 3069 does not otherwise sustain a personal injury or death.

3070 (2) Compensation under this section is not contingent upon
 3071 pursuit of a criminal investigation or prosecution.

3072 Section 57. Paragraph (d) of subsection (4) of section
 3073 985.04, Florida Statutes, is amended to read:

3074 985.04 Oaths; records; confidential information.—

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3075 (4)
 3076 (d) The department shall disclose to the school
 3077 superintendent the presence of any child in the care and custody
 3078 or under the jurisdiction or supervision of the department who
 3079 has a known history of criminal sexual behavior with other
 3080 juveniles; is alleged to have committed juvenile sexual abuse as
 3081 defined in s. 39.01; or has pled guilty or nolo contendere to,
 3082 or has been found to have committed, a violation of chapter 794,
 3083 chapter 796, chapter 800, former s. 827.071, s. 847.003, ~~s.~~
 3084 847.0133, s. 847.0135(5), or s. 847.0137, regardless of
 3085 adjudication. Any employee of a district school board who
 3086 knowingly and willfully discloses such information to an
 3087 unauthorized person commits a misdemeanor of the second degree,
 3088 punishable as provided in s. 775.082 or s. 775.083.

3089 Section 58. Subsection (1) of section 985.475, Florida
 3090 Statutes, is amended to read:

3091 985.475 Juvenile sexual offenders.—

3092 (1) CRITERIA.—A “juvenile sexual offender” means:

3093 (a) A juvenile who has been found by the court under s.
 3094 985.35 to have committed a violation of chapter 794, chapter
 3095 796, chapter 800, former s. 827.071, s. 847.003, ~~s.~~ 847.0133,
 3096 or s. 847.0137(2);

3097 (b) A juvenile found to have committed any felony violation
 3098 of law or delinquent act involving juvenile sexual abuse.
 3099 “Juvenile sexual abuse” means any sexual behavior that occurs
 3100 without consent, without equality, or as a result of coercion.
 3101 For purposes of this subsection, the following definitions
 3102 apply:

3103 1. “Coercion” means the exploitation of authority, use of

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3104 bribes, threats of force, or intimidation to gain cooperation or
 3105 compliance.

3106 2. “Equality” means two participants operating with the
 3107 same level of power in a relationship, neither being controlled
 3108 nor coerced by the other.

3109 3. “Consent” means an agreement including all of the
 3110 following:

3111 a. Understanding what is proposed based on age, maturity,
 3112 developmental level, functioning, and experience.

3113 b. Knowledge of societal standards for what is being
 3114 proposed.

3115 c. Awareness of potential consequences and alternatives.

3116 d. Assumption that agreement or disagreement will be
 3117 accepted equally.

3118 e. Voluntary decision.

3119 f. Mental competence.

3120

3121 Juvenile sexual offender behavior ranges from noncontact sexual
 3122 behavior such as making obscene phone calls, exhibitionism,
 3123 voyeurism, and the showing or taking of lewd photographs to
 3124 varying degrees of direct sexual contact, such as frottage,
 3125 fondling, digital penetration, rape, fellatio, sodomy, and
 3126 various other sexually aggressive acts.

3127 Section 59. Paragraphs (mm) and (oo) of subsection (1) of
 3128 section 1012.315, Florida Statutes, are amended to read:

3129 1012.315 Disqualification from employment.—A person is
 3130 ineligible for educator certification, and instructional
 3131 personnel and school administrators, as defined in s. 1012.01,
 3132 are ineligible for employment in any position that requires

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3133 direct contact with students in a district school system,
 3134 charter school, or private school that accepts scholarship
 3135 students under s. 1002.39 or s. 1002.395, if the person,
 3136 instructional personnel, or school administrator has been
 3137 convicted of:
 3138 (1) Any felony offense prohibited under any of the
 3139 following statutes:
 3140 (mm) ~~Former s. Section~~ 827.071, relating to sexual
 3141 performance by a child.
 3142 (oo) Chapter 847, relating to obscenity and child
 3143 exploitation.
 3144 Section 60. Paragraphs (e), (f), and (h) of subsection (3)
 3145 of section 921.0022, Florida Statutes, are amended to read:
 3146 921.0022 Criminal Punishment Code; offense severity ranking
 3147 chart.-
 3148 (3) OFFENSE SEVERITY RANKING CHART
 3149 (e) LEVEL 5

Florida Statute	Felony Degree	Description
3152 316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
3153 316.1935(4)(a)	2nd	Aggravated fleeing or eluding.

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3155 316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
3156 322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
3157 327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
3157 379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

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3158	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
3159	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
3160	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
3161	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
3162	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
3163	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
3164	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
3165			

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	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
3166	790.01(2)	3rd	Carrying a concealed firearm.
3167	790.162	2nd	Threat to throw or discharge destructive device.
3168	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
3169	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
3170	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
3171	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
3172	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
3173	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or

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				older.
3174	806.111(1)	3rd		Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
3175	812.0145(2)(b)	2nd		Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
3176	812.015(8)	3rd		Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
3177	812.019(1)	2nd		Stolen property; dealing in or trafficking in.
3178	812.131(2)(b)	3rd		Robbery by sudden snatching.
3179	812.16(2)	3rd		Owning, operating, or conducting a chop shop.
3180	817.034(4)(a)2.	2nd		Communications fraud, value \$20,000 to \$50,000.
3181	817.234(11)(b)	2nd		Insurance fraud; property value \$20,000 or more but less than \$100,000.

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3182	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.
3183	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.
3184	817.611(2)(a)	2nd		Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
3185	817.625(2)(b)	2nd		Second or subsequent fraudulent use of scanning device or reencoder.
3186	825.1025(4)	3rd		Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

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3187	32-01236A-17		20171558__	
	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.	
3188	827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.	
3189	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.	
3190	843.01	3rd	Resist officer with violence to person; resist arrest with violence.	
3191	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.	
3192	<u>847.0137(2)(a)</u>	2nd	<u>Possess child pornography with</u>	

	32-01236A-17		20171558__	<u>intent to promote.</u>
3193	<u>847.0137(2)(b)</u>	3rd	<u>Possess, control, or intentionally view child pornography.</u>	
3194	<u>847.0137(3)</u>	3rd	Transmission of <u>child</u> pornography by electronic device or equipment.	
	847.0137(2) & (3)			
3195	847.0138(2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.	
3196	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.	
3197	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.	
3198	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).	
3199				

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893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

3200 893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.

3201 893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a

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specified business site.

3202 893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.

3203 893.13(4)(b) 2nd Use or hire of minor; deliver to minor other controlled substance.

3204 893.1351(1) 3rd Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

3205 (f) LEVEL 6

3206

3207

3208

Florida Statute	Felony Degree	Description
3209 316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
3210 316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.

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3211	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
3212	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
3213	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
3214	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
3215	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
3216	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
3217	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
3218	784.041	3rd	Felony battery; domestic battery by strangulation.

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	32-01236A-17		20171558__
3219	784.048 (3)	3rd	Aggravated stalking; credible threat.
3220	784.048 (5)	3rd	Aggravated stalking of person under 16.
3221	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
3222	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
3223	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
3224	784.081 (2)	2nd	Aggravated assault on specified official or employee.
3225	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
3226	784.083 (2)	2nd	Aggravated assault on code inspector.
3227	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those

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	32-01236A-17		20171558__	
				in s. 787.01.
3228	790.115(2)(d)	2nd		Discharging firearm or weapon on school property.
3229	790.161(2)	2nd		Make, possess, or throw destructive device with intent to do bodily harm or damage property.
3230	790.164(1)	2nd		False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
3231	790.19	2nd		Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
3232	794.011(8)(a)	3rd		Solicitation of minor to participate in sexual activity by custodial adult.
3233	794.05(1)	2nd		Unlawful sexual activity with specified minor.
3234	800.04(5)(d)	3rd		Lewd or lascivious molestation;

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	32-01236A-17		20171558__	
				victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
3235	800.04(6)(b)	2nd		Lewd or lascivious conduct; offender 18 years of age or older.
3236	806.031(2)	2nd		Arson resulting in great bodily harm to firefighter or any other person.
3237	810.02(3)(c)	2nd		Burglary of occupied structure; unarmed; no assault or battery.
3238	810.145(8)(b)	2nd		Video voyeurism; certain minor victims; 2nd or subsequent offense.
3239	812.014(2)(b)1.	2nd		Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
3240	812.014(6)	2nd		Theft; property stolen \$3,000 or more; coordination of others.
3241	812.015(9)(a)	2nd		Retail theft; property stolen \$300 or more; second or

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	32-01236A-17		20171558__
			subsequent conviction.
3242	812.015(9)(b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
3243	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
3244	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
3245	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
3246	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
3247	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
3248	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
3249	827.03(2)(c)	3rd	Abuse of a child.
3250			

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	827.03(2)(d)	3rd	Neglect of a child.
3251	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
3252	836.05	2nd	Threats; extortion.
3253	836.10	2nd	Written threats to kill or do bodily injury.
3254	843.12	3rd	Aids or assists person to escape.
3255	<u>847.003</u>	<u>2nd</u>	<u>Use or induce a child in a sexual performance, or promote or direct such performance.</u>
3256	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
3257	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
3258	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual

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	32-01236A-17		20171558__	
				depiction of such conduct.
3259	914.23	2nd		Retaliation against a witness, victim, or informant, with bodily injury.
3260	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.
3261	944.40	2nd		Escapes.
3262	944.46	3rd		Harboring, concealing, aiding escaped prisoners.
3263	944.47(1)(a)5.	2nd		Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
3264	951.22(1)	3rd		Intoxicating drug, firearm, or weapon introduced into county facility.
3265				
3266	(h) LEVEL 8			
3267				
3268				

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	Florida Statute	Felony Degree		Description
3269	316.193 (3)(c)3.a.	2nd		DUI manslaughter.
3270	316.1935(4)(b)	1st		Aggravated fleeing or attempted eluding with serious bodily injury or death.
3271	327.35(3)(c)3.	2nd		Vessel BUI manslaughter.
3272	499.0051(7)	1st		Knowing trafficking in contraband prescription drugs.
3273	499.0051(8)	1st		Knowing forgery of prescription labels or prescription drug labels.
3274	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.
3275	560.125(5)(b)	2nd		Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less

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				than \$100,000.
3276	655.50(10)(b)2.	2nd		Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
3277	777.03(2)(a)	1st		Accessory after the fact, capital felony.
3278	782.04(4)	2nd		Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
3279	782.051(2)	1st		Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
3280	782.071(1)(b)	1st		Committing vehicular homicide and failing to render aid or give information.

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3281	782.072(2)	1st		Committing vessel homicide and failing to render aid or give information.
3282	787.06(3)(a)1.	1st		Human trafficking for labor and services of a child.
3283	787.06(3)(b)	1st		Human trafficking using coercion for commercial sexual activity of an adult.
3284	787.06(3)(c)2.	1st		Human trafficking using coercion for labor and services of an unauthorized alien adult.
3285	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.
3286	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.
3287				

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	32-01236A-17		20171558__
	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
3288	794.011(5)(a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
3289	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.
3290	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.
3291	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.

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3292	794.08(3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
3293	800.04(4)(b)	2nd	Lewd or lascivious battery.
3294	800.04(4)(c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
3295	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
3296	810.02(2)(a)	1st, PBL	Burglary with assault or battery.
3297	810.02(2)(b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
3298	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
3299	812.014(2)(a)2.	1st	Property stolen; cargo valued

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 at \$50,000 or more, grand theft
 in 1st degree.

3300 812.13(2) (b) 1st Robbery with a weapon.

3301 812.135(2) (c) 1st Home-invasion robbery, no
 firearm, deadly weapon, or
 other weapon.

3302 817.535(2) (b) 2nd Filing false lien or other
 unauthorized document; second
 or subsequent offense.

3303 817.535(3) (a) 2nd Filing false lien or other
 unauthorized document; property
 owner is a public officer or
 employee.

3304 817.535(4) (a)1. 2nd Filing false lien or other
 unauthorized document;
 defendant is incarcerated or
 under supervision.

3305 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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 817.568(6) 2nd Fraudulent use of personal
 identification information of
 an individual under the age of
 18.

3307 817.611(2) (c) 1st Traffic in or possess 50 or
 more counterfeit credit cards
 or related documents.

3308 825.102(2) 1st Aggravated abuse of an elderly
 person or disabled adult.

3309 825.1025(2) 2nd Lewd or lascivious battery upon
 an elderly person or disabled
 adult.

3310 825.103(3) (a) 1st Exploiting an elderly person or
 disabled adult and property is
 valued at \$50,000 or more.

3311 837.02(2) 2nd Perjury in official proceedings
 relating to prosecution of a
 capital felony.

3312 837.021(2) 2nd Making contradictory statements
 in official proceedings
 relating to prosecution of a
 capital felony.

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	<u>847.0135(3)</u>	<u>2nd</u>	<u>Solicitation of a child, using a computer service, to commit an unlawful sex act while misrepresenting one's age.</u>
3314	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
3315	860.16	1st	Aircraft piracy.
3316	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).
3317	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
3318	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
3319	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
3320			

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	893.135	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
	(1)(b)1.b.		
3321	893.135	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
	(1)(c)1.b.		
3322	893.135	1st	Trafficking in hydrocodone, 50 grams or more, less than 200 grams.
	(1)(c)2.c.		
3323	893.135	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
	(1)(c)3.c.		
3324	893.135	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
	(1)(d)1.b.		
3325	893.135	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
	(1)(e)1.b.		
3326	893.135	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
	(1)(f)1.b.		
3327	893.135	1st	Trafficking in flunitrazepam,

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3328 (1) (g) 1.b. 14 grams or more, less than 28 grams.

893.135 1st Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.

3329 893.135 1st Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.

3330 (1) (j) 1.b.

893.135 1st Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.

3331 893.1351(3) 1st Possession of a place used to manufacture controlled substance when minor is present or resides there.

3332 895.03(1) 1st Use or invest proceeds derived from pattern of racketeering activity.

3333 895.03(2) 1st Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

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3334 895.03(3) 1st Conduct or participate in any enterprise through pattern of racketeering activity.

3335 896.101(5) (b) 2nd Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

3336 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.

3337

3338 Section 61. The Division of Law Revision and Information is

3339 directed to rename chapter 847, Florida Statutes, as "Obscenity;

3340 Child Exploitation."

3341 Section 62. For the purpose of incorporating the amendment

3342 made by this act to section 39.0139, Florida Statutes, in a

3343 reference thereto, paragraph (a) of subsection (9) of section

3344 39.402, Florida Statutes, is reenacted to read:

3345 39.402 Placement in a shelter.—

3346 (9) (a) At any shelter hearing, the department shall provide

3347 to the court a recommendation for scheduled contact between the

3348 child and parents, if appropriate. The court shall determine

3349 visitation rights absent a clear and convincing showing that

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3350 visitation is not in the best interest of the child. Any order
3351 for visitation or other contact must conform to s. 39.0139. If
3352 visitation is ordered but will not commence within 72 hours of
3353 the shelter hearing, the department shall provide justification
3354 to the court.

3355 Section 63. For the purpose of incorporating the amendment
3356 made by this act to section 39.0139, Florida Statutes, in a
3357 reference thereto, subsection (6) of section 39.506, Florida
3358 Statutes, is reenacted to read:

3359 39.506 Arraignment hearings.—

3360 (6) At any arraignment hearing, if the child is in an out-
3361 of-home placement, the court shall order visitation rights
3362 absent a clear and convincing showing that visitation is not in
3363 the best interest of the child. Any order for visitation or
3364 other contact must conform to the provisions of s. 39.0139.

3365 Section 64. For the purpose of incorporating the amendment
3366 made by this act to section 775.21, Florida Statutes, in a
3367 reference thereto, paragraph (b) of subsection (6) of section
3368 39.509, Florida Statutes, is reenacted to read:

3369 39.509 Grandparents rights.—Notwithstanding any other
3370 provision of law, a maternal or paternal grandparent as well as
3371 a stepgrandparent is entitled to reasonable visitation with his
3372 or her grandchild who has been adjudicated a dependent child and
3373 taken from the physical custody of the parent unless the court
3374 finds that such visitation is not in the best interest of the
3375 child or that such visitation would interfere with the goals of
3376 the case plan. Reasonable visitation may be unsupervised and,
3377 where appropriate and feasible, may be frequent and continuing.
3378 Any order for visitation or other contact must conform to the

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3379 provisions of s. 39.0139.

3380 (6) In determining whether grandparental visitation is not
3381 in the child's best interest, consideration may be given to the
3382 following:

3383 (b) The designation by a court as a sexual predator as
3384 defined in s. 775.21 or a substantially similar designation
3385 under laws of another jurisdiction.

3386 Section 65. For the purpose of incorporating the amendment
3387 made by this act to section 39.0139, Florida Statutes, in a
3388 reference thereto, paragraph (d) of subsection (3) of section
3389 39.521, Florida Statutes, is reenacted to read:

3390 39.521 Disposition hearings; powers of disposition.—

3391 (3) When any child is adjudicated by a court to be
3392 dependent, the court shall determine the appropriate placement
3393 for the child as follows:

3394 (d) If the child cannot be safely placed in a nonlicensed
3395 placement, the court shall commit the child to the temporary
3396 legal custody of the department. Such commitment invests in the
3397 department all rights and responsibilities of a legal custodian.
3398 The department shall not return any child to the physical care
3399 and custody of the person from whom the child was removed,
3400 except for court-approved visitation periods, without the
3401 approval of the court. Any order for visitation or other contact
3402 must conform to the provisions of s. 39.0139. The term of such
3403 commitment continues until terminated by the court or until the
3404 child reaches the age of 18. After the child is committed to the
3405 temporary legal custody of the department, all further
3406 proceedings under this section are governed by this chapter.

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3408 Protective supervision continues until the court terminates it
 3409 or until the child reaches the age of 18, whichever date is
 3410 first. Protective supervision shall be terminated by the court
 3411 whenever the court determines that permanency has been achieved
 3412 for the child, whether with a parent, another relative, or a
 3413 legal custodian, and that protective supervision is no longer
 3414 needed. The termination of supervision may be with or without
 3415 retaining jurisdiction, at the court's discretion, and shall in
 3416 either case be considered a permanency option for the child. The
 3417 order terminating supervision by the department shall set forth
 3418 the powers of the custodian of the child and shall include the
 3419 powers ordinarily granted to a guardian of the person of a minor
 3420 unless otherwise specified. Upon the court's termination of
 3421 supervision by the department, no further judicial reviews are
 3422 required, so long as permanency has been established for the
 3423 child.

3424 Section 66. For the purpose of incorporating the amendment
 3425 made by this act to section 39.01, Florida Statutes, in a
 3426 reference thereto, subsection (1) of section 39.524, Florida
 3427 Statutes, is reenacted to read:

3428 39.524 Safe-harbor placement.—

3429 (1) Except as provided in s. 39.407 or s. 985.801, a
 3430 dependent child 6 years of age or older who has been found to be
 3431 a victim of sexual exploitation as defined in s. 39.01(70)(g)
 3432 must be assessed for placement in a safe house or safe foster
 3433 home as provided in s. 409.1678 using the initial screening and
 3434 assessment instruments provided in s. 409.1754(1). If such
 3435 placement is determined to be appropriate for the child as a
 3436 result of this assessment, the child may be placed in a safe

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3437 house or safe foster home, if one is available. However, the
 3438 child may be placed in another setting, if the other setting is
 3439 more appropriate to the child's needs or if a safe house or safe
 3440 foster home is unavailable, as long as the child's behaviors are
 3441 managed so as not to endanger other children served in that
 3442 setting.

3443 Section 67. For the purpose of incorporating the amendment
 3444 made by this act to section 775.21, Florida Statutes, in
 3445 references thereto, paragraphs (d) and (n) of subsection (1) of
 3446 section 39.806, Florida Statutes, are reenacted to read:

3447 39.806 Grounds for termination of parental rights.—

3448 (1) Grounds for the termination of parental rights may be
 3449 established under any of the following circumstances:

3450 (d) When the parent of a child is incarcerated and either:

3451 1. The period of time for which the parent is expected to
 3452 be incarcerated will constitute a significant portion of the
 3453 child's minority. When determining whether the period of time is
 3454 significant, the court shall consider the child's age and the
 3455 child's need for a permanent and stable home. The period of time
 3456 begins on the date that the parent enters into incarceration;

3457 2. The incarcerated parent has been determined by the court
 3458 to be a violent career criminal as defined in s. 775.084, a
 3459 habitual violent felony offender as defined in s. 775.084, or a
 3460 sexual predator as defined in s. 775.21; has been convicted of
 3461 first degree or second degree murder in violation of s. 782.04
 3462 or a sexual battery that constitutes a capital, life, or first
 3463 degree felony violation of s. 794.011; or has been convicted of
 3464 an offense in another jurisdiction which is substantially
 3465 similar to one of the offenses listed in this paragraph. As used

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3466 in this section, the term "substantially similar offense" means
 3467 any offense that is substantially similar in elements and
 3468 penalties to one of those listed in this subparagraph, and that
 3469 is in violation of a law of any other jurisdiction, whether that
 3470 of another state, the District of Columbia, the United States or
 3471 any possession or territory thereof, or any foreign
 3472 jurisdiction; or

3473 3. The court determines by clear and convincing evidence
 3474 that continuing the parental relationship with the incarcerated
 3475 parent would be harmful to the child and, for this reason, that
 3476 termination of the parental rights of the incarcerated parent is
 3477 in the best interest of the child. When determining harm, the
 3478 court shall consider the following factors:

3479 a. The age of the child.

3480 b. The relationship between the child and the parent.

3481 c. The nature of the parent's current and past provision
 3482 for the child's developmental, cognitive, psychological, and
 3483 physical needs.

3484 d. The parent's history of criminal behavior, which may
 3485 include the frequency of incarceration and the unavailability of
 3486 the parent to the child due to incarceration.

3487 e. Any other factor the court deems relevant.

3488 (n) The parent is convicted of an offense that requires the
 3489 parent to register as a sexual predator under s. 775.21.

3490 Section 68. For the purpose of incorporating the amendment
 3491 made by this act to section 775.21, Florida Statutes, in a
 3492 reference thereto, paragraph (b) of subsection (4) of section
 3493 63.089, Florida Statutes, is reenacted to read:

3494 63.089 Proceeding to terminate parental rights pending

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3495 adoption; hearing; grounds; dismissal of petition; judgment.—

3496 (4) FINDING OF ABANDONMENT.—A finding of abandonment
 3497 resulting in a termination of parental rights must be based upon
 3498 clear and convincing evidence that a parent or person having
 3499 legal custody has abandoned the child in accordance with the
 3500 definition contained in s. 63.032. A finding of abandonment may
 3501 also be based upon emotional abuse or a refusal to provide
 3502 reasonable financial support, when able, to a birth mother
 3503 during her pregnancy or on whether the person alleged to have
 3504 abandoned the child, while being able, failed to establish
 3505 contact with the child or accept responsibility for the child's
 3506 welfare.

3507 (b) The child has been abandoned when the parent of a child
 3508 is incarcerated on or after October 1, 2001, in a federal,
 3509 state, or county correctional institution and:

3510 1. The period of time for which the parent has been or is
 3511 expected to be incarcerated will constitute a significant
 3512 portion of the child's minority. In determining whether the
 3513 period of time is significant, the court shall consider the
 3514 child's age and the child's need for a permanent and stable
 3515 home. The period of time begins on the date that the parent
 3516 enters into incarceration;

3517 2. The incarcerated parent has been determined by a court
 3518 of competent jurisdiction to be a violent career criminal as
 3519 defined in s. 775.084, a habitual violent felony offender as
 3520 defined in s. 775.084, convicted of child abuse as defined in s.
 3521 827.03, or a sexual predator as defined in s. 775.21; has been
 3522 convicted of first degree or second degree murder in violation
 3523 of s. 782.04 or a sexual battery that constitutes a capital,

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3524 life, or first degree felony violation of s. 794.011; or has
 3525 been convicted of a substantially similar offense in another
 3526 jurisdiction. As used in this section, the term "substantially
 3527 similar offense" means any offense that is substantially similar
 3528 in elements and penalties to one of those listed in this
 3529 subparagraph, and that is in violation of a law of any other
 3530 jurisdiction, whether that of another state, the District of
 3531 Columbia, the United States or any possession or territory
 3532 thereof, or any foreign jurisdiction; or

3533 3. The court determines by clear and convincing evidence
 3534 that continuing the parental relationship with the incarcerated
 3535 parent would be harmful to the child and, for this reason,
 3536 termination of the parental rights of the incarcerated parent is
 3537 in the best interests of the child.

3538 Section 69. For the purpose of incorporating the amendment
 3539 made by this act to section 775.21, Florida Statutes, in a
 3540 reference thereto, subsection (3) of section 63.092, Florida
 3541 Statutes, is reenacted to read:

3542 63.092 Report to the court of intended placement by an
 3543 adoption entity; at-risk placement; preliminary study.—

3544 (3) PRELIMINARY HOME STUDY.—Before placing the minor in the
 3545 intended adoptive home, a preliminary home study must be
 3546 performed by a licensed child-placing agency, a child-caring
 3547 agency registered under s. 409.176, a licensed professional, or
 3548 an agency described in s. 61.20(2), unless the adoptee is an
 3549 adult or the petitioner is a stepparent or a relative. If the
 3550 adoptee is an adult or the petitioner is a stepparent or a
 3551 relative, a preliminary home study may be required by the court
 3552 for good cause shown. The department is required to perform the

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3553 preliminary home study only if there is no licensed child-
 3554 placing agency, child-caring agency registered under s. 409.176,
 3555 licensed professional, or agency described in s. 61.20(2), in
 3556 the county where the prospective adoptive parents reside. The
 3557 preliminary home study must be made to determine the suitability
 3558 of the intended adoptive parents and may be completed prior to
 3559 identification of a prospective adoptive minor. A favorable
 3560 preliminary home study is valid for 1 year after the date of its
 3561 completion. Upon its completion, a signed copy of the home study
 3562 must be provided to the intended adoptive parents who were the
 3563 subject of the home study. A minor may not be placed in an
 3564 intended adoptive home before a favorable preliminary home study
 3565 is completed unless the adoptive home is also a licensed foster
 3566 home under s. 409.175. The preliminary home study must include,
 3567 at a minimum:

3568 (a) An interview with the intended adoptive parents;

3569 (b) Records checks of the department's central abuse
 3570 registry and criminal records correspondence checks under s.
 3571 39.0138 through the Department of Law Enforcement on the
 3572 intended adoptive parents;

3573 (c) An assessment of the physical environment of the home;

3574 (d) A determination of the financial security of the
 3575 intended adoptive parents;

3576 (e) Documentation of counseling and education of the
 3577 intended adoptive parents on adoptive parenting;

3578 (f) Documentation that information on adoption and the
 3579 adoption process has been provided to the intended adoptive
 3580 parents;

3581 (g) Documentation that information on support services

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3582 available in the community has been provided to the intended
3583 adoptive parents; and

3584 (h) A copy of each signed acknowledgment of receipt of
3585 disclosure required by s. 63.085.

3586
3587 If the preliminary home study is favorable, a minor may be
3588 placed in the home pending entry of the judgment of adoption. A
3589 minor may not be placed in the home if the preliminary home
3590 study is unfavorable. If the preliminary home study is
3591 unfavorable, the adoption entity may, within 20 days after
3592 receipt of a copy of the written recommendation, petition the
3593 court to determine the suitability of the intended adoptive
3594 home. A determination as to suitability under this subsection
3595 does not act as a presumption of suitability at the final
3596 hearing. In determining the suitability of the intended adoptive
3597 home, the court must consider the totality of the circumstances
3598 in the home. A minor may not be placed in a home in which there
3599 resides any person determined by the court to be a sexual
3600 predator as defined in s. 775.21 or to have been convicted of an
3601 offense listed in s. 63.089(4)(b)2.

3602 Section 70. For the purpose of incorporating the amendments
3603 made by this act to sections 775.21 and 943.0435, Florida
3604 Statutes, in references thereto, paragraph (i) of subsection (3)
3605 and subsection (6) of section 68.07, Florida Statutes, are
3606 reenacted to read:

3607 68.07 Change of name.—

3608 (3) Each petition shall be verified and show:

3609 (i) Whether the petitioner has ever been required to
3610 register as a sexual predator under s. 775.21 or as a sexual

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3611 offender under s. 943.0435.

3612 (6) The clerk of the court must, within 5 business days
3613 after the filing of the final judgment, send a report of the
3614 judgment to the Department of Law Enforcement on a form to be
3615 furnished by that department. If the petitioner is required to
3616 register as a sexual predator or a sexual offender pursuant to
3617 s. 775.21 or s. 943.0435, the clerk of court shall
3618 electronically notify the Department of Law Enforcement of the
3619 name change, in a manner prescribed by that department, within 2
3620 business days after the filing of the final judgment. The
3621 Department of Law Enforcement must send a copy of the report to
3622 the Department of Highway Safety and Motor Vehicles, which may
3623 be delivered by electronic transmission. The report must contain
3624 sufficient information to identify the petitioner, including the
3625 results of the criminal history records check if applicable, the
3626 new name of the petitioner, and the file number of the judgment.
3627 The Department of Highway Safety and Motor Vehicles shall
3628 monitor the records of any sexual predator or sexual offender
3629 whose name has been provided to it by the Department of Law
3630 Enforcement. If the sexual predator or sexual offender does not
3631 obtain a replacement driver license or identification card
3632 within the required time as specified in s. 775.21 or s.
3633 943.0435, the Department of Highway Safety and Motor Vehicles
3634 shall notify the Department of Law Enforcement. The Department
3635 of Law Enforcement shall notify applicable law enforcement
3636 agencies of the predator's or offender's failure to comply with
3637 registration requirements. Any information retained by the
3638 Department of Law Enforcement and the Department of Highway
3639 Safety and Motor Vehicles may be revised or supplemented by said

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 3640 departments to reflect changes made by the final judgment. With
 3641 respect to a person convicted of a felony in another state or of
 3642 a federal offense, the Department of Law Enforcement must send
 3643 the report to the respective state's office of law enforcement
 3644 records or to the office of the Federal Bureau of Investigation.
 3645 The Department of Law Enforcement may forward the report to any
 3646 other law enforcement agency it believes may retain information
 3647 related to the petitioner.

Section 71. For the purpose of incorporating the amendments
 3648 made by this act to sections 775.21 and 943.0435, Florida
 3649 Statutes, in references thereto, paragraph (b) of subsection (1)
 3650 of section 92.55, Florida Statutes, is reenacted to read:

92.55 Judicial or other proceedings involving victim or
 3652 witness under the age of 18, a person who has an intellectual
 3653 disability, or a sexual offense victim or witness; special
 3654 protections; use of registered service or therapy animals.—

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

(b) "Sexual offense" means any offense specified in s.
 3657 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

Section 72. For the purpose of incorporating the amendment
 3660 made by this act to section 16.56, Florida Statutes, in a
 3661 reference thereto, paragraph (b) of subsection (1) of section
 3662 92.605, Florida Statutes, is reenacted to read:

92.605 Production of certain records by Florida businesses
 3664 and out-of-state corporations.—

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

(b) "Applicant" means a law enforcement officer who is
 3667 seeking a court order or subpoena under s. 16.56, s. 27.04, s.
 3668 905.185, or s. 914.04 or who is issued a search warrant under s.

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 3669 933.01, or anyone who is authorized to issue a subpoena under
 3670 the Florida Rules of Criminal Procedure.

Section 73. For the purpose of incorporating the amendments
 3671 made by this act to sections 775.21, 943.0435, and 944.607,
 3672 Florida Statutes, in references thereto, subsection (3) of
 3673 section 322.141, Florida Statutes, is reenacted to read:

322.141 Color or markings of certain licenses or
 3675 identification cards.—

(3) All licenses for the operation of motor vehicles or
 3677 identification cards originally issued or reissued by the
 3678 department to persons who are designated as sexual predators
 3679 under s. 775.21 or subject to registration as sexual offenders
 3680 under s. 943.0435 or s. 944.607, or who have a similar
 3681 designation or are subject to a similar registration under the
 3682 laws of another jurisdiction, shall have on the front of the
 3683 license or identification card the following:

(a) For a person designated as a sexual predator under s.
 3685 775.21 or who has a similar designation under the laws of
 3686 another jurisdiction, the marking "SEXUAL PREDATOR."

(b) For a person subject to registration as a sexual
 3688 offender under s. 943.0435 or s. 944.607, or subject to a
 3689 similar registration under the laws of another jurisdiction, the
 3690 marking "943.0435, F.S."

Section 74. For the purpose of incorporating the amendment
 3692 made by this act to section 775.0877, Florida Statutes, in a
 3693 reference thereto, paragraph (h) of subsection (2) of section
 3694 381.004, Florida Statutes, is reenacted to read:

381.004 HIV testing.—

(2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT;

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3698 RESULTS; COUNSELING; CONFIDENTIALITY.-

3699 (h) Paragraph (a) does not apply:

3700 1. When testing for sexually transmissible diseases is
3701 required by state or federal law, or by rule, including the
3702 following situations:

3703 a. HIV testing pursuant to s. 796.08 of persons convicted
3704 of prostitution or of procuring another to commit prostitution.

3705 b. HIV testing of inmates pursuant to s. 945.355 before
3706 their release from prison by reason of parole, accumulation of
3707 gain-time credits, or expiration of sentence.

3708 c. Testing for HIV by a medical examiner in accordance with
3709 s. 406.11.

3710 d. HIV testing of pregnant women pursuant to s. 384.31.

3711 2. To those exceptions provided for blood, plasma, organs,
3712 skin, semen, or other human tissue pursuant to s. 381.0041.

3713 3. For the performance of an HIV-related test by licensed
3714 medical personnel in bona fide medical emergencies if the test
3715 results are necessary for medical diagnostic purposes to provide
3716 appropriate emergency care or treatment to the person being
3717 tested and the patient is unable to consent, as supported by
3718 documentation in the medical record. Notification of test
3719 results in accordance with paragraph (c) is required.

3720 4. For the performance of an HIV-related test by licensed
3721 medical personnel for medical diagnosis of acute illness where,
3722 in the opinion of the attending physician, providing
3723 notification would be detrimental to the patient, as supported
3724 by documentation in the medical record, and the test results are
3725 necessary for medical diagnostic purposes to provide appropriate
3726 care or treatment to the person being tested. Notification of

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3727 test results in accordance with paragraph (c) is required if it
3728 would not be detrimental to the patient. This subparagraph does
3729 not authorize the routine testing of patients for HIV infection
3730 without notification.

3731 5. If HIV testing is performed as part of an autopsy for
3732 which consent was obtained pursuant to s. 872.04.

3733 6. For the performance of an HIV test upon a defendant
3734 pursuant to the victim's request in a prosecution for any type
3735 of sexual battery where a blood sample is taken from the
3736 defendant voluntarily, pursuant to court order for any purpose,
3737 or pursuant to s. 775.0877, s. 951.27, or s. 960.003; however,
3738 the results of an HIV test performed shall be disclosed solely
3739 to the victim and the defendant, except as provided in ss.
3740 775.0877, 951.27, and 960.003.

3741 7. If an HIV test is mandated by court order.

3742 8. For epidemiological research pursuant to s. 381.0031,
3743 for research consistent with institutional review boards created
3744 by 45 C.F.R. part 46, or for the performance of an HIV-related
3745 test for the purpose of research, if the testing is performed in
3746 a manner by which the identity of the test subject is not known
3747 and may not be retrieved by the researcher.

3748 9. If human tissue is collected lawfully without the
3749 consent of the donor for corneal removal as authorized by s.
3750 765.5185 or enucleation of the eyes as authorized by s. 765.519.

3751 10. For the performance of an HIV test upon an individual
3752 who comes into contact with medical personnel in such a way that
3753 a significant exposure has occurred during the course of
3754 employment, within the scope of practice, or during the course
3755 of providing emergency medical assistance to the individual. The

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 3756 term "medical personnel" includes a licensed or certified health
 3757 care professional; an employee of a health care professional or
 3758 health care facility; employees of a laboratory licensed under
 3759 chapter 483; personnel of a blood bank or plasma center; a
 3760 medical student or other student who is receiving training as a
 3761 health care professional at a health care facility; and a
 3762 paramedic or emergency medical technician certified by the
 3763 department to perform life-support procedures under s. 401.23.

3764 a. The occurrence of a significant exposure shall be
 3765 documented by medical personnel under the supervision of a
 3766 licensed physician and recorded only in the personnel record of
 3767 the medical personnel.

3768 b. Costs of an HIV test shall be borne by the medical
 3769 personnel or the employer of the medical personnel. However,
 3770 costs of testing or treatment not directly related to the
 3771 initial HIV tests or costs of subsequent testing or treatment
 3772 may not be borne by the medical personnel or the employer of the
 3773 medical personnel.

3774 c. In order to use the provisions of this subparagraph, the
 3775 medical personnel must be tested for HIV pursuant to this
 3776 section or provide the results of an HIV test taken within 6
 3777 months before the significant exposure if such test results are
 3778 negative.

3779 d. A person who receives the results of an HIV test
 3780 pursuant to this subparagraph shall maintain the confidentiality
 3781 of the information received and of the persons tested. Such
 3782 confidential information is exempt from s. 119.07(1).

3783 e. If the source of the exposure is not available and will
 3784 not voluntarily present himself or herself to a health facility

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 3785 to be tested for HIV, the medical personnel or the employer of
 3786 such person acting on behalf of the employee may seek a court
 3787 order directing the source of the exposure to submit to HIV
 3788 testing. A sworn statement by a physician licensed under chapter
 3789 458 or chapter 459 that a significant exposure has occurred and
 3790 that, in the physician's medical judgment, testing is medically
 3791 necessary to determine the course of treatment constitutes
 3792 probable cause for the issuance of an order by the court. The
 3793 results of the test shall be released to the source of the
 3794 exposure and to the person who experienced the exposure.

3795 11. For the performance of an HIV test upon an individual
 3796 who comes into contact with nonmedical personnel in such a way
 3797 that a significant exposure has occurred while the nonmedical
 3798 personnel provides emergency medical assistance during a medical
 3799 emergency. For the purposes of this subparagraph, a medical
 3800 emergency means an emergency medical condition outside of a
 3801 hospital or health care facility that provides physician care.
 3802 The test may be performed only during the course of treatment
 3803 for the medical emergency.

3804 a. The occurrence of a significant exposure shall be
 3805 documented by medical personnel under the supervision of a
 3806 licensed physician and recorded in the medical record of the
 3807 nonmedical personnel.

3808 b. Costs of any HIV test shall be borne by the nonmedical
 3809 personnel or the employer of the nonmedical personnel. However,
 3810 costs of testing or treatment not directly related to the
 3811 initial HIV tests or costs of subsequent testing or treatment
 3812 may not be borne by the nonmedical personnel or the employer of
 3813 the nonmedical personnel.

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3814 c. In order to use the provisions of this subparagraph, the
 3815 nonmedical personnel shall be tested for HIV pursuant to this
 3816 section or shall provide the results of an HIV test taken within
 3817 6 months before the significant exposure if such test results
 3818 are negative.

3819 d. A person who receives the results of an HIV test
 3820 pursuant to this subparagraph shall maintain the confidentiality
 3821 of the information received and of the persons tested. Such
 3822 confidential information is exempt from s. 119.07(1).

3823 e. If the source of the exposure is not available and will
 3824 not voluntarily present himself or herself to a health facility
 3825 to be tested for HIV, the nonmedical personnel or the employer
 3826 of the nonmedical personnel acting on behalf of the employee may
 3827 seek a court order directing the source of the exposure to
 3828 submit to HIV testing. A sworn statement by a physician licensed
 3829 under chapter 458 or chapter 459 that a significant exposure has
 3830 occurred and that, in the physician's medical judgment, testing
 3831 is medically necessary to determine the course of treatment
 3832 constitutes probable cause for the issuance of an order by the
 3833 court. The results of the test shall be released to the source
 3834 of the exposure and to the person who experienced the exposure.

3835 12. For the performance of an HIV test by the medical
 3836 examiner or attending physician upon an individual who expired
 3837 or could not be resuscitated while receiving emergency medical
 3838 assistance or care and who was the source of a significant
 3839 exposure to medical or nonmedical personnel providing such
 3840 assistance or care.

3841 a. HIV testing may be conducted only after appropriate
 3842 medical personnel under the supervision of a licensed physician

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3843 documents in the medical record of the medical personnel or
 3844 nonmedical personnel that there has been a significant exposure
 3845 and that, in accordance with the written protocols based on the
 3846 National Centers for Disease Control and Prevention guidelines
 3847 on HIV postexposure prophylaxis and in the physician's medical
 3848 judgment, the information is medically necessary to determine
 3849 the course of treatment for the medical personnel or nonmedical
 3850 personnel.

3851 b. Costs of an HIV test performed under this subparagraph
 3852 may not be charged to the deceased or to the family of the
 3853 deceased person.

3854 c. For this subparagraph to be applicable, the medical
 3855 personnel or nonmedical personnel must be tested for HIV under
 3856 this section or must provide the results of an HIV test taken
 3857 within 6 months before the significant exposure if such test
 3858 results are negative.

3859 d. A person who receives the results of an HIV test
 3860 pursuant to this subparagraph shall comply with paragraph (e).

3861 13. For the performance of an HIV-related test medically
 3862 indicated by licensed medical personnel for medical diagnosis of
 3863 a hospitalized infant as necessary to provide appropriate care
 3864 and treatment of the infant if, after a reasonable attempt, a
 3865 parent cannot be contacted to provide consent. The medical
 3866 records of the infant must reflect the reason consent of the
 3867 parent was not initially obtained. Test results shall be
 3868 provided to the parent when the parent is located.

3869 14. For the performance of HIV testing conducted to monitor
 3870 the clinical progress of a patient previously diagnosed to be
 3871 HIV positive.

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3872 15. For the performance of repeated HIV testing conducted
3873 to monitor possible conversion from a significant exposure.

3874 Section 75. For the purpose of incorporating the amendment
3875 made by this act to section 775.0877, Florida Statutes, in
3876 references thereto, paragraph (c) of subsection (1) and
3877 subsection (3) of section 384.29, Florida Statutes, are
3878 reenacted to read:

3879 384.29 Confidentiality.—

3880 (1) All information and records held by the department or
3881 its authorized representatives relating to known or suspected
3882 cases of sexually transmissible diseases are strictly
3883 confidential and exempt from the provisions of s. 119.07(1).
3884 Such information shall not be released or made public by the
3885 department or its authorized representatives, or by a court or
3886 parties to a lawsuit upon revelation by subpoena, except under
3887 the following circumstances:

3888 (c) When made to medical personnel, appropriate state
3889 agencies, public health agencies, or courts of appropriate
3890 jurisdiction, to enforce the provisions of this chapter or s.
3891 775.0877 and related rules;

3892 (3) No employee of the department or its authorized
3893 representatives shall be examined in a civil, criminal, special,
3894 or other proceeding as to the existence or contents of pertinent
3895 records of a person examined or treated for a sexually
3896 transmissible disease by the department or its authorized
3897 representatives, or of the existence or contents of such reports
3898 received from a private physician or private health facility,
3899 without the consent of the person examined and treated for such
3900 diseases, except in proceedings under ss. 384.27 and 384.28 or

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3901 involving offenders pursuant to s. 775.0877.

3902 Section 76. For the purpose of incorporating the amendment
3903 made by this act to section 39.01, Florida Statutes, in
3904 references thereto, paragraphs (b) and (e) of subsection (2) of
3905 section 390.01114, Florida Statutes, are reenacted to read:

3906 390.01114 Parental Notice of Abortion Act.—

3907 (2) DEFINITIONS.—As used in this section, the term:

3908 (b) "Child abuse" means abandonment, abuse, harm, mental
3909 injury, neglect, physical injury, or sexual abuse of a child as
3910 those terms are defined in ss. 39.01, 827.04, and 984.03.

3911 (e) "Sexual abuse" has the meaning ascribed in s. 39.01.

3912 Section 77. For the purpose of incorporating the amendment
3913 made by this act to section 39.01, Florida Statutes, in
3914 references thereto, paragraph (h) of subsection (4) and
3915 subsections (7) and (9) of section 393.067, Florida Statutes,
3916 are reenacted to read:

3917 393.067 Facility licensure.—

3918 (4) The application shall be under oath and shall contain
3919 the following:

3920 (h) Certification that the staff of the facility or program
3921 will receive training to detect, report, and prevent sexual
3922 abuse, abuse, neglect, exploitation, and abandonment, as defined
3923 in ss. 39.01 and 415.102, of residents and clients.

3924 (7) The agency shall adopt rules establishing minimum
3925 standards for facilities and programs licensed under this
3926 section, including rules requiring facilities and programs to
3927 train staff to detect, report, and prevent sexual abuse, abuse,
3928 neglect, exploitation, and abandonment, as defined in ss. 39.01
3929 and 415.102, of residents and clients, minimum standards of

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3930 quality and adequacy of client care, incident reporting
 3931 requirements, and uniform firesafety standards established by
 3932 the State Fire Marshal which are appropriate to the size of the
 3933 facility or of the component centers or units of the program.
 3934 (9) The agency may conduct unannounced inspections to
 3935 determine compliance by foster care facilities, group home
 3936 facilities, residential habilitation centers, and comprehensive
 3937 transitional education programs with the applicable provisions
 3938 of this chapter and the rules adopted pursuant hereto, including
 3939 the rules adopted for training staff of a facility or a program
 3940 to detect, report, and prevent sexual abuse, abuse, neglect,
 3941 exploitation, and abandonment, as defined in ss. 39.01 and
 3942 415.102, of residents and clients. The facility or program shall
 3943 make copies of inspection reports available to the public upon
 3944 request.
 3945 Section 78. For the purpose of incorporating the amendment
 3946 made by this act to section 39.01, Florida Statutes, in a
 3947 reference thereto, paragraph (p) of subsection (4) of section
 3948 394.495, Florida Statutes, is reenacted to read:
 3949 394.495 Child and adolescent mental health system of care;
 3950 programs and services.-
 3951 (4) The array of services may include, but is not limited
 3952 to:
 3953 (p) Trauma-informed services for children who have suffered
 3954 sexual exploitation as defined in s. 39.01(70)(g).
 3955 Section 79. For the purpose of incorporating the amendment
 3956 made by this act to section 943.0435, Florida Statutes, in a
 3957 reference thereto, paragraph (a) of subsection (2) of section
 3958 394.9125, Florida Statutes, is reenacted to read:

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3959 394.9125 State attorney; authority to refer a person for
 3960 civil commitment.-
 3961 (2) A state attorney may refer a person to the department
 3962 for civil commitment proceedings if the person:
 3963 (a) Is required to register as a sexual offender pursuant
 3964 to s. 943.0435;
 3965 Section 80. For the purpose of incorporating the amendments
 3966 made by this act to sections 775.21, 943.0435, and 943.04354,
 3967 Florida Statutes, in references thereto, paragraphs (a) and (c)
 3968 of subsection (2) of section 397.4872, Florida Statutes, are
 3969 reenacted to read:
 3970 397.4872 Exemption from disqualification; publication.-
 3971 (2) The department may exempt a person from ss. 397.487(6)
 3972 and 397.4871(5) if it has been at least 3 years since the person
 3973 has completed or been lawfully released from confinement,
 3974 supervision, or sanction for the disqualifying offense. An
 3975 exemption from the disqualifying offenses may not be given under
 3976 any circumstances for any person who is a:
 3977 (a) Sexual predator pursuant to s. 775.21;
 3978 (c) Sexual offender pursuant to s. 943.0435, unless the
 3979 requirement to register as a sexual offender has been removed
 3980 pursuant to s. 943.04354.
 3981 Section 81. For the purpose of incorporating the amendment
 3982 made by this act to section 39.01, Florida Statutes, in
 3983 references thereto, paragraph (c) of subsection (1) and
 3984 paragraphs (a) and (b) of subsection (6) of section 409.1678,
 3985 Florida Statutes, are reenacted to read:
 3986 409.1678 Specialized residential options for children who
 3987 are victims of sexual exploitation.-

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3988 (1) DEFINITIONS.—As used in this section, the term:
 3989 (c) “Sexually exploited child” means a child who has
 3990 suffered sexual exploitation as defined in s. 39.01(70)(g) and
 3991 is ineligible for relief and benefits under the federal
 3992 Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.
 3993 (6) LOCATION INFORMATION.—
 3994 (a) Information about the location of a safe house, safe
 3995 foster home, or other residential facility serving victims of
 3996 sexual exploitation, as defined in s. 39.01(70)(g), which is
 3997 held by an agency, as defined in s. 119.011, is confidential and
 3998 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 3999 Constitution. This exemption applies to such confidential and
 4000 exempt information held by an agency before, on, or after the
 4001 effective date of the exemption.
 4002 (b) Information about the location of a safe house, safe
 4003 foster home, or other residential facility serving victims of
 4004 sexual exploitation, as defined in s. 39.01(70)(g), may be
 4005 provided to an agency, as defined in s. 119.011, as necessary to
 4006 maintain health and safety standards and to address emergency
 4007 situations in the safe house, safe foster home, or other
 4008 residential facility.
 4009 Section 82. For the purpose of incorporating the amendments
 4010 made by this act to sections 775.21, 943.0435, and 943.04354,
 4011 Florida Statutes, in references thereto, paragraph (b) of
 4012 subsection (4) of section 435.07, Florida Statutes, is reenacted
 4013 to read:
 4014 435.07 Exemptions from disqualification.—Unless otherwise
 4015 provided by law, the provisions of this section apply to
 4016 exemptions from disqualification for disqualifying offenses

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4017 revealed pursuant to background screenings required under this
 4018 chapter, regardless of whether those disqualifying offenses are
 4019 listed in this chapter or other laws.
 4020 (4)
 4021 (b) Disqualification from employment under this chapter may
 4022 not be removed from, nor may an exemption be granted to, any
 4023 person who is a:
 4024 1. Sexual predator as designated pursuant to s. 775.21;
 4025 2. Career offender pursuant to s. 775.261; or
 4026 3. Sexual offender pursuant to s. 943.0435, unless the
 4027 requirement to register as a sexual offender has been removed
 4028 pursuant to s. 943.04354.
 4029 Section 83. For the purpose of incorporating the amendment
 4030 made by this act to section 895.02, Florida Statutes, in a
 4031 reference thereto, paragraph (g) of subsection (3) of section
 4032 655.50, Florida Statutes, is reenacted to read:
 4033 655.50 Florida Control of Money Laundering and Terrorist
 4034 Financing in Financial Institutions Act.—
 4035 (3) As used in this section, the term:
 4036 (g) “Specified unlawful activity” means “racketeering
 4037 activity” as defined in s. 895.02.
 4038 Section 84. For the purpose of incorporating the amendment
 4039 made by this act to section 784.046, Florida Statutes, in a
 4040 reference thereto, paragraph (e) of subsection (1) of section
 4041 741.313, Florida Statutes, is reenacted to read:
 4042 741.313 Unlawful action against employees seeking
 4043 protection.—
 4044 (1) As used in this section, the term:
 4045 (e) “Sexual violence” means sexual violence, as defined in

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4046 s. 784.046, or any crime the underlying factual basis of which
 4047 has been found by a court to include an act of sexual violence.
 4048 Section 85. For the purpose of incorporating the amendment
 4049 made by this act to section 947.1405, Florida Statutes, in a
 4050 reference thereto, paragraph (j) of subsection (4) of section
 4051 775.084, Florida Statutes, is reenacted to read:
 4052 775.084 Violent career criminals; habitual felony offenders
 4053 and habitual violent felony offenders; three-time violent felony
 4054 offenders; definitions; procedure; enhanced penalties or
 4055 mandatory minimum prison terms.—
 4056 (4)
 4057 (j) The provisions of s. 947.1405 shall apply to persons
 4058 sentenced as habitual felony offenders and persons sentenced as
 4059 habitual violent felony offenders.
 4060 Section 86. For the purpose of incorporating the amendment
 4061 made by this act to section 943.0435, Florida Statutes, in a
 4062 reference thereto, subsection (2) of section 775.0862, Florida
 4063 Statutes, is reenacted to read:
 4064 775.0862 Sexual offenses against students by authority
 4065 figures; reclassification.—
 4066 (2) The felony degree of a violation of an offense listed
 4067 in s. 943.0435(1)(h)1.a., unless the offense is a violation of
 4068 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified
 4069 as provided in this section if the offense is committed by an
 4070 authority figure of a school against a student of the school.
 4071 Section 87. For the purpose of incorporating the amendments
 4072 made by this act to sections 775.21, 943.0435, and 944.607,
 4073 Florida Statutes, in references thereto, paragraphs (e) and (f)
 4074 of subsection (4) of section 775.13, Florida Statutes, are

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4075 reenacted to read:
 4076 775.13 Registration of convicted felons, exemptions;
 4077 penalties.—
 4078 (4) This section does not apply to an offender:
 4079 (e) Who is a sexual predator and has registered as required
 4080 under s. 775.21;
 4081 (f) Who is a sexual offender and has registered as required
 4082 in s. 943.0435 or s. 944.607; or
 4083 Section 88. For the purpose of incorporating the amendments
 4084 made by this act to sections 943.0435, 944.607, 947.1405, and
 4085 948.30, Florida Statutes, in references thereto, paragraph (b)
 4086 of subsection (3), paragraph (d) of subsection (5), paragraph
 4087 (f) of subsection (6), and paragraph (c) of subsection (10) of
 4088 section 775.21, Florida Statutes, are reenacted to read:
 4089 775.21 The Florida Sexual Predators Act.—
 4090 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE INTENT.—
 4091 (b) The high level of threat that a sexual predator
 4092 presents to the public safety, and the long-term effects
 4093 suffered by victims of sex offenses, provide the state with
 4094 sufficient justification to implement a strategy that includes:
 4095 1. Incarcerating sexual predators and maintaining adequate
 4096 facilities to ensure that decisions to release sexual predators
 4097 into the community are not made on the basis of inadequate
 4098 space.
 4099 2. Providing for specialized supervision of sexual
 4100 predators who are in the community by specially trained
 4101 probation officers with low caseloads, as described in ss.
 4102 947.1405(7) and 948.30. The sexual predator is subject to
 4103 specified terms and conditions implemented at sentencing or at

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4104 the time of release from incarceration, with a requirement that
4105 those who are financially able must pay all or part of the costs
4106 of supervision.

4107 3. Requiring the registration of sexual predators, with a
4108 requirement that complete and accurate information be maintained
4109 and accessible for use by law enforcement authorities,
4110 communities, and the public.

4111 4. Providing for community and public notification
4112 concerning the presence of sexual predators.

4113 5. Prohibiting sexual predators from working with children,
4114 either for compensation or as a volunteer.

4115 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
4116 as a sexual predator as follows:

4117 (d) A person who establishes or maintains a residence in
4118 this state and who has not been designated as a sexual predator
4119 by a court of this state but who has been designated as a sexual
4120 predator, as a sexually violent predator, or by another sexual
4121 offender designation in another state or jurisdiction and was,
4122 as a result of such designation, subjected to registration or
4123 community or public notification, or both, or would be if the
4124 person was a resident of that state or jurisdiction, without
4125 regard to whether the person otherwise meets the criteria for
4126 registration as a sexual offender, shall register in the manner
4127 provided in s. 943.0435 or s. 944.607 and shall be subject to
4128 community and public notification as provided in s. 943.0435 or
4129 s. 944.607. A person who meets the criteria of this section is
4130 subject to the requirements and penalty provisions of s.

4131 943.0435 or s. 944.607 until the person provides the department
4132 with an order issued by the court that designated the person as

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4133 a sexual predator, as a sexually violent predator, or by another
4134 sexual offender designation in the state or jurisdiction in
4135 which the order was issued which states that such designation
4136 has been removed or demonstrates to the department that such
4137 designation, if not imposed by a court, has been removed by
4138 operation of law or court order in the state or jurisdiction in
4139 which the designation was made, and provided such person no
4140 longer meets the criteria for registration as a sexual offender
4141 under the laws of this state.

4142 (6) REGISTRATION.—

4143 (f) Within 48 hours after the registration required under
4144 paragraph (a) or paragraph (e), a sexual predator who is not
4145 incarcerated and who resides in the community, including a
4146 sexual predator under the supervision of the Department of
4147 Corrections, shall register in person at a driver license office
4148 of the Department of Highway Safety and Motor Vehicles and shall
4149 present proof of registration unless a driver license or an
4150 identification card that complies with the requirements of s.
4151 322.141(3) was previously secured or updated under s. 944.607.
4152 At the driver license office the sexual predator shall:

4153 1. If otherwise qualified, secure a Florida driver license,
4154 renew a Florida driver license, or secure an identification
4155 card. The sexual predator shall identify himself or herself as a
4156 sexual predator who is required to comply with this section,
4157 provide his or her place of permanent, temporary, or transient
4158 residence, including a rural route address and a post office
4159 box, and submit to the taking of a photograph for use in issuing
4160 a driver license, a renewed license, or an identification card,
4161 and for use by the department in maintaining current records of

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4162 sexual predators. A post office box may not be provided in lieu
 4163 of a physical residential address. If the sexual predator's
 4164 place of residence is a motor vehicle, trailer, mobile home, or
 4165 manufactured home, as defined in chapter 320, the sexual
 4166 predator shall also provide to the Department of Highway Safety
 4167 and Motor Vehicles the vehicle identification number; the
 4168 license tag number; the registration number; and a description,
 4169 including color scheme, of the motor vehicle, trailer, mobile
 4170 home, or manufactured home. If a sexual predator's place of
 4171 residence is a vessel, live-aboard vessel, or houseboat, as
 4172 defined in chapter 327, the sexual predator shall also provide
 4173 to the Department of Highway Safety and Motor Vehicles the hull
 4174 identification number; the manufacturer's serial number; the
 4175 name of the vessel, live-aboard vessel, or houseboat; the
 4176 registration number; and a description, including color scheme,
 4177 of the vessel, live-aboard vessel, or houseboat.

4178 2. Pay the costs assessed by the Department of Highway
 4179 Safety and Motor Vehicles for issuing or renewing a driver
 4180 license or an identification card as required by this section.
 4181 The driver license or identification card issued to the sexual
 4182 predator must comply with s. 322.141(3).

4183 3. Provide, upon request, any additional information
 4184 necessary to confirm the identity of the sexual predator,
 4185 including a set of fingerprints.

4186 (10) PENALTIES.—

4187 (c) Any person who misuses public records information
 4188 relating to a sexual predator, as defined in this section, or a
 4189 sexual offender, as defined in s. 943.0435 or s. 944.607, to
 4190 secure a payment from such a predator or offender; who knowingly

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4191 distributes or publishes false information relating to such a
 4192 predator or offender which the person misrepresents as being
 4193 public records information; or who materially alters public
 4194 records information with the intent to misrepresent the
 4195 information, including documents, summaries of public records
 4196 information provided by law enforcement agencies, or public
 4197 records information displayed by law enforcement agencies on
 4198 websites or provided through other means of communication,
 4199 commits a misdemeanor of the first degree, punishable as
 4200 provided in s. 775.082 or s. 775.083.

4201 Section 89. For the purpose of incorporating the amendments
 4202 made by this act to section 943.0435, 944.606, and 944.607,
 4203 Florida Statutes, in references thereto, subsection (2) of
 4204 section 775.24, Florida Statutes, is reenacted to read:

4205 775.24 Duty of the court to uphold laws governing sexual
 4206 predators and sexual offenders.—

4207 (2) If a person meets the criteria in this chapter for
 4208 designation as a sexual predator or meets the criteria in s.
 4209 943.0435, s. 944.606, s. 944.607, or any other law for
 4210 classification as a sexual offender, the court may not enter an
 4211 order, for the purpose of approving a plea agreement or for any
 4212 other reason, which:

4213 (a) Exempts a person who meets the criteria for designation
 4214 as a sexual predator or classification as a sexual offender from
 4215 such designation or classification, or exempts such person from
 4216 the requirements for registration or community and public
 4217 notification imposed upon sexual predators and sexual offenders;

4218 (b) Restricts the compiling, reporting, or release of
 4219 public records information that relates to sexual predators or

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4220 sexual offenders; or

4221 (c) Prevents any person or entity from performing its
4222 duties or operating within its statutorily conferred authority
4223 as such duty or authority relates to sexual predators or sexual
4224 offenders.

4225 Section 90. For the purpose of incorporating the amendments
4226 made by this act to sections 775.21, 943.0435, 944.606, and
4227 944.607, Florida Statutes, in references thereto, section
4228 775.25, Florida Statutes, is reenacted to read:

4229 775.25 Prosecutions for acts or omissions.—A sexual
4230 predator or sexual offender who commits any act or omission in
4231 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
4232 944.607, or former s. 947.177 may be prosecuted for the act or
4233 omission in the county in which the act or omission was
4234 committed, in the county of the last registered address of the
4235 sexual predator or sexual offender, in the county in which the
4236 conviction occurred for the offense or offenses that meet the
4237 criteria for designating a person as a sexual predator or sexual
4238 offender, in the county where the sexual predator or sexual
4239 offender was released from incarceration, or in the county of
4240 the intended address of the sexual predator or sexual offender
4241 as reported by the predator or offender prior to his or her
4242 release from incarceration. In addition, a sexual predator may
4243 be prosecuted for any such act or omission in the county in
4244 which he or she was designated a sexual predator.

4245 Section 91. For the purpose of incorporating the amendments
4246 made by this act to sections 775.21, 943.0435, and 944.607,
4247 Florida Statutes, in references thereto, paragraph (b) of
4248 subsection (3) of section 775.261, Florida Statutes, is

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4249 reenacted to read:

4250 775.261 The Florida Career Offender Registration Act.—

4251 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

4252 (b) This section does not apply to any person who has been
4253 designated as a sexual predator and required to register under
4254 s. 775.21 or who is required to register as a sexual offender
4255 under s. 943.0435 or s. 944.607. However, if a person is no
4256 longer required to register as a sexual predator under s. 775.21
4257 or as a sexual offender under s. 943.0435 or s. 944.607, the
4258 person must register as a career offender under this section if
4259 the person is otherwise designated as a career offender as
4260 provided in this section.

4261 Section 92. For the purpose of incorporating the amendment
4262 made by this act to section 847.001, Florida Statutes, in a
4263 reference thereto, paragraph (d) of subsection (2) of section
4264 784.049, Florida Statutes, is reenacted to read:

4265 784.049 Sexual cyberharassment.—

4266 (2) As used in this section, the term:

4267 (d) "Sexually explicit image" means any image depicting
4268 nudity, as defined in s. 847.001, or depicting a person engaging
4269 in sexual conduct, as defined in s. 847.001.

4270 Section 93. For the purpose of incorporating the amendment
4271 made by this act to section 794.0115, Florida Statutes, in
4272 references thereto, paragraph (a) of subsection (2) and
4273 subsections (3), (4), and (5) of section 794.011, Florida
4274 Statutes, are reenacted to read:

4275 794.011 Sexual battery.—

4276 (2) (a) A person 18 years of age or older who commits sexual
4277 battery upon, or in an attempt to commit sexual battery injures

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4278 the sexual organs of, a person less than 12 years of age commits
4279 a capital felony, punishable as provided in ss. 775.082 and
4280 921.141.

4281 (3) A person who commits sexual battery upon a person 12
4282 years of age or older, without that person's consent, and in the
4283 process thereof uses or threatens to use a deadly weapon or uses
4284 actual physical force likely to cause serious personal injury
4285 commits a life felony, punishable as provided in s. 775.082, s.
4286 775.083, s. 775.084, or s. 794.0115.

4287 (4) (a) A person 18 years of age or older who commits sexual
4288 battery upon a person 12 years of age or older but younger than
4289 18 years of age without that person's consent, under any of the
4290 circumstances listed in paragraph (e), commits a felony of the
4291 first degree, punishable by a term of years not exceeding life
4292 or as provided in s. 775.082, s. 775.083, s. 775.084, or s.
4293 794.0115.

4294 (b) A person 18 years of age or older who commits sexual
4295 battery upon a person 18 years of age or older without that
4296 person's consent, under any of the circumstances listed in
4297 paragraph (e), commits a felony of the first degree, punishable
4298 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
4299 794.0115.

4300 (c) A person younger than 18 years of age who commits
4301 sexual battery upon a person 12 years of age or older without
4302 that person's consent, under any of the circumstances listed in
4303 paragraph (e), commits a felony of the first degree, punishable
4304 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
4305 794.0115.

4306 (d) A person commits a felony of the first degree,

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4307 punishable by a term of years not exceeding life or as provided
4308 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the
4309 person commits sexual battery upon a person 12 years of age or
4310 older without that person's consent, under any of the
4311 circumstances listed in paragraph (e), and such person was
4312 previously convicted of a violation of:

4313 1. Section 787.01(2) or s. 787.02(2) when the violation
4314 involved a victim who was a minor and, in the course of
4315 committing that violation, the defendant committed against the
4316 minor a sexual battery under this chapter or a lewd act under s.
4317 800.04 or s. 847.0135(5);

4318 2. Section 787.01(3)(a)2. or 3.;

4319 3. Section 787.02(3)(a)2. or 3.;

4320 4. Section 800.04;

4321 5. Section 825.1025;

4322 6. Section 847.0135(5); or

4323 7. This chapter, excluding subsection (10) of this section.

4324 (e) The following circumstances apply to paragraphs (a)-
4325 (d):

4326 1. The victim is physically helpless to resist.

4327 2. The offender coerces the victim to submit by threatening
4328 to use force or violence likely to cause serious personal injury
4329 on the victim, and the victim reasonably believes that the
4330 offender has the present ability to execute the threat.

4331 3. The offender coerces the victim to submit by threatening
4332 to retaliate against the victim, or any other person, and the
4333 victim reasonably believes that the offender has the ability to
4334 execute the threat in the future.

4335 4. The offender, without the prior knowledge or consent of

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4336 the victim, administers or has knowledge of someone else
 4337 administering to the victim any narcotic, anesthetic, or other
 4338 intoxicating substance that mentally or physically incapacitates
 4339 the victim.

4340 5. The victim is mentally defective, and the offender has
 4341 reason to believe this or has actual knowledge of this fact.

4342 6. The victim is physically incapacitated.

4343 7. The offender is a law enforcement officer, correctional
 4344 officer, or correctional probation officer as defined in s.
 4345 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified
 4346 under s. 943.1395 or is an elected official exempt from such
 4347 certification by virtue of s. 943.253, or any other person in a
 4348 position of control or authority in a probation, community
 4349 control, controlled release, detention, custodial, or similar
 4350 setting, and such officer, official, or person is acting in such
 4351 a manner as to lead the victim to reasonably believe that the
 4352 offender is in a position of control or authority as an agent or
 4353 employee of government.

4354 (5) (a) A person 18 years of age or older who commits sexual
 4355 battery upon a person 12 years of age or older but younger than
 4356 18 years of age, without that person's consent, and in the
 4357 process does not use physical force and violence likely to cause
 4358 serious personal injury commits a felony of the first degree,
 4359 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or
 4360 s. 794.0115.

4361 (b) A person 18 years of age or older who commits sexual
 4362 battery upon a person 18 years of age or older, without that
 4363 person's consent, and in the process does not use physical force
 4364 and violence likely to cause serious personal injury commits a

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4365 felony of the second degree, punishable as provided in s.
 4366 775.082, s. 775.083, s. 775.084, or s. 794.0115.

4367 (c) A person younger than 18 years of age who commits
 4368 sexual battery upon a person 12 years of age or older, without
 4369 that person's consent, and in the process does not use physical
 4370 force and violence likely to cause serious personal injury
 4371 commits a felony of the second degree, punishable as provided in
 4372 s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

4373 (d) A person commits a felony of the first degree,
 4374 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or
 4375 s. 794.0115 if the person commits sexual battery upon a person
 4376 12 years of age or older, without that person's consent, and in
 4377 the process does not use physical force and violence likely to
 4378 cause serious personal injury and the person was previously
 4379 convicted of a violation of:

4380 1. Section 787.01(2) or s. 787.02(2) when the violation
 4381 involved a victim who was a minor and, in the course of
 4382 committing that violation, the defendant committed against the
 4383 minor a sexual battery under this chapter or a lewd act under s.
 4384 800.04 or s. 847.0135(5);

4385 2. Section 787.01(3)(a)2. or 3.;

4386 3. Section 787.02(3)(a)2. or 3.;

4387 4. Section 800.04;

4388 5. Section 825.1025;

4389 6. Section 847.0135(5); or

4390 7. This chapter, excluding subsection (10) of this section.

4391 Section 94. For the purpose of incorporating the amendment
 4392 made by this act to section 92.56, Florida Statutes, in a
 4393 reference thereto, section 794.03, Florida Statutes, is

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4394 reenacted to read:

4395 794.03 Unlawful to publish or broadcast information

4396 identifying sexual offense victim.—No person shall print,

4397 publish, or broadcast, or cause or allow to be printed,

4398 published, or broadcast, in any instrument of mass communication

4399 the name, address, or other identifying fact or information of

4400 the victim of any sexual offense within this chapter, except as

4401 provided in s. 119.071(2)(h) or unless the court determines that

4402 such information is no longer confidential and exempt pursuant

4403 to s. 92.56. An offense under this section shall constitute a

4404 misdemeanor of the second degree, punishable as provided in s.

4405 775.082 or s. 775.083.

4406 Section 95. For the purpose of incorporating the amendment

4407 made by this act to section 775.21, Florida Statutes, in a

4408 reference thereto, subsection (1) of section 794.075, Florida

4409 Statutes, is reenacted to read:

4410 794.075 Sexual predators; erectile dysfunction drugs.—

4411 (1) A person may not possess a prescription drug, as

4412 defined in s. 499.003(40), for the purpose of treating erectile

4413 dysfunction if the person is designated as a sexual predator

4414 under s. 775.21.

4415 Section 96. For the purpose of incorporating the amendment

4416 made by this act to section 960.03, Florida Statutes, in

4417 references thereto, paragraph (b) of subsection (1) and

4418 subsections (2) and (3) of section 847.002, Florida Statutes,

4419 are reenacted to read:

4420 847.002 Child pornography prosecutions.—

4421 (1) Any law enforcement officer who, pursuant to a criminal

4422 investigation, recovers images or movies of child pornography

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4423 shall:

4424 (b) Request the law enforcement agency contact information

4425 from the Child Victim Identification Program for any images or

4426 movies recovered which contain an identified victim of child

4427 pornography as defined in s. 960.03.

4428 (2) Any law enforcement officer submitting a case for

4429 prosecution which involves the production, promotion, or

4430 possession of child pornography shall submit to the designated

4431 prosecutor the law enforcement agency contact information

4432 provided by the Child Victim Identification Program at the

4433 National Center for Missing and Exploited Children, for any

4434 images or movies involved in the case which contain the

4435 depiction of an identified victim of child pornography as

4436 defined in s. 960.03.

4437 (3) In every filed case involving an identified victim of

4438 child pornography, as defined in s. 960.03, the prosecuting

4439 agency shall enter the following information into the Victims in

4440 Child Pornography Tracking Repeat Exploitation database

4441 maintained by the Office of the Attorney General:

4442 (a) The case number and agency file number.

4443 (b) The named defendant.

4444 (c) The circuit court division and county.

4445 (d) Current court dates and the status of the case.

4446 (e) Contact information for the prosecutor assigned.

4447 (f) Verification that the prosecutor is or is not in

4448 possession of a victim impact statement and will use the

4449 statement in sentencing.

4450 Section 97. For the purpose of incorporating the amendment

4451 made by this act to section 847.001, Florida Statutes, in a

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4452 reference thereto, paragraph (b) of subsection (3) of section
 4453 847.012, Florida Statutes, is reenacted to read:
 4454 847.012 Harmful materials; sale or distribution to minors
 4455 or using minors in production prohibited; penalty.—
 4456 (3) A person may not knowingly sell, rent, or loan for
 4457 monetary consideration to a minor:
 4458 (b) Any book, pamphlet, magazine, printed matter however
 4459 reproduced, or sound recording that contains any matter defined
 4460 in s. 847.001, explicit and detailed verbal descriptions or
 4461 narrative accounts of sexual excitement, or sexual conduct and
 4462 that is harmful to minors.
 4463 Section 98. For the purpose of incorporating the amendment
 4464 made by this act to section 92.56, Florida Statutes, in a
 4465 reference thereto, subsection (3) of section 847.01357, Florida
 4466 Statutes, is reenacted to read:
 4467 847.01357 Exploited children's civil remedy.—
 4468 (3) Any victim who has a bona fide claim under this section
 4469 shall, upon request, be provided a pseudonym, pursuant to s.
 4470 92.56(3), which shall be issued and maintained by the Department
 4471 of Legal Affairs for use in all legal pleadings. This identifier
 4472 shall be fully recognized in all courts in this state as a valid
 4473 legal identity.
 4474 Section 99. For the purpose of incorporating the amendment
 4475 made by this act to section 847.001, Florida Statutes, in a
 4476 reference thereto, subsections (2) and (3) of section 847.0138,
 4477 Florida Statutes, are reenacted to read:
 4478 847.0138 Transmission of material harmful to minors to a
 4479 minor by electronic device or equipment prohibited; penalties.—
 4480 (2) Notwithstanding ss. 847.012 and 847.0133, any person

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4481 who knew or believed that he or she was transmitting an image,
 4482 information, or data that is harmful to minors, as defined in s.
 4483 847.001, to a specific individual known by the defendant to be a
 4484 minor commits a felony of the third degree, punishable as
 4485 provided in s. 775.082, s. 775.083, or s. 775.084.
 4486 (3) Notwithstanding ss. 847.012 and 847.0133, any person in
 4487 any jurisdiction other than this state who knew or believed that
 4488 he or she was transmitting an image, information, or data that
 4489 is harmful to minors, as defined in s. 847.001, to a specific
 4490 individual known by the defendant to be a minor commits a felony
 4491 of the third degree, punishable as provided in s. 775.082, s.
 4492 775.083, or s. 775.084.
 4493
 4494 The provisions of this section do not apply to subscription-
 4495 based transmissions such as list servers.
 4496 Section 100. For the purpose of incorporating the
 4497 amendments made by this act to sections 16.56 and 895.02,
 4498 Florida Statutes, in references thereto, paragraph (g) of
 4499 subsection (2) and subsection (10) of section 896.101, Florida
 4500 Statutes, are reenacted to read:
 4501 896.101 Florida Money Laundering Act; definitions;
 4502 penalties; injunctions; seizure warrants; immunity.—
 4503 (2) As used in this section, the term:
 4504 (g) "Specified unlawful activity" means any "racketeering
 4505 activity" as defined in s. 895.02.
 4506 (10) Any financial institution, licensed money services
 4507 business, or other person served with and complying with the
 4508 terms of a warrant, temporary injunction, or other court order,
 4509 including any subpoena issued under s. 16.56 or s. 27.04,

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4510 obtained in furtherance of an investigation of any crime in this
 4511 section, including any crime listed as specified unlawful
 4512 activity under this section or any felony violation of chapter
 4513 560, has immunity from criminal liability and is not liable to
 4514 any person for any lawful action taken in complying with the
 4515 warrant, temporary injunction, or other court order, including
 4516 any subpoena issued under s. 16.56 or s. 27.04. If any subpoena
 4517 issued under s. 16.56 or s. 27.04 contains a nondisclosure
 4518 provision, any financial institution, licensed money services
 4519 business, employee or officer of a financial institution or
 4520 licensed money services business, or any other person may not
 4521 notify, directly or indirectly, any customer of that financial
 4522 institution or money services business whose records are being
 4523 sought by the subpoena, or any other person named in the
 4524 subpoena, about the existence or the contents of that subpoena
 4525 or about information that has been furnished to the state
 4526 attorney or statewide prosecutor who issued the subpoena or
 4527 other law enforcement officer named in the subpoena in response
 4528 to the subpoena.

4529 Section 101. For the purpose of incorporating the
 4530 amendments made by this act to sections 775.21 and 948.06,
 4531 Florida Statutes, in references thereto, paragraphs (b) and (c)
 4532 of subsection (1) of section 903.0351, Florida Statutes, are
 4533 reenacted to read:

4534 903.0351 Restrictions on pretrial release pending
 4535 probation-violation hearing or community-control-violation
 4536 hearing.—

4537 (1) In the instance of an alleged violation of felony
 4538 probation or community control, bail or any other form of

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4539 pretrial release shall not be granted prior to the resolution of
 4540 the probation-violation hearing or the community-control-
 4541 violation hearing to:

4542 (b) A person who is on felony probation or community
 4543 control for any offense committed on or after the effective date
 4544 of this act and who is arrested for a qualifying offense as
 4545 defined in s. 948.06(8)(c); or

4546 (c) A person who is on felony probation or community
 4547 control and has previously been found by a court to be a
 4548 habitual violent felony offender as defined in s. 775.084(1)(b),
 4549 a three-time violent felony offender as defined in s.
 4550 775.084(1)(c), or a sexual predator under s. 775.21, and who is
 4551 arrested for committing a qualifying offense as defined in s.
 4552 948.06(8)(c) on or after the effective date of this act.

4553 Section 102. For the purpose of incorporating the
 4554 amendments made by this act to sections 775.21 and 943.0435,
 4555 Florida Statutes, in references thereto, paragraph (m) of
 4556 subsection (2) of section 903.046, Florida Statutes, is
 4557 reenacted to read:

4558 903.046 Purpose of and criteria for bail determination.—

4559 (2) When determining whether to release a defendant on bail
 4560 or other conditions, and what that bail or those conditions may
 4561 be, the court shall consider:

4562 (m) Whether the defendant, other than a defendant whose
 4563 only criminal charge is a misdemeanor offense under chapter 316,
 4564 is required to register as a sexual offender under s. 943.0435
 4565 or a sexual predator under s. 775.21; and, if so, he or she is
 4566 not eligible for release on bail or surety bond until the first
 4567 appearance on the case in order to ensure the full participation

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4568 of the prosecutor and the protection of the public.

4569 Section 103. For the purpose of incorporating the amendment
 4570 made by this act to section 895.02, Florida Statutes, in a
 4571 reference thereto, subsection (3) of section 905.34, Florida
 4572 Statutes, is reenacted to read:

4573 905.34 Powers and duties; law applicable.—The jurisdiction
 4574 of a statewide grand jury impaneled under this chapter shall
 4575 extend throughout the state. The subject matter jurisdiction of
 4576 the statewide grand jury shall be limited to the offenses of:

4577 (3) Any violation of the provisions of the Florida RICO
 4578 (Racketeer Influenced and Corrupt Organization) Act, including
 4579 any offense listed in the definition of racketeering activity in
 4580 s. 895.02(8)(a), providing such listed offense is investigated
 4581 in connection with a violation of s. 895.03 and is charged in a
 4582 separate count of an information or indictment containing a
 4583 count charging a violation of s. 895.03, the prosecution of
 4584 which listed offense may continue independently if the
 4585 prosecution of the violation of s. 895.03 is terminated for any
 4586 reason;

4587 or any attempt, solicitation, or conspiracy to commit any
 4588 violation of the crimes specifically enumerated above, when any
 4589 such offense is occurring, or has occurred, in two or more
 4590 judicial circuits as part of a related transaction or when any
 4591 such offense is connected with an organized criminal conspiracy
 4592 affecting two or more judicial circuits. The statewide grand
 4593 jury may return indictments and presentments irrespective of the
 4594 county or judicial circuit where the offense is committed or
 4595 triable. If an indictment is returned, it shall be certified and
 4596

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4597 transferred for trial to the county where the offense was
 4598 committed. The powers and duties of, and law applicable to,
 4599 county grand juries shall apply to a statewide grand jury except
 4600 when such powers, duties, and law are inconsistent with the
 4601 provisions of ss. 905.31-905.40.

4602 Section 104. For the purpose of incorporating the
 4603 amendments made by this act to sections 775.21 and 847.0135,
 4604 Florida Statutes, in references thereto, paragraph (g) of
 4605 subsection (3) of section 921.0022, Florida Statutes, is
 4606 reenacted to read:

4607 921.0022 Criminal Punishment Code; offense severity ranking
 4608 chart.—

4609 (3) OFFENSE SEVERITY RANKING CHART

4610 (g) LEVEL 7

4611
 4612

Florida Statute	Felony Degree	Description
4613 316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
4614 316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
4615 316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety

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while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

4616 327.35(3)(c)2. 3rd Vessel BUI resulting in serious bodily injury.

4617 402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

4618 409.920 3rd Medicaid provider fraud; (2)(b)1.a. \$10,000 or less.

4619 409.920 2nd Medicaid provider fraud; more (2)(b)1.b. than \$10,000, but less than \$50,000.

4620 456.065(2) 3rd Practicing a health care profession without a license.

4621 456.065(2) 2nd Practicing a health care profession without a license which results in serious bodily injury.

4622

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458.327(1) 3rd Practicing medicine without a license.

4623 459.013(1) 3rd Practicing osteopathic medicine without a license.

4624 460.411(1) 3rd Practicing chiropractic medicine without a license.

4625 461.012(1) 3rd Practicing podiatric medicine without a license.

4626 462.17 3rd Practicing naturopathy without a license.

4627 463.015(1) 3rd Practicing optometry without a license.

4628 464.016(1) 3rd Practicing nursing without a license.

4629 465.015(2) 3rd Practicing pharmacy without a license.

4630 466.026(1) 3rd Practicing dentistry or dental hygiene without a license.

4631 467.201 3rd Practicing midwifery without a license.

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4632	468.366	3rd	Delivering respiratory care services without a license.
4633	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
4634	483.901(7)	3rd	Practicing medical physics without a license.
4635	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
4636	484.053	3rd	Dispensing hearing aids without a license.
4637	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.
4638	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.
4639			

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	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
4640	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
4641	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
4642	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
4643	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
4644	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted

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			felony.
4645	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
4646	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
4647	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
4648	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
4649	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
4650	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
4651	784.048(4)	3rd	Aggravated stalking; violation

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			of injunction or court order.
4652	784.048(7)	3rd	Aggravated stalking; violation of court order.
4653	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
4654	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
4655	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
4656	784.081(1)	1st	Aggravated battery on specified official or employee.
4657	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
4658	784.083(1)	1st	Aggravated battery on code inspector.
4659	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
4660			

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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.

4661 790.07(4) 1st Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

4662 790.16(1) 1st Discharge of a machine gun under specified circumstances.

4663 790.165(2) 2nd Manufacture, sell, possess, or deliver hoax bomb.

4664 790.165(3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

4665 790.166(3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

4666 790.166(4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction

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4667 while committing or attempting to commit a felony.

790.23 1st,PBL Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

4668 794.08(4) 3rd Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

4669 796.05(1) 1st Live on earnings of a prostitute; 2nd offense.

4670 796.05(1) 1st Live on earnings of a prostitute; 3rd and subsequent offense.

4671 800.04(5)(c)1. 2nd Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.

4672 800.04(5)(c)2. 2nd Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of

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				age; offender 18 years of age or older.
4673	800.04(5)(e)	1st		Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
4674	806.01(2)	2nd		Maliciously damage structure by fire or explosive.
4675	810.02(3)(a)	2nd		Burglary of occupied dwelling; unarmed; no assault or battery.
4676	810.02(3)(b)	2nd		Burglary of unoccupied dwelling; unarmed; no assault or battery.
4677	810.02(3)(d)	2nd		Burglary of occupied conveyance; unarmed; no assault or battery.
4678	810.02(3)(e)	2nd		Burglary of authorized emergency vehicle.
4679	812.014(2)(a)1.	1st		Property stolen, valued at \$100,000 or more or a

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				semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
4680	812.014(2)(b)2.	2nd		Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
4681	812.014(2)(b)3.	2nd		Property stolen, emergency medical equipment; 2nd degree grand theft.
4682	812.014(2)(b)4.	2nd		Property stolen, law enforcement equipment from authorized emergency vehicle.
4683	812.0145(2)(a)	1st		Theft from person 65 years of age or older; \$50,000 or more.
4684	812.019(2)	1st		Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
4685	812.131(2)(a)	2nd		Robbery by sudden snatching.
4686	812.133(2)(b)	1st		Carjacking; no firearm, deadly

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weapon, or other weapon.

4687

817.034(4)(a)1. 1st Communications fraud, value greater than \$50,000.

4688

817.234(8)(a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

4689

817.234(9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

4690

817.234(11)(c) 1st Insurance fraud; property value \$100,000 or more.

4691

817.2341 1st Making false entries of (2)(b) & (3)(b) material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

4692

817.535(2)(a) 3rd Filing false lien or other unauthorized document.

4693

817.611(2)(b) 2nd Traffic in or possess 15 to 49 counterfeit credit cards or

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related documents.

4694

825.102(3)(b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

4695

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.

4696

827.03(2)(b) 2nd Neglect of a child causing great bodily harm, disability, or disfigurement.

4697

827.04(3) 3rd Impregnation of a child under 16 years of age by person 21 years of age or older.

4698

837.05(2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

4699

838.015 2nd Bribery.

4700

838.016 2nd Unlawful compensation or reward for official behavior.

4701

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4702	838.021(3)(a)	2nd	Unlawful harm to a public servant.
4703	838.22	2nd	Bid tampering.
4704	843.0855(2)	3rd	Impersonation of a public officer or employee.
4705	843.0855(3)	3rd	Unlawful simulation of legal process.
4706	843.0855(4)	3rd	Intimidation of a public officer or employee.
4707	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
4708	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
4709	872.06	2nd	Abuse of a dead human body.
4710	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
	874.10	1st,PBL	Knowingly initiates, organizes,

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4711			plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
4712	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
4713	893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
4714			

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	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
4715	893.135	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
	(1)(b)1.a.		
4716	893.135	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
	(1)(c)1.a.		
4717	893.135	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
	(1)(c)2.a.		
4718	893.135	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
	(1)(c)2.b.		
4719	893.135	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
	(1)(c)3.a.		
4720	893.135	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
	(1)(c)3.b.		
4721	893.135(1)(d)1.	1st	Trafficking in phencyclidine,

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			more than 28 grams, less than 200 grams.
4722	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
4723	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
4724	893.135	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
	(1)(g)1.a.		
4725	893.135	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
	(1)(h)1.a.		
4726	893.135	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
	(1)(j)1.a.		
4727	893.135	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
	(1)(k)2.a.		
4728	893.1351(2)	2nd	Possession of place for

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				trafficking in or manufacturing of controlled substance.
4729	896.101(5)(a)	3rd		Money laundering, financial transactions exceeding \$300 but less than \$20,000.
4730	896.104(4)(a)1.	3rd		Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
4731	943.0435(4)(c)	2nd		Sexual offender vacating permanent residence; failure to comply with reporting requirements.
4732	943.0435(8)	2nd		Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
4733	943.0435(9)(a)	3rd		Sexual offender; failure to comply with reporting requirements.
4734	943.0435(13)	3rd		Failure to report or providing false information about a

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				sexual offender; harbor or conceal a sexual offender.
4735	943.0435(14)	3rd		Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
4736	944.607(9)	3rd		Sexual offender; failure to comply with reporting requirements.
4737	944.607(10)(a)	3rd		Sexual offender; failure to submit to the taking of a digitized photograph.
4738	944.607(12)	3rd		Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
4739	944.607(13)	3rd		Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
4740	985.4815(10)	3rd		Sexual offender; failure to

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submit to the taking of a
digitized photograph.

4741

985.4815 (12) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

4742

985.4815 (13) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification; providing false
registration information.

4743

Section 105. For the purpose of incorporating the amendment
made by this act to section 775.21, Florida Statutes, in a
reference thereto, paragraph (o) of subsection (6) of section
921.141, Florida Statutes, is reenacted to read:

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

(6) AGGRAVATING FACTORS.—Aggravating factors shall be
limited to the following:

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

Section 106. For the purpose of incorporating the amendment
made by this act to section 948.013, Florida Statutes, in a
reference thereto, paragraph (n) of subsection (1) of section

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4759 921.187, Florida Statutes, is reenacted to read:

4760 921.187 Disposition and sentencing; alternatives;
4761 restitution.—

4762 (1) The alternatives provided in this section for the
4763 disposition of criminal cases shall be used in a manner that
4764 will best serve the needs of society, punish criminal offenders,
4765 and provide the opportunity for rehabilitation. If the offender
4766 does not receive a state prison sentence, the court may:

4767 (n) Impose split probation whereby upon satisfactory
4768 completion of half the term of probation, the Department of
4769 Corrections may place the offender on administrative probation
4770 pursuant to s. 948.013 for the remainder of the term of
4771 supervision.

4772 Section 107. For the purpose of incorporating the
4773 amendments made by this act to sections 775.21, 944.606, and
4774 944.607, Florida Statutes, in references thereto, subsection
4775 (3), paragraph (a) of subsection (4), and subsection (5) of
4776 section 943.0435, Florida Statutes, are reenacted to read:

4777 943.0435 Sexual offenders required to register with the
4778 department; penalty.—

4779 (3) Within 48 hours after the report required under
4780 subsection (2), a sexual offender shall report in person at a
4781 driver license office of the Department of Highway Safety and
4782 Motor Vehicles, unless a driver license or identification card
4783 that complies with the requirements of s. 322.141(3) was
4784 previously secured or updated under s. 944.607. At the driver
4785 license office the sexual offender shall:

4786 (a) If otherwise qualified, secure a Florida driver
4787 license, renew a Florida driver license, or secure an

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4788 identification card. The sexual offender shall identify himself
 4789 or herself as a sexual offender who is required to comply with
 4790 this section and shall provide proof that the sexual offender
 4791 reported as required in subsection (2). The sexual offender
 4792 shall provide any of the information specified in subsection
 4793 (2), if requested. The sexual offender shall submit to the
 4794 taking of a photograph for use in issuing a driver license,
 4795 renewed license, or identification card, and for use by the
 4796 department in maintaining current records of sexual offenders.

4797 (b) Pay the costs assessed by the Department of Highway
 4798 Safety and Motor Vehicles for issuing or renewing a driver
 4799 license or identification card as required by this section. The
 4800 driver license or identification card issued must be in
 4801 compliance with s. 322.141(3).

4802 (c) Provide, upon request, any additional information
 4803 necessary to confirm the identity of the sexual offender,
 4804 including a set of fingerprints.

4805 (4) (a) Each time a sexual offender's driver license or
 4806 identification card is subject to renewal, and, without regard
 4807 to the status of the offender's driver license or identification
 4808 card, within 48 hours after any change in the offender's
 4809 permanent, temporary, or transient residence or change in the
 4810 offender's name by reason of marriage or other legal process,
 4811 the offender shall report in person to a driver license office,
 4812 and is subject to the requirements specified in subsection (3).
 4813 The Department of Highway Safety and Motor Vehicles shall
 4814 forward to the department all photographs and information
 4815 provided by sexual offenders. Notwithstanding the restrictions
 4816 set forth in s. 322.142, the Department of Highway Safety and

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4817 Motor Vehicles may release a reproduction of a color-photograph
 4818 or digital-image license to the Department of Law Enforcement
 4819 for purposes of public notification of sexual offenders as
 4820 provided in this section and ss. 943.043 and 944.606. A sexual
 4821 offender who is unable to secure or update a driver license or
 4822 an identification card with the Department of Highway Safety and
 4823 Motor Vehicles as provided in subsection (3) and this subsection
 4824 shall also report any change in the sexual offender's permanent,
 4825 temporary, or transient residence or change in the offender's
 4826 name by reason of marriage or other legal process within 48
 4827 hours after the change to the sheriff's office in the county
 4828 where the offender resides or is located and provide
 4829 confirmation that he or she reported such information to the
 4830 Department of Highway Safety and Motor Vehicles. The reporting
 4831 requirements under this paragraph do not negate the requirement
 4832 for a sexual offender to obtain a Florida driver license or an
 4833 identification card as required in this section.

4834 (5) This section does not apply to a sexual offender who is
 4835 also a sexual predator, as defined in s. 775.21. A sexual
 4836 predator must register as required under s. 775.21.

4837 Section 108. For the purpose of incorporating the
 4838 amendments made by this act to sections 943.0435, 944.606, and
 4839 944.607, Florida Statutes, in references thereto, subsection (2)
 4840 of section 943.0436, Florida Statutes, is reenacted to read:

4841 943.0436 Duty of the court to uphold laws governing sexual
 4842 predators and sexual offenders.—

4843 (2) If a person meets the criteria in chapter 775 for
 4844 designation as a sexual predator or meets the criteria in s.
 4845 943.0435, s. 944.606, s. 944.607, or any other law for

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4846 classification as a sexual offender, the court may not enter an
 4847 order, for the purpose of approving a plea agreement or for any
 4848 other reason, which:

4849 (a) Exempts a person who meets the criteria for designation
 4850 as a sexual predator or classification as a sexual offender from
 4851 such designation or classification, or exempts such person from
 4852 the requirements for registration or community and public
 4853 notification imposed upon sexual predators and sexual offenders;

4854 (b) Restricts the compiling, reporting, or release of
 4855 public records information that relates to sexual predators or
 4856 sexual offenders; or

4857 (c) Prevents any person or entity from performing its
 4858 duties or operating within its statutorily conferred authority
 4859 as such duty or authority relates to sexual predators or sexual
 4860 offenders.

4861 Section 109. For the purpose of incorporating the amendment
 4862 made by this act to section 847.0135, Florida Statutes, in a
 4863 reference thereto, paragraph (g) of subsection (2) of section
 4864 943.325, Florida Statutes, is reenacted to read:

4865 943.325 DNA database.—

4866 (2) DEFINITIONS.—As used in this section, the term:

4867 (g) "Qualifying offender" means any person, including
 4868 juveniles and adults, who is:

4869 1.a. Committed to a county jail;

4870 b. Committed to or under the supervision of the Department
 4871 of Corrections, including persons incarcerated in a private
 4872 correctional institution operated under contract pursuant to s.
 4873 944.105;

4874 c. Committed to or under the supervision of the Department

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4875 of Juvenile Justice;

4876 d. Transferred to this state under the Interstate Compact
 4877 on Juveniles, part XIII of chapter 985; or

4878 e. Accepted under Article IV of the Interstate Corrections
 4879 Compact, part III of chapter 941; and who is:

4880 2.a. Convicted of any felony offense or attempted felony
 4881 offense in this state or of a similar offense in another
 4882 jurisdiction;

4883 b. Convicted of a misdemeanor violation of s. 784.048, s.
 4884 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an
 4885 offense that was found, pursuant to s. 874.04, to have been
 4886 committed for the purpose of benefiting, promoting, or
 4887 furthering the interests of a criminal gang as defined in s.
 4888 874.03; or

4889 c. Arrested for any felony offense or attempted felony
 4890 offense in this state.

4891 Section 110. For the purpose of incorporating the amendment
 4892 made by this act to section 847.001, Florida Statutes, in a
 4893 reference thereto, subsection (2) of section 944.11, Florida
 4894 Statutes, is reenacted to read:

4895 944.11 Department to regulate admission of books.—

4896 (2) The department shall have the authority to prohibit
 4897 admission of reading materials or publications with content
 4898 which depicts sexual conduct as defined by s. 847.001 or
 4899 presents nudity in such a way as to create the appearance that
 4900 sexual conduct is imminent. The department shall have the
 4901 authority to prohibit admission of such materials at a
 4902 particular state correctional facility upon a determination by
 4903 the department that such material or publications would be

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4904 detrimental to the safety, security, order or rehabilitative
4905 interests of a particular state correctional facility or would
4906 create a risk of disorder at a particular state correctional
4907 facility.

4908 Section 111. For the purpose of incorporating the
4909 amendments made by this act to sections 775.21 and 943.0435,
4910 Florida Statutes, in references thereto, paragraph (a) of
4911 subsection (4) and subsection (9) of section 944.607, Florida
4912 Statutes, are reenacted to read:

4913 944.607 Notification to Department of Law Enforcement of
4914 information on sexual offenders.—

4915 (4) A sexual offender, as described in this section, who is
4916 under the supervision of the Department of Corrections but is
4917 not incarcerated shall register with the Department of
4918 Corrections within 3 business days after sentencing for a
4919 registrable offense and otherwise provide information as
4920 required by this subsection.

4921 (a) The sexual offender shall provide his or her name; date
4922 of birth; social security number; race; sex; height; weight;
4923 hair and eye color; tattoos or other identifying marks; all
4924 electronic mail addresses and Internet identifiers required to
4925 be provided pursuant to s. 943.0435(4) (e); employment
4926 information required to be provided pursuant to s.
4927 943.0435(4) (e); all home telephone numbers and cellular
4928 telephone numbers required to be provided pursuant to s.
4929 943.0435(4) (e); the make, model, color, vehicle identification
4930 number (VIN), and license tag number of all vehicles owned;
4931 permanent or legal residence and address of temporary residence
4932 within the state or out of state while the sexual offender is

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4933 under supervision in this state, including any rural route
4934 address or post office box; if no permanent or temporary
4935 address, any transient residence within the state; and address,
4936 location or description, and dates of any current or known
4937 future temporary residence within the state or out of state. The
4938 sexual offender shall also produce his or her passport, if he or
4939 she has a passport, and, if he or she is an alien, shall produce
4940 or provide information about documents establishing his or her
4941 immigration status. The sexual offender shall also provide
4942 information about any professional licenses he or she has. The
4943 Department of Corrections shall verify the address of each
4944 sexual offender in the manner described in ss. 775.21 and
4945 943.0435. The department shall report to the Department of Law
4946 Enforcement any failure by a sexual predator or sexual offender
4947 to comply with registration requirements.

4948 (9) A sexual offender, as described in this section, who is
4949 under the supervision of the Department of Corrections but who
4950 is not incarcerated shall, in addition to the registration
4951 requirements provided in subsection (4), register and obtain a
4952 distinctive driver license or identification card in the manner
4953 provided in s. 943.0435(3), (4), and (5), unless the sexual
4954 offender is a sexual predator, in which case he or she shall
4955 register and obtain a distinctive driver license or
4956 identification card as required under s. 775.21. A sexual
4957 offender who fails to comply with the requirements of s.
4958 943.0435 is subject to the penalties provided in s. 943.0435(9).

4959 Section 112. For the purpose of incorporating the
4960 amendments made by this act to sections 775.21 and 944.607,
4961 Florida Statutes, in references thereto, subsection (7) of

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4962 section 944.608, Florida Statutes, is reenacted to read:
 4963 944.608 Notification to Department of Law Enforcement of
 4964 information on career offenders.—
 4965 (7) A career offender who is under the supervision of the
 4966 department but who is not incarcerated shall, in addition to the
 4967 registration requirements provided in subsection (3), register
 4968 in the manner provided in s. 775.261(4)(c), unless the career
 4969 offender is a sexual predator, in which case he or she shall
 4970 register as required under s. 775.21, or is a sexual offender,
 4971 in which case he or she shall register as required in s.
 4972 944.607. A career offender who fails to comply with the
 4973 requirements of s. 775.261(4) is subject to the penalties
 4974 provided in s. 775.261(8).
 4975 Section 113. For the purpose of incorporating the amendment
 4976 made by this act to section 775.21, Florida Statutes, in a
 4977 reference thereto, subsection (4) of section 944.609, Florida
 4978 Statutes, is reenacted to read:
 4979 944.609 Career offenders; notification upon release.—
 4980 (4) The department or any law enforcement agency may notify
 4981 the community and the public of a career offender's presence in
 4982 the community. However, with respect to a career offender who
 4983 has been found to be a sexual predator under s. 775.21, the
 4984 Department of Law Enforcement or any other law enforcement
 4985 agency must inform the community and the public of the career
 4986 offender's presence in the community, as provided in s. 775.21.
 4987 Section 114. For the purpose of incorporating the amendment
 4988 made by this act to section 947.1405, Florida Statutes, in a
 4989 reference thereto, subsection (1) of section 944.70, Florida
 4990 Statutes, is reenacted to read:

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4991 944.70 Conditions for release from incarceration.—
 4992 (1) (a) A person who is convicted of a crime committed on or
 4993 after October 1, 1983, but before January 1, 1994, may be
 4994 released from incarceration only:
 4995 1. Upon expiration of the person's sentence;
 4996 2. Upon expiration of the person's sentence as reduced by
 4997 accumulated gain-time;
 4998 3. As directed by an executive order granting clemency;
 4999 4. Upon attaining the provisional release date;
 5000 5. Upon placement in a conditional release program pursuant
 5001 to s. 947.1405; or
 5002 6. Upon the granting of control release pursuant to s.
 5003 947.146.
 5004 (b) A person who is convicted of a crime committed on or
 5005 after January 1, 1994, may be released from incarceration only:
 5006 1. Upon expiration of the person's sentence;
 5007 2. Upon expiration of the person's sentence as reduced by
 5008 accumulated meritorious or incentive gain-time;
 5009 3. As directed by an executive order granting clemency;
 5010 4. Upon placement in a conditional release program pursuant
 5011 to s. 947.1405 or a conditional medical release program pursuant
 5012 to s. 947.149; or
 5013 5. Upon the granting of control release, including
 5014 emergency control release, pursuant to s. 947.146.
 5015 Section 115. For the purpose of incorporating the amendment
 5016 made by this act to section 947.1405, Florida Statutes, in a
 5017 reference thereto, paragraph (f) of subsection (1) of section
 5018 947.13, Florida Statutes, is reenacted to read:
 5019 947.13 Powers and duties of commission.—

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5020 (1) The commission shall have the powers and perform the
5021 duties of:

5022 (f) Establishing the terms and conditions of persons
5023 released on conditional release under s. 947.1405, and
5024 determining subsequent ineligibility for conditional release due
5025 to a violation of the terms or conditions of conditional release
5026 and taking action with respect to such a violation.

5027 Section 116. For the purpose of incorporating the
5028 amendments made by this act to sections 775.21, 943.0435, and
5029 943.4354, Florida Statutes, in references thereto, paragraph (c)
5030 of subsection (2) and subsection (12) of section 947.1405,
5031 Florida Statutes, are reenacted to read:

5032 947.1405 Conditional release program.—

5033 (2) Any inmate who:

5034 (c) Is found to be a sexual predator under s. 775.21 or
5035 former s. 775.23,

5036
5037 shall, upon reaching the tentative release date or provisional
5038 release date, whichever is earlier, as established by the
5039 Department of Corrections, be released under supervision subject
5040 to specified terms and conditions, including payment of the cost
5041 of supervision pursuant to s. 948.09. Such supervision shall be
5042 applicable to all sentences within the overall term of sentences
5043 if an inmate's overall term of sentences includes one or more
5044 sentences that are eligible for conditional release supervision
5045 as provided herein. Effective July 1, 1994, and applicable for
5046 offenses committed on or after that date, the commission may
5047 require, as a condition of conditional release, that the
5048 releasee make payment of the debt due and owing to a county or

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5049 municipal detention facility under s. 951.032 for medical care,
5050 treatment, hospitalization, or transportation received by the
5051 releasee while in that detention facility. The commission, in
5052 determining whether to order such repayment and the amount of
5053 such repayment, shall consider the amount of the debt, whether
5054 there was any fault of the institution for the medical expenses
5055 incurred, the financial resources of the releasee, the present
5056 and potential future financial needs and earning ability of the
5057 releasee, and dependents, and other appropriate factors. If any
5058 inmate placed on conditional release supervision is also subject
5059 to probation or community control, resulting from a probationary
5060 or community control split sentence within the overall term of
5061 sentences, the Department of Corrections shall supervise such
5062 person according to the conditions imposed by the court and the
5063 commission shall defer to such supervision. If the court revokes
5064 probation or community control and resentsences the offender to a
5065 term of incarceration, such revocation also constitutes a
5066 sufficient basis for the revocation of the conditional release
5067 supervision on any nonprobationary or noncommunity control
5068 sentence without further hearing by the commission. If any such
5069 supervision on any nonprobationary or noncommunity control
5070 sentence is revoked, such revocation may result in a forfeiture
5071 of all gain-time, and the commission may revoke the resulting
5072 deferred conditional release supervision or take other action it
5073 considers appropriate. If the term of conditional release
5074 supervision exceeds that of the probation or community control,
5075 then, upon expiration of the probation or community control,
5076 authority for the supervision shall revert to the commission and
5077 the supervision shall be subject to the conditions imposed by

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5078 the commission. A panel of no fewer than two commissioners shall
 5079 establish the terms and conditions of any such release. If the
 5080 offense was a controlled substance violation, the conditions
 5081 shall include a requirement that the offender submit to random
 5082 substance abuse testing intermittently throughout the term of
 5083 conditional release supervision, upon the direction of the
 5084 correctional probation officer as defined in s. 943.10(3). The
 5085 commission shall also determine whether the terms and conditions
 5086 of such release have been violated and whether such violation
 5087 warrants revocation of the conditional release.

5088 (12) In addition to all other conditions imposed, for a
 5089 releasee who is subject to conditional release for a crime that
 5090 was committed on or after May 26, 2010, and who has been
 5091 convicted at any time of committing, or attempting, soliciting,
 5092 or conspiring to commit, any of the criminal offenses listed in
 5093 s. 943.0435(1)(h)1.a.(I), or a similar offense in another
 5094 jurisdiction against a victim who was under 18 years of age at
 5095 the time of the offense, if the releasee has not received a
 5096 pardon for any felony or similar law of another jurisdiction
 5097 necessary for the operation of this subsection, if a conviction
 5098 of a felony or similar law of another jurisdiction necessary for
 5099 the operation of this subsection has not been set aside in any
 5100 postconviction proceeding, or if the releasee has not been
 5101 removed from the requirement to register as a sexual offender or
 5102 sexual predator pursuant to s. 943.04354, the commission must
 5103 impose the following conditions:

5104 (a) A prohibition on visiting schools, child care
 5105 facilities, parks, and playgrounds without prior approval from
 5106 the releasee's supervising officer. The commission may also

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5107 designate additional prohibited locations to protect a victim.
 5108 The prohibition ordered under this paragraph does not prohibit
 5109 the releasee from visiting a school, child care facility, park,
 5110 or playground for the sole purpose of attending a religious
 5111 service as defined in s. 775.0861 or picking up or dropping off
 5112 the releasee's child or grandchild at a child care facility or
 5113 school.

5114 (b) A prohibition on distributing candy or other items to
 5115 children on Halloween; wearing a Santa Claus costume, or other
 5116 costume to appeal to children, on or preceding Christmas;
 5117 wearing an Easter Bunny costume, or other costume to appeal to
 5118 children, on or preceding Easter; entertaining at children's
 5119 parties; or wearing a clown costume without prior approval from
 5120 the commission.

5121 Section 117. For the purpose of incorporating the amendment
 5122 made by this act to section 947.1405, Florida Statutes, in a
 5123 reference thereto, subsections (1), (2), and (7) of section
 5124 947.141, Florida Statutes, are reenacted to read:

5125 947.141 Violations of conditional release, control release,
 5126 or conditional medical release or addiction-recovery
 5127 supervision.—

5128 (1) If a member of the commission or a duly authorized
 5129 representative of the commission has reasonable grounds to
 5130 believe that an offender who is on release supervision under s.
 5131 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
 5132 the terms and conditions of the release in a material respect,
 5133 such member or representative may cause a warrant to be issued
 5134 for the arrest of the releasee; if the offender was found to be
 5135 a sexual predator, the warrant must be issued.

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5136 (2) Upon the arrest on a felony charge of an offender who
 5137 is on release supervision under s. 947.1405, s. 947.146, s.
 5138 947.149, or s. 944.4731, the offender must be detained without
 5139 bond until the initial appearance of the offender at which a
 5140 judicial determination of probable cause is made. If the trial
 5141 court judge determines that there was no probable cause for the
 5142 arrest, the offender may be released. If the trial court judge
 5143 determines that there was probable cause for the arrest, such
 5144 determination also constitutes reasonable grounds to believe
 5145 that the offender violated the conditions of the release. Within
 5146 24 hours after the trial court judge's finding of probable
 5147 cause, the detention facility administrator or designee shall
 5148 notify the commission and the department of the finding and
 5149 transmit to each a facsimile copy of the probable cause
 5150 affidavit or the sworn offense report upon which the trial court
 5151 judge's probable cause determination is based. The offender must
 5152 continue to be detained without bond for a period not exceeding
 5153 72 hours excluding weekends and holidays after the date of the
 5154 probable cause determination, pending a decision by the
 5155 commission whether to issue a warrant charging the offender with
 5156 violation of the conditions of release. Upon the issuance of the
 5157 commission's warrant, the offender must continue to be held in
 5158 custody pending a revocation hearing held in accordance with
 5159 this section.

5160 (7) If a law enforcement officer has probable cause to
 5161 believe that an offender who is on release supervision under s.
 5162 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
 5163 the terms and conditions of his or her release by committing a
 5164 felony offense, the officer shall arrest the offender without a

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5165 warrant, and a warrant need not be issued in the case.

5166 Section 118. For the purpose of incorporating the amendment
 5167 made by this act to section 775.21, Florida Statutes, in a
 5168 reference thereto, paragraphs (b) and (d) of subsection (8) of
 5169 section 948.06, Florida Statutes, are reenacted to read:

5170 948.06 Violation of probation or community control;
 5171 revocation; modification; continuance; failure to pay
 5172 restitution or cost of supervision.—

5173 (8)

5174 (b) For purposes of this section and ss. 903.0351, 948.064,
 5175 and 921.0024, the term "violent felony offender of special
 5176 concern" means a person who is on:

5177 1. Felony probation or community control related to the
 5178 commission of a qualifying offense committed on or after the
 5179 effective date of this act;

5180 2. Felony probation or community control for any offense
 5181 committed on or after the effective date of this act, and has
 5182 previously been convicted of a qualifying offense;

5183 3. Felony probation or community control for any offense
 5184 committed on or after the effective date of this act, and is
 5185 found to have violated that probation or community control by
 5186 committing a qualifying offense;

5187 4. Felony probation or community control and has previously
 5188 been found by a court to be a habitual violent felony offender
 5189 as defined in s. 775.084(1)(b) and has committed a qualifying
 5190 offense on or after the effective date of this act;

5191 5. Felony probation or community control and has previously
 5192 been found by a court to be a three-time violent felony offender
 5193 as defined in s. 775.084(1)(c) and has committed a qualifying

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5194 offense on or after the effective date of this act; or
 5195 6. Felony probation or community control and has previously
 5196 been found by a court to be a sexual predator under s. 775.21
 5197 and has committed a qualifying offense on or after the effective
 5198 date of this act.
 5199 (d) In the case of an alleged violation of probation or
 5200 community control other than a failure to pay costs, fines, or
 5201 restitution, the following individuals shall remain in custody
 5202 pending the resolution of the probation or community control
 5203 violation:
 5204 1. A violent felony offender of special concern, as defined
 5205 in this section;
 5206 2. A person who is on felony probation or community control
 5207 for any offense committed on or after the effective date of this
 5208 act and who is arrested for a qualifying offense as defined in
 5209 this section; or
 5210 3. A person who is on felony probation or community control
 5211 and has previously been found by a court to be a habitual
 5212 violent felony offender as defined in s. 775.084(1)(b), a three-
 5213 time violent felony offender as defined in s. 775.084(1)(c), or
 5214 a sexual predator under s. 775.21, and who is arrested for
 5215 committing a qualifying offense as defined in this section on or
 5216 after the effective date of this act.
 5217
 5218 The court shall not dismiss the probation or community control
 5219 violation warrant pending against an offender enumerated in this
 5220 paragraph without holding a recorded violation-of-probation
 5221 hearing at which both the state and the offender are
 5222 represented.

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5223 Section 119. For the purpose of incorporating the
 5224 amendments made by this act to sections 775.21, 943.0435, and
 5225 944.607, Florida Statutes, in references thereto, section
 5226 948.063, Florida Statutes, is reenacted to read:
 5227 948.063 Violations of probation or community control by
 5228 designated sexual offenders and sexual predators.—
 5229 (1) If probation or community control for any felony
 5230 offense is revoked by the court pursuant to s. 948.06(2)(e) and
 5231 the offender is designated as a sexual offender pursuant to s.
 5232 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
 5233 775.21 for unlawful sexual activity involving a victim 15 years
 5234 of age or younger and the offender is 18 years of age or older,
 5235 and if the court imposes a subsequent term of supervision
 5236 following the revocation of probation or community control, the
 5237 court must order electronic monitoring as a condition of the
 5238 subsequent term of probation or community control.
 5239 (2) If the probationer or offender is required to register
 5240 as a sexual predator under s. 775.21 or as a sexual offender
 5241 under s. 943.0435 or s. 944.607 for unlawful sexual activity
 5242 involving a victim 15 years of age or younger and the
 5243 probationer or offender is 18 years of age or older and has
 5244 violated the conditions of his or her probation or community
 5245 control, but the court does not revoke the probation or
 5246 community control, the court shall nevertheless modify the
 5247 probation or community control to include electronic monitoring
 5248 for any probationer or offender not then subject to electronic
 5249 monitoring.
 5250 Section 120. For the purpose of incorporating the amendment
 5251 made by this act to section 775.21, Florida Statutes, in a

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5252 reference thereto, subsection (4) of section 948.064, Florida
 5253 Statutes, is reenacted to read:
 5254 948.064 Notification of status as a violent felony offender
 5255 of special concern.—
 5256 (4) The state attorney, or the statewide prosecutor if
 5257 applicable, shall advise the court at each critical stage in the
 5258 judicial process, at which the state attorney or statewide
 5259 prosecutor is represented, whether an alleged or convicted
 5260 offender is a violent felony offender of special concern; a
 5261 person who is on felony probation or community control for any
 5262 offense committed on or after the effective date of this act and
 5263 who is arrested for a qualifying offense; or a person who is on
 5264 felony probation or community control and has previously been
 5265 found by a court to be a habitual violent felony offender as
 5266 defined in s. 775.084(1)(b), a three-time violent felony
 5267 offender as defined in s. 775.084(1)(c), or a sexual predator
 5268 under s. 775.21, and who is arrested for committing a qualifying
 5269 offense on or after the effective date of this act.
 5270 Section 121. For the purpose of incorporating the amendment
 5271 made by this act to section 948.06, Florida Statutes, in a
 5272 reference thereto, paragraph (a) of subsection (7) of section
 5273 948.08, Florida Statutes, is reenacted to read:
 5274 948.08 Pretrial intervention program.—
 5275 (7) (a) Notwithstanding any provision of this section, a
 5276 person who is charged with a felony, other than a felony listed
 5277 in s. 948.06(8)(c), and identified as a veteran, as defined in
 5278 s. 1.01, including a veteran who is discharged or released under
 5279 a general discharge, or servicemember, as defined in s. 250.01,
 5280 who suffers from a military service-related mental illness,

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5281 traumatic brain injury, substance abuse disorder, or
 5282 psychological problem, is eligible for voluntary admission into
 5283 a pretrial veterans' treatment intervention program approved by
 5284 the chief judge of the circuit, upon motion of either party or
 5285 the court's own motion, except:
 5286 1. If a defendant was previously offered admission to a
 5287 pretrial veterans' treatment intervention program at any time
 5288 before trial and the defendant rejected that offer on the
 5289 record, the court may deny the defendant's admission to such a
 5290 program.
 5291 2. If a defendant previously entered a court-ordered
 5292 veterans' treatment program, the court may deny the defendant's
 5293 admission into the pretrial veterans' treatment program.
 5294 Section 122. For the purpose of incorporating the amendment
 5295 made by this act to section 775.21, Florida Statutes, in a
 5296 reference thereto, subsection (3) of section 948.12, Florida
 5297 Statutes, is reenacted to read:
 5298 948.12 Intensive supervision for postprison release of
 5299 violent offenders.—It is the finding of the Legislature that the
 5300 population of violent offenders released from state prison into
 5301 the community poses the greatest threat to the public safety of
 5302 the groups of offenders under community supervision. Therefore,
 5303 for the purpose of enhanced public safety, any offender released
 5304 from state prison who:
 5305 (3) Has been found to be a sexual predator pursuant to s.
 5306 775.21,
 5307
 5308 and who has a term of probation to follow the period of
 5309 incarceration shall be provided intensive supervision by

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5310 experienced correctional probation officers. Subject to specific
5311 appropriation by the Legislature, caseloads may be restricted to
5312 a maximum of 40 offenders per officer to provide for enhanced
5313 public safety as well as to effectively monitor conditions of
5314 electronic monitoring or curfews, if such was ordered by the
5315 court.

5316 Section 123. For the purpose of incorporating the
5317 amendments made by this act to sections 775.21 and 943.0435,
5318 Florida Statutes, in references thereto, paragraph (b) of
5319 subsection (3) and subsection (4) of section 948.30, Florida
5320 Statutes, are reenacted to read:

5321 948.30 Additional terms and conditions of probation or
5322 community control for certain sex offenses.—Conditions imposed
5323 pursuant to this section do not require oral pronouncement at
5324 the time of sentencing and shall be considered standard
5325 conditions of probation or community control for offenders
5326 specified in this section.

5327 (3) Effective for a probationer or community controllee
5328 whose crime was committed on or after September 1, 2005, and
5329 who:

5330 (b) Is designated a sexual predator pursuant to s. 775.21;
5331 or

5332 the court must order, in addition to any other provision of this
5333 section, mandatory electronic monitoring as a condition of the
5334 probation or community control supervision.

5335 (4) In addition to all other conditions imposed, for a
5336 probationer or community controllee who is subject to
5337 supervision for a crime that was committed on or after May 26,
5338

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5339 2010, and who has been convicted at any time of committing, or
5340 attempting, soliciting, or conspiring to commit, any of the
5341 criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a
5342 similar offense in another jurisdiction, against a victim who
5343 was under the age of 18 at the time of the offense; if the
5344 offender has not received a pardon for any felony or similar law
5345 of another jurisdiction necessary for the operation of this
5346 subsection, if a conviction of a felony or similar law of
5347 another jurisdiction necessary for the operation of this
5348 subsection has not been set aside in any postconviction
5349 proceeding, or if the offender has not been removed from the
5350 requirement to register as a sexual offender or sexual predator
5351 pursuant to s. 943.04354, the court must impose the following
5352 conditions:

5353 (a) A prohibition on visiting schools, child care
5354 facilities, parks, and playgrounds, without prior approval from
5355 the offender's supervising officer. The court may also designate
5356 additional locations to protect a victim. The prohibition
5357 ordered under this paragraph does not prohibit the offender from
5358 visiting a school, child care facility, park, or playground for
5359 the sole purpose of attending a religious service as defined in
5360 s. 775.0861 or picking up or dropping off the offender's
5361 children or grandchildren at a child care facility or school.

5362 (b) A prohibition on distributing candy or other items to
5363 children on Halloween; wearing a Santa Claus costume, or other
5364 costume to appeal to children, on or preceding Christmas;
5365 wearing an Easter Bunny costume, or other costume to appeal to
5366 children, on or preceding Easter; entertaining at children's
5367 parties; or wearing a clown costume; without prior approval from

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5368 the court.

5369 Section 124. For the purpose of incorporating the
5370 amendments made by this act to sections 775.21, 943.0435,
5371 944.606, and 944.607, Florida Statutes, in references thereto,
5372 section 948.31, Florida Statutes, is reenacted to read:

5373 948.31 Evaluation and treatment of sexual predators and
5374 offenders on probation or community control.—The court may
5375 require any probationer or community controllee who is required
5376 to register as a sexual predator under s. 775.21 or sexual
5377 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
5378 an evaluation, at the probationer or community controllee's
5379 expense, by a qualified practitioner to determine whether such
5380 probationer or community controllee needs sexual offender
5381 treatment. If the qualified practitioner determines that sexual
5382 offender treatment is needed and recommends treatment, the
5383 probationer or community controllee must successfully complete
5384 and pay for the treatment. Such treatment must be obtained from
5385 a qualified practitioner as defined in s. 948.001. Treatment may
5386 not be administered by a qualified practitioner who has been
5387 convicted or adjudicated delinquent of committing, or
5388 attempting, soliciting, or conspiring to commit, any offense
5389 that is listed in s. 943.0435(1)(h)1.a.(I).

5390 Section 125. For the purpose of incorporating the amendment
5391 made by this act to section 775.0877, Florida Statutes, in a
5392 reference thereto, section 951.27, Florida Statutes, is
5393 reenacted to read:

5394 951.27 Blood tests of inmates.—

5395 (1) Each county and each municipal detention facility shall
5396 have a written procedure developed, in consultation with the

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5397 facility medical provider, establishing conditions under which
5398 an inmate will be tested for infectious disease, including human
5399 immunodeficiency virus pursuant to s. 775.0877, which procedure
5400 is consistent with guidelines of the Centers for Disease Control
5401 and Prevention and recommendations of the Correctional Medical
5402 Authority. It is not unlawful for the person receiving the test
5403 results to divulge the test results to the sheriff or chief
5404 correctional officer.

5405 (2) Except as otherwise provided in this subsection,
5406 serologic blood test results obtained pursuant to subsection (1)
5407 are confidential and exempt from the provisions of s. 119.07(1)
5408 and s. 24(a), Art. I of the State Constitution. However, such
5409 results may be provided to employees or officers of the sheriff
5410 or chief correctional officer who are responsible for the
5411 custody and care of the affected inmate and have a need to know
5412 such information, and as provided in ss. 775.0877 and 960.003.
5413 In addition, upon request of the victim or the victim's legal
5414 guardian, or the parent or legal guardian of the victim if the
5415 victim is a minor, the results of any HIV test performed on an
5416 inmate who has been arrested for any sexual offense involving
5417 oral, anal, or vaginal penetration by, or union with, the sexual
5418 organ of another, shall be disclosed to the victim or the
5419 victim's legal guardian, or to the parent or legal guardian of
5420 the victim if the victim is a minor. In such cases, the county
5421 or municipal detention facility shall furnish the test results
5422 to the Department of Health, which is responsible for disclosing
5423 the results to public health agencies as provided in s. 775.0877
5424 and to the victim or the victim's legal guardian, or the parent
5425 or legal guardian of the victim if the victim is a minor, as

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5426 provided in s. 960.003(3).

5427 (3) The results of any serologic blood test on an inmate
5428 are a part of that inmate's permanent medical file. Upon
5429 transfer of the inmate to any other correctional facility, such
5430 file is also transferred, and all relevant authorized persons
5431 must be notified of positive HIV test results, as required in s.
5432 775.0877.

5433 Section 126. For the purpose of incorporating the amendment
5434 made by this act to section 775.0877, Florida Statutes, in a
5435 reference thereto, paragraphs (a) and (b) of subsection (2) and
5436 paragraph (a) of subsection (3) of section 960.003, Florida
5437 Statutes, are reenacted to read:

5438 960.003 Hepatitis and HIV testing for persons charged with
5439 or alleged by petition for delinquency to have committed certain
5440 offenses; disclosure of results to victims.—

5441 (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION
5442 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.—

5443 (a) In any case in which a person has been charged by
5444 information or indictment with or alleged by petition for
5445 delinquency to have committed any offense enumerated in s.
5446 775.0877(1)(a)-(n), which involves the transmission of body
5447 fluids from one person to another, upon request of the victim or
5448 the victim's legal guardian, or of the parent or legal guardian
5449 of the victim if the victim is a minor, the court shall order
5450 such person to undergo hepatitis and HIV testing within 48 hours
5451 after the information, indictment, or petition for delinquency
5452 is filed. In the event the victim or, if the victim is a minor,
5453 the victim's parent or legal guardian requests hepatitis and HIV
5454 testing after 48 hours have elapsed from the filing of the

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5455 indictment, information, or petition for delinquency, the
5456 testing shall be done within 48 hours after the request.

5457 (b) However, when a victim of any sexual offense enumerated
5458 in s. 775.0877(1)(a)-(n) is under the age of 18 at the time the
5459 offense was committed or when a victim of any sexual offense
5460 enumerated in s. 775.0877(1)(a)-(n) or s. 825.1025 is a disabled
5461 adult or elderly person as defined in s. 825.1025 regardless of
5462 whether the offense involves the transmission of bodily fluids
5463 from one person to another, then upon the request of the victim
5464 or the victim's legal guardian, or of the parent or legal
5465 guardian, the court shall order such person to undergo hepatitis
5466 and HIV testing within 48 hours after the information,
5467 indictment, or petition for delinquency is filed. In the event
5468 the victim or, if the victim is a minor, the victim's parent or
5469 legal guardian requests hepatitis and HIV testing after 48 hours
5470 have elapsed from the filing of the indictment, information, or
5471 petition for delinquency, the testing shall be done within 48
5472 hours after the request. The testing shall be performed under
5473 the direction of the Department of Health in accordance with s.
5474 381.004. The results of a hepatitis and HIV test performed on a
5475 defendant or juvenile offender pursuant to this subsection shall
5476 not be admissible in any criminal or juvenile proceeding arising
5477 out of the alleged offense.

5478 (3) DISCLOSURE OF RESULTS.—

5479 (a) The results of the test shall be disclosed no later
5480 than 2 weeks after the court receives such results, under the
5481 direction of the Department of Health, to the person charged
5482 with or alleged by petition for delinquency to have committed or
5483 to the person convicted of or adjudicated delinquent for any

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5484 offense enumerated in s. 775.0877(1)(a)-(n), which involves the
 5485 transmission of body fluids from one person to another, and,
 5486 upon request, to the victim or the victim's legal guardian, or
 5487 the parent or legal guardian of the victim if the victim is a
 5488 minor, and to public health agencies pursuant to s. 775.0877. If
 5489 the alleged offender is a juvenile, the test results shall also
 5490 be disclosed to the parent or guardian. When the victim is a
 5491 victim as described in paragraph (2)(b), the test results must
 5492 also be disclosed no later than 2 weeks after the court receives
 5493 such results, to the person charged with or alleged by petition
 5494 for delinquency to have committed or to the person convicted of
 5495 or adjudicated delinquent for any offense enumerated in s.
 5496 775.0877(1)(a)-(n), or s. 825.1025 regardless of whether the
 5497 offense involves the transmission of bodily fluids from one
 5498 person to another, and, upon request, to the victim or the
 5499 victim's legal guardian, or the parent or legal guardian of the
 5500 victim, and to public health agencies pursuant to s. 775.0877.
 5501 Otherwise, hepatitis and HIV test results obtained pursuant to
 5502 this section are confidential and exempt from the provisions of
 5503 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and
 5504 shall not be disclosed to any other person except as expressly
 5505 authorized by law or court order.

5506 Section 127. For the purpose of incorporating the amendment
 5507 made by this act to section 39.01, Florida Statutes, in a
 5508 reference thereto, subsection (5) of section 960.065, Florida
 5509 Statutes, is reenacted to read:

5510 960.065 Eligibility for awards.—

5511 (5) A person is not ineligible for an award pursuant to
 5512 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that

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5513 person is a victim of sexual exploitation of a child as defined
 5514 in s. 39.01(70)(g).

5515 Section 128. For the purpose of incorporating the amendment
 5516 made by this act to section 39.01, Florida Statutes, in a
 5517 reference thereto, subsection (2) of section 984.03, Florida
 5518 Statutes, is reenacted to read:

5519 984.03 Definitions.—When used in this chapter, the term:

5520 (2) "Abuse" means any willful act that results in any
 5521 physical, mental, or sexual injury that causes or is likely to
 5522 cause the child's physical, mental, or emotional health to be
 5523 significantly impaired. Corporal discipline of a child by a
 5524 parent or guardian for disciplinary purposes does not in itself
 5525 constitute abuse when it does not result in harm to the child as
 5526 defined in s. 39.01.

5527 Section 129. For the purpose of incorporating the amendment
 5528 made by this act to section 985.475, Florida Statutes, in a
 5529 reference thereto, paragraph (c) of subsection (5) of section
 5530 985.0301, Florida Statutes, is reenacted to read:

5531 985.0301 Jurisdiction.—

5532 (5)

5533 (c) The court shall retain jurisdiction over a juvenile
 5534 sexual offender, as defined in s. 985.475, who has been placed
 5535 on community-based treatment alternative with supervision or who
 5536 has been placed in a program or facility for juvenile sexual
 5537 offenders, pursuant to s. 985.48, until the juvenile sexual
 5538 offender reaches 21 years of age, specifically for the purpose
 5539 of allowing the juvenile to complete the program.

5540 Section 130. For the purpose of incorporating the
 5541 amendments made by this act to sections 775.21, 943.0435,

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5542 944.606, and 944.607, Florida Statutes, in references thereto,
 5543 paragraph (b) of subsection (6) of section 985.04, Florida
 5544 Statutes, is reenacted to read:
 5545 985.04 Oaths; records; confidential information.-
 5546 (6)
 5547 (b) Sexual offender and predator registration information
 5548 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
 5549 and 985.4815 is a public record pursuant to s. 119.07(1) and as
 5550 otherwise provided by law.
 5551 Section 131. For the purpose of incorporating the amendment
 5552 made by this act to section 985.475, Florida Statutes, in a
 5553 reference thereto, paragraph (c) of subsection (1) of section
 5554 985.441, Florida Statutes, is reenacted to read:
 5555 985.441 Commitment.-
 5556 (1) The court that has jurisdiction of an adjudicated
 5557 delinquent child may, by an order stating the facts upon which a
 5558 determination of a sanction and rehabilitative program was made
 5559 at the disposition hearing:
 5560 (c) Commit the child to the department for placement in a
 5561 program or facility for juvenile sexual offenders in accordance
 5562 with s. 985.48, subject to specific appropriation for such a
 5563 program or facility.
 5564 1. The child may only be committed for such placement
 5565 pursuant to determination that the child is a juvenile sexual
 5566 offender under the criteria specified in s. 985.475.
 5567 2. Any commitment of a juvenile sexual offender to a
 5568 program or facility for juvenile sexual offenders must be for an
 5569 indeterminate period of time, but the time may not exceed the
 5570 maximum term of imprisonment that an adult may serve for the

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5571 same offense.
 5572 Section 132. For the purpose of incorporating the
 5573 amendments made by this act to sections 775.21 and 943.0435,
 5574 Florida Statutes, in references thereto, subsection (9) of
 5575 section 985.4815, Florida Statutes, is reenacted to read:
 5576 985.4815 Notification to Department of Law Enforcement of
 5577 information on juvenile sexual offenders.-
 5578 (9) A sexual offender, as described in this section, who is
 5579 under the care, jurisdiction, or supervision of the department
 5580 but who is not incarcerated shall, in addition to the
 5581 registration requirements provided in subsection (4), register
 5582 in the manner provided in s. 943.0435(3), (4), and (5), unless
 5583 the sexual offender is a sexual predator, in which case he or
 5584 she shall register as required under s. 775.21. A sexual
 5585 offender who fails to comply with the requirements of s.
 5586 943.0435 is subject to the penalties provided in s. 943.0435(9).
 5587 Section 133. For the purpose of incorporating the amendment
 5588 made by this act to section 943.0435, Florida Statutes, in a
 5589 reference thereto, paragraph (g) of subsection (2) of section
 5590 1012.467, Florida Statutes, is reenacted to read:
 5591 1012.467 Noninstructional contractors who are permitted
 5592 access to school grounds when students are present; background
 5593 screening requirements.-
 5594 (2)
 5595 (g) A noninstructional contractor for whom a criminal
 5596 history check is required under this section may not have been
 5597 convicted of any of the following offenses designated in the
 5598 Florida Statutes, any similar offense in another jurisdiction,
 5599 or any similar offense committed in this state which has been

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5600 redesignated from a former provision of the Florida Statutes to
5601 one of the following offenses:

5602 1. Any offense listed in s. 943.0435(1)(h)1., relating to
5603 the registration of an individual as a sexual offender.

5604 2. Section 393.135, relating to sexual misconduct with
5605 certain developmentally disabled clients and the reporting of
5606 such sexual misconduct.

5607 3. Section 394.4593, relating to sexual misconduct with
5608 certain mental health patients and the reporting of such sexual
5609 misconduct.

5610 4. Section 775.30, relating to terrorism.

5611 5. Section 782.04, relating to murder.

5612 6. Section 787.01, relating to kidnapping.

5613 7. Any offense under chapter 800, relating to lewdness and
5614 indecent exposure.

5615 8. Section 826.04, relating to incest.

5616 9. Section 827.03, relating to child abuse, aggravated
5617 child abuse, or neglect of a child.

5618 Section 134. This act shall take effect October 1, 2017.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

March 27, 2017
Meeting Date

SB1558
Bill Number (if applicable)

Topic SB 1558: Child Exploitation

Amendment Barcode (if applicable)

Name Florida Action Committee

Job Title

Address PO Box 470932
Street

Phone 9044388322

Lake Monoe
City State Zip

Email support@floridaactioncommittee.org

Speaking: [] For [] Against [x] Information

Waive Speaking: [] In Support [x] Against
(The Chair will read this information into the record.)

Representing Citizens of Florida

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

**The Florida Senate
COMMITTEE VOTE RECORD**

COMMITTEE: Children, Families, and Elder Affairs
ITEM: SB 1558
FINAL ACTION: Favorable
MEETING DATE: Monday, March 27, 2017
TIME: 1:30—3:30 p.m.
PLACE: 401 Senate Office Building

FINAL VOTE		SENATORS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Artiles						
X		Broxson						
X		Campbell						
X		Stargel						
X		Torres, VICE CHAIR						
X		Garcia, CHAIR						
6	0	TOTALS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: CS/ SB 1654

INTRODUCER: Committee on Children, Families, and Elder Affairs and Senator Campbell

SUBJECT: Florida Kidcare Program

DATE: March 28, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hendon	Hendon	CF	Fav/CS
2.			GO	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1654 creates the Kidcare Operational Efficiency and Health Care Improvement Workgroup to maximize the state's return on investment in the Kidcare program, a health insurance program for children in lower income households. The workgroup is housed in the Department of Health and must recommend operational efficiencies to the Governor and Legislature by December 31, 2017.

The bill is unlikely to have a fiscal impact on the state and has an effective date of July 1, 2017.

II. Present Situation:

Florida Kidcare Program

The Florida Kidcare Program (Kidcare) was created in 1998 by the Florida Legislature in response to the federal enactment of the Children's Health Insurance Program (CHIP) in 1997.¹ CHIP provides subsidized health insurance to uninsured children who do not qualify for Medicaid but who have family incomes under 200 percent of the federal poverty level (FPL) and meet other eligibility criteria.

¹ Social Security Administration, *Title XXI - State Children's Health Insurance Program*, http://www.ssa.gov/OP_Home/ssact/title21/2100.htm (last visited March 23, 2017).

The state statutory authority for Kidcare is found under part II of ch. 409, ss. 409.810 through 409.821, F.S. Kidcare includes four operating components: Medicaid for children, Medikids, the Children's Medical Services Network (CMS Network), and the Florida Healthy Kids Corporation (FHKC). Coverage for the non-Medicaid components are funded through Title XXI of the federal Social Security Act. Title XIX of the Social Security Act (Medicaid), state funds, and family contributions also provide funding for the different components. Family contributions under the Title XXI component are based on family size, household incomes, and other eligibility factors. Families above the income limits for premium assistance or who are not otherwise eligible for premium assistance are offered the opportunity to participate in Kidcare at a non-subsidized rate (full pay). Currently, the income limit for premium assistance is 200 percent of the FPL.

Several state agencies and the FHKC share responsibilities for Kidcare. The AHCA, the Department of Children and Families (DCF), the Department of Health (DOH), and the FHKC have specific duties under Kidcare as detailed in part II of ch. 409, F.S. The DCF determines eligibility for Medicaid. The FHKC receives all Kidcare applications and screens for Medicaid eligibility and determines eligibility for all Title XXI programs, referring applications to the DCF, as appropriate, for a complete Medicaid determination.

To enroll in Kidcare, families may apply online or use a paper application that determines eligibility for multiple programs, including Medicaid and CHIP, for the entire family. Applications are available in English, Spanish, and Creole. Eligibility for premium assistance is determined first through electronic data matches with available databases or, in cases where income cannot be verified electronically, through submission of current pay stubs, tax returns, or W-2 forms.

Section 409.818(2)(b), F.S., requires the Department of Health to chair a state-level Florida Kidcare coordinating council to review and make recommendations concerning the implementation and operation of the program. The coordinating council includes representatives from DOH, DCF, AHCA, FHKC, the Office of Insurance Regulation of the Financial Services Commission, local government, health insurers, health maintenance organizations, health care providers, families participating in the program, and organizations representing low-income families.

III. Effect of Proposed Changes:

The bill creates the Kidcare Operational Efficiency and Health Care Improvement Workgroup in the Department of Health as a taskforce as defined in s. 20.03, F.S. The workgroup is to maximize the return on the investment of public funds and enhance operational efficiencies in the program.

The workgroup consists of the following 12 members:

- The President of the Florida Chapter of the American Academy of Pediatrics or a designee.
- The State Health Officer or a designee.
- The Secretary of Health Care Administration or a designee with a background in children's health policy.

- The assistant secretary for child welfare of the Department of Children and Families or a designee.
- A representative of the board of directors of the Florida Healthy Kids Corporation.
- A representative of the Florida Association of Children’s Hospitals, Inc.
- A representative of the Florida Covering Kids and Families Coalition.
- A representative of the Florida Association of Health Plans.
- A representative of the Florida Children’s Council with a background in children’s health policy.
- A representative of the Florida Dental Association.
- The Director of Children’s Medical Services or a designee.
- A parent with a child in the Florida Kidcare program.

The bill charges the workgroup with examining successful models to improve value and health care outcomes, make recommendations to improve the program’s efficiency, provide any transition plans based on the recommendations, and recommend any federal waivers to improve the program.

The workgroup must submit a report with findings and recommendations to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2017.

The provisions of the bill expire on December 31, 2017.

The bill has an effective date of July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. **Government Sector Impact:**

Any efficiencies recommended to and implemented by the Department of Health could reduce costs to the state.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

The purpose of the workgroup created in the bill may duplicate the Department of Health's Kidcare coordinating council.

VIII. **Statutes Affected:**

This bill creates an unnumbered section of law.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs on March 27, 2017:

The committee substitute clarifies that the workgroup is a task force as defined in s. 20.03, F.S. and is administratively housed in the Department of Health. The committee substitute adds a representative of the Florida Dental Association as a member of the workgroup.

B. **Amendments:**

None.



146108

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2017	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs
(Campbell) recommended the following:

Senate Amendment (with title amendment)

Delete lines 15 - 39

and insert:

Health Care Improvement Workgroup, a task force as defined in s.
20.03, is established to maximize the return on investment and
streamline and enhance the operational efficiencies of the
Florida Kidcare program to provide improved health care services
to children. The workgroup shall be administratively housed in
the Department of Health. Members of the workgroup shall serve



- 11 on a voluntary basis.
- 12 (1) The workgroup shall be convened and staffed by the
13 Florida Healthy Kids Corporation and shall consist of the
14 following members:
- 15 (a) The President of the Florida Chapter of the American
16 Academy of Pediatrics or a designee.
- 17 (b) The State Health Officer or a designee.
- 18 (c) The Secretary of Health Care Administration or a
19 designee with a background in children's health policy.
- 20 (d) The assistant secretary for child welfare of the
21 Department of Children and Families or a designee.
- 22 (e) A representative of directors of the Florida Healthy
23 Kids Corporation.
- 24 (f) A representative of the Florida Association of
25 Children's Hospitals, Inc.
- 26 (g) A representative of the Florida Covering Kids and
27 Families Coalition.
- 28 (h) A representative of the Florida Association of Health
29 Plans.
- 30 (i) A representative of the Florida Children's Council with
31 a background in children's health policy.
- 32 (j) A representative of the Florida Dental Association.
- 33 (k) The Director of Children's Medical Services or a
34 designee.
- 35 (l) A parent with a child in the Florida Kidcare program.

37 ===== T I T L E A M E N D M E N T =====

38 And the title is amended as follows:

39 Delete line 4



146108

40 and insert:

41 Health Care Improvement Workgroup as a task force
42 administratively housed in the Department of Health to
43 maximize the

By Senator Campbell

38-01349-17

20171654__

A bill to be entitled

An act relating to the Florida Kidcare program; establishing the Kidcare Operational Efficiency and Health Care Improvement Workgroup to maximize the return on investment and enhance the operational efficiencies of the Florida Kidcare program; providing program duties and membership; requiring a report to the Governor and Legislature; providing for expiration of the workgroup; providing an effective date.

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

Section 1. Kidcare Operational Efficiency and Health Care Improvement Workgroup.—The Kidcare Operational Efficiency and Health Care Improvement Workgroup is established to maximize the return on investment and streamline and enhance the operational efficiencies of the Florida Kidcare program to provide improved health care services to children.

(1) The workgroup shall consist of the following members:

(a) The President of the Florida Chapter of the American Academy of Pediatrics or a designee.

(b) The State Health Officer or a designee.

(c) The Secretary of Health Care Administration or a designee with a background in children's health policy.

(d) The assistant secretary for child welfare of the Department of Children and Families or a designee.

(e) A representative of directors of the Florida Healthy Kids Corporation.

(f) A representative of the Florida Association of

Page 1 of 2

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

38-01349-17

20171654__

Children's Hospitals, Inc.

(g) A representative of the Florida Covering Kids and Families Coalition.

(h) A representative of the Florida Association of Health Plans.

(i) A representative of the Florida Children's Council with a background in children's health policy.

(j) The Director of Children's Medical Services or a designee.

(k) A parent with a child in the Florida Kidcare program.

(2) The workgroup shall:

(a) Examine successful and innovative models to provide improved value and health care outcomes.

(b) Develop recommendations to streamline and unify the program to provide greater operational efficiencies, including recommendations for a single benefits package, a single set of performance measures, and a single third-party administrator.

(c) Provide any necessary transition plans.

(d) Provide recommendations regarding federal waivers for children's health care to the Agency for Health Care Administration, which shall obtain specific legislative authorization before seeking, applying for, accepting, or renewing any federal waiver.

(3) The workgroup shall submit a report on its findings and recommendations for streamlining the Florida Kidcare program to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2017.

(4) This section expires December 31, 2017.

Section 2. This act shall take effect July 1, 2017.

Page 2 of 2

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/27/17
Meeting Date

1654
Bill Number (if applicable)

Topic FLORIDA KIDCARE PROGRAM

Amendment Barcode (if applicable)

Name JESSICA SCHER

Job Title SR. DIRECTOR, PUBLIC POLICY

Address 3250 SW 3rd AVE

Phone 305-322-6143

MIAMI FL 33129
City State Zip

Email scherj@unitedwaymiami.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing UNITED WAY OF MIAMI - DADE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Children, Families, and Elder Affairs
ITEM: SB 1654
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Monday, March 27, 2017
TIME: 1:30—3:30 p.m.
PLACE: 401 Senate Office Building

FINAL VOTE		SENATORS	3/27/2017 Amendment 146108					
Yea	Nay		Campbell		Yea	Nay	Yea	Nay
			Yea	Nay				
X		Artiles						
X		Broxson						
X		Campbell						
X		Stargel						
X		Torres, VICE CHAIR						
X		Garcia, CHAIR						
6	0	TOTALS	RCS	-				
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
 UNF=Unfavorable
 -R=Reconsidered

RCS=Replaced by Committee Substitute
 RE=Replaced by Engrossed Amendment
 RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
 VA=Vote After Roll Call
 VC=Vote Change After Roll Call

WD=Withdrawn
 OO=Out of Order
 AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 1694

INTRODUCER: Senator Torres

SUBJECT: Support for Parental Victims of Child Domestic Violence

DATE: March 22, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Hrdlicka</u>	<u>CJ</u>	Favorable
2.	<u>Crosier</u>	<u>Hendon</u>	<u>CF</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1694 requires the Department of Juvenile Justice and the Florida Coalition Against Domestic Violence to develop materials detailing the resources and services available for parents and legal guardians who are victims of domestic violence. The materials must also include the resources available for a child who has committed acts of domestic violence or who has demonstrated behaviors that may escalate to domestic violence.

The bill specifies which resources and services must be included in the materials and that the Department of Juvenile Justice must post the materials on its website. The materials must also be available to certified domestic violence centers and other specified entities.

The bill requires the issues involved in child-to-parent domestic violence cases be included in the domestic violence portion of a law enforcement officer's basic skills course for his or her initial certification.

The bill may have a negative indeterminate fiscal impact on the Department of Juvenile Justice, the Florida Coalition Against Domestic Violence, and the Florida Department of Law Enforcement. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2017.

II. Present Situation:

Domestic Violence

Domestic violence affects thousands of individuals and families in Florida. In 2015, there were 107,666 domestic violence offenses reported to law enforcement.¹ Law enforcement officers who investigate alleged domestic violence incidents have to inform victims of the domestic violence centers where the victims can receive services.²

Section 741.28(2), F.S., defines domestic violence as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. A family or household member includes:

- Spouses;
- Former spouses;
- Persons related by blood or marriage;
- Persons who are presently residing together as if a family or who have resided together in the past as if a family in the same single family dwelling unit; and
- Persons who are parents of a child in common, regardless of whether they have been married.³

Certified Domestic Violence Centers

The Department of Children and Families (DCF) operates Florida's domestic violence program. The program is a clearinghouse that oversees state and federal funding for the prevention and intervention of domestic violence. Specifically, the program oversees the funding designated for Florida's certified domestic violence centers.⁴

Florida has 42 certified domestic violence centers that provide crisis intervention and support services to adult domestic violence victims. The centers provide services that include emergency shelters, safety planning, and counseling. Some centers also provide transportation, relocation assistance, and transitional housing.⁵ In Fiscal Year 2015-16 domestic violence shelters provided 16,362 individuals with emergency shelter; however, 5,205 requests for emergency shelter were denied due to lack of capacity and resources.⁶

¹ Florida Department of Law Enforcement, *Domestic Violence*, available at <http://www.fdle.state.fl.us/cms/FSAC/Crime-Trends/Domestic-Violence.aspx> (last visited March 19, 2017).

² Section 741.29(1), F.S.

³ The family or household members must be currently residing or have in the past resided together in the same single dwelling unit; this excludes persons who have a child in common. Section 741.28(3), F.S.

⁴ Florida Department of Child and Families, MyFamilies.com, Services, *Domestic Violence*, available at <http://www.myflfamilies.com/service-programs/domestic-violence> (last visited March 17, 2017).

⁵ *Id.*

⁶ Florida Coalition Against Domestic Violence, 2015-2016 Annual Report to the Florida Legislature, *Responding to Domestic Violence*, available at <https://www.fcadv.org/sites/default/files/2015-16%20Annual%20Report.pdf> (last visited March 17, 2017).

Florida Coalition Against Domestic Violence

The Florida Coalition Against Domestic Violence (FCADV) works closely with the DCF to administer Florida's activities related to the prevention of domestic violence.⁷ Specifically, the FCADV implements and evaluates the services provided by the domestic violence centers.⁸ The FCADV must annually report to the Legislature to identify which programs in the state assist victims of domestic violence.⁹ The FCADV also operates Florida's domestic violence hotline.¹⁰

Department of Juvenile Justice

Families in Need of Services

When a child commits an act of domestic violence against a family member, the Department of Juvenile Justice (DJJ) gets involved. Specifically, s. 984.04, F.S., requires the DJJ to provide an array of services designed to preserve the unity of the family and address the family's specific needs.¹¹ Families in need of services are families that have a child:

- Who is running away;
- Who is persistently disobeying reasonable and lawful demands of the parent or legal custodian and is beyond the control of the parent or legal custodian; or
- Who is habitually truant from school or engaging in other serious behaviors that place the child at risk of future abuse, neglect, or abandonment or is at risk of entering the juvenile justice system.¹²

A family is not eligible to receive services if, at the time of the referral, there is an open investigation into an allegation of abuse, neglect, or abandonment or if the child is currently under supervision by the DJJ or the DCF due to an adjudication of dependency or delinquency.¹³

Children in Need of Services

The DJJ also provides services to children in need of services. A child in need of services is a child who:

- Does not have a pending investigation into an allegation or suspicion of abuse, neglect, or abandonment;
- Does not have a pending referral alleging that the child is delinquent; or
- Is not currently supervised by the DJJ or the DCF for an adjudication of dependency or delinquency.

⁷ Section 39.903(1), F.S.

⁸ Section 39.9035(1), F.S.

⁹ Section 39.904(3), F.S.

¹⁰ Florida Coalition Against Domestic Violence, *About FCADV*, available at <http://www.fcadv.org/about/about-fcadv> (last visited March 17, 2017).

¹¹ Section 984.04, F.S.

¹² Section 984.03(25), F.S.

¹³ *Id.*

A court must also find that the child has:

- Persistently run away from his or her parents or legal custodians despite reasonable efforts¹⁴ to remedy the conditions contributing to the behavior.
- Been habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation.¹⁵
- Persistently disobeyed the reasonable and lawful demands¹⁶ of his or her parents or legal custodians, and he or she is beyond control of his or her parents or legal custodians despite the efforts made by his or her parents or legal custodians and the appropriate agencies to remedy the conditions contributing to the behavior.

The Florida Network

The Florida Network of Youth and Family Services (network) provides the services for families and children in need of services for the DJJ.¹⁷ Specifically, the network provides crisis intervention for families and children through residential and counseling services.

One of the services the network provides is domestic violence respite. A domestic violence respite is a placement that is available for the care and custody for a youth charged with domestic violence.¹⁸ This is an alternative placement for the youth so he or she does not have to be placed in secure detention.¹⁹ A domestic violence respite is also available for a youth when a shelter bed for a family in need of services is unavailable.²⁰ The network has served 783 youth through the domestic violence respite program.²¹

Section 943.171, F.S., Basic Skills Training for Domestic Violence Cases

Section 943.171, F.S., requires that every basic skills course for a law enforcement officer to receive his or her initial certification must include 6 hours of training on handling domestic violence cases. Specifically, the domestic violence training has to include a training to recognize and determine the aggressor.²²

¹⁴ Reasonable efforts include voluntary participation by the child's parents or legal custodians and the child in family mediation, services, and treatment offered by the DJJ or the DCF. Section 984.03(9), F.S.

¹⁵ The child and the child's parents or legal custodians must have also voluntarily participated in family mediation, services, and treatment offered by the DJJ or the DCF. Section 984.03(9), F.S.

¹⁶ Reasonable efforts may include good faith participation in family or individual counseling. Section 984.03(9), F.S.

¹⁷ The Florida Network of Youth and Family Services, *About the Florida Network*, available at <https://www.floridanetwork.org/missionvalues.html> (last visited March 17, 2017).

¹⁸ Section 985.03(43), F.S.

¹⁹ Secure detention is a physically restricting facility for the temporary care of children who are pending adjudication, disposition, or placement. Section 985.03(45), F.S.

²⁰ Section 985.03(43), F.S.

²¹ The Florida Network of Youth and Family Services, *2015 Annual Report*, available at <https://www.floridanetwork.org/PDFs/2015AnnualReport.pdf> (last visited March 17, 2017).

²² Section 943.171, F.S.

III. Effect of Proposed Changes:

Domestic Violence

The bill requires the DJJ and the Florida Coalition Against Domestic Violence to develop and maintain updated information and materials detailing the resources and services available to:

- Parents and legal custodians who are victims of domestic violence committed by children or fear that they will become victims; and
- Children who have committed acts of domestic violence or who demonstrate behaviors that may escalate into domestic violence.

The bill specifies that the materials and services must include, but are not limited to:

- The services available under ch. 984, F.S.;
- Domestic violence services available under ch. 39, F.S.; and
- Juvenile justice services available under ch. 985, F.S., including prevention, diversion, detention, and alternative placements.

The materials must also describe how to access the resources and services throughout the state.

The DJJ must post information and materials on the DJJ website and make the materials available for distribution to the public by providing it to:

- Certified domestic violence centers;
- Other organizations serving victims of domestic violence;
- The clerks of courts;
- Law enforcement agencies; and
- Other appropriate organizations.

Section 943.171, F.S., Basic Skills Training for Domestic Violence Cases

The bill requires the issues involved in child-to-parent domestic violence cases be included in the domestic violence portion of an officer's basic skills course for his or her initial certification.

The bill is effective July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill requires the FCADV to work with the DJJ to develop and maintain materials specifying the resources and services available for certain victims of domestic violence. The costs of developing and making these materials available to the specified entities is unknown. It is likely that the bill will have a negative indeterminate fiscal impact on the FCADV.

C. Government Sector Impact:

The bill requires the DJJ to work with the FCADV to develop and maintain materials specifying the resources and services available for certain victims of domestic violence. The costs of developing and making these materials available to the specified entities is unknown. It is likely that the bill will have a negative indeterminate fiscal impact on the DJJ.

The bill requires the issues involved in child-to-parent domestic violence cases be included in the domestic violence portion of an officer's basic skills course for his or her initial certification. The costs to include this new training are unknown. The bill will likely have a negative indeterminate fiscal impact on the Florida Department of Law Enforcement (the Criminal Justice Standards and Training Commission), which would have to update its basic skills course.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill amends s. 984.11, F.S., to require the DJJ and the FCADV to develop and maintain materials specifying the resources and services that are available to parents and legal guardians who are victims of domestic violence and children who have committed acts of domestic violence or *who demonstrate behaviors that may escalate into domestic violence*. Section 948.11, F.S., is limited to *services to families in need of services*, and may not be an appropriate statutory placement to include the services for *children who demonstrate behaviors that may escalate into domestic violence*. This is because a *child who demonstrates behaviors that may escalate into domestic violence* would likely be classified as a *child in need of services* and s. 948.11, F.S., is limited to *families in need of services*.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 984.11 and 943.171.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Torres

15-01240B-17

20171694__

A bill to be entitled

An act relating to support for parental victims of child domestic violence; amending s. 984.11, F.S.; requiring the Department of Juvenile Justice and the Florida Coalition Against Domestic Violence to collaborate to develop and maintain updated information and materials regarding specified services and resources; requiring the department to make the information and materials available through specified means; amending s. 943.171, F.S.; requiring domestic violence training for law enforcement officers to include training concerning child-to-parent cases; providing an effective date.

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

Section 1. Subsection (5) is added to section 984.11, Florida Statutes, to read:

984.11 Services to families in need of services.—

(5) The department and the Florida Coalition Against Domestic Violence shall collaborate to develop and maintain updated information and materials describing resources and services available to parents and legal custodians who are victims of domestic violence committed by children or who fear that they will become victims of such acts and to children who have committed acts of domestic violence or who demonstrate behaviors that may escalate into domestic violence. Such resources and services shall include, but are not limited to, those available under this chapter, domestic violence services

Page 1 of 2

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

15-01240B-17

20171694__

available under chapter 39, and juvenile justice services available pursuant to chapter 985, including prevention, diversion, detention, and alternative placements. The materials shall describe how parents and legal custodians may access the resources and services in their local area. The department shall post this information on its website and make the materials available to certified domestic violence centers, other organizations serving victims of domestic violence, clerks of court, law enforcement agencies, and other appropriate organizations for distribution to the public.

Section 2. Subsection (1) of section 943.171, Florida Statutes, is amended to read:

943.171 Basic skills training in handling domestic violence cases.—

(1) The commission shall establish standards for instruction of law enforcement officers in the subject of domestic violence. Every basic skills course required in order for law enforcement officers to obtain initial certification shall, ~~after January 1, 1986,~~ include a minimum of 6 hours of training in handling domestic violence cases. Such training must include training in the recognition and determination of the primary aggressor in domestic violence cases and the issues involved in child-to-parent cases.

Section 3. This act shall take effect July 1, 2017.

Page 2 of 2

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

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Children, Families, and Elder Affairs
ITEM: SB 1694
FINAL ACTION: Favorable
MEETING DATE: Monday, March 27, 2017
TIME: 1:30—3:30 p.m.
PLACE: 401 Senate Office Building

FINAL VOTE		SENATORS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Artiles						
X		Broxson						
X		Campbell						
X		Stargel						
X		Torres, VICE CHAIR						
X		Garcia, CHAIR						
6	0	TOTALS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

CourtSmart Tag Report

Room: SB 401

Case No.:

Type:

Caption: Senate Committee on Children, Families, and Elder Affairs

Judge:

Started: 3/27/2017 1:33:05 PM

Ends: 3/27/2017 1:53:41 PM Length: 00:20:37

1:33:07 PM Meeting Called to Order
1:33:16 PM Quorum present
1:33:44 PM Florida Youth Shine Recognized
1:34:01 PM Tab Senator Baxley explains SB 762
1:34:28 PM Sen Stargel question
1:35:43 PM Sen Baxley
1:36:47 PM Chair Garcia
1:37:34 PM Sen Baxley
1:38:07 PM Chair Garcia
1:38:11 PM Sen Baxley closes
1:38:18 PM Roll Call by AA Nikki
1:38:28 PM SB 762 reported favorably
1:38:42 PM BC 1519584 withdrawn
1:39:43 PM BC Sen Broxson
1:40:43 PM Vice Chair Torres question
1:40:50 PM BC 72040 adopted
1:41:05 PM Doug Bell, FI American Academy of Pediatrics, waives in support
1:41:21 PM Victoria Zip, FI Coalition on children, waives in support
1:41:36 PM Victoria Zepp, FI Coalition of Children, waives in support
1:41:44 PM Vice Chair Torres question
1:41:56 PM Sen Broxson response
1:42:45 PM Sen Broxson motion CS 1318 amended
1:43:13 PM Chair explains clarity
1:43:46 PM Roll Call
1:43:49 PM CS/SB 318/1454 reported favorably
1:44:04 PM SB 1558 Sen Book
1:44:36 PM Chair calls for question
1:45:33 PM Sen Book waives close
1:45:39 PM Roll call
1:45:44 PM SB 1458 reported favorably
1:45:57 PM SB 1408 Sen Broxson
1:46:29 PM Chair calls for questions on SB 1408
1:46:44 PM Jon Conely, Dept of Elder affairs, waives in support
1:46:59 PM Roll Call SB 1408 by AA
1:47:04 PM SB 1408 reported favorably
1:47:14 PM Tab 6 SB 1654
1:47:28 PM Sen Campbell explains
1:48:14 PM Chair calls for questions
1:48:29 PM A to SB 1654
1:48:42 PM Sen Campbell explains
1:48:48 PM Chair calls for question
1:48:53 PM A adopted w/o objection

1:49:02 PM Jessica, Scher, United Way of Miami, waives in support
1:49:29 PM Sen Cambpell closes
1:50:06 PM Chair Garcia comments
1:50:43 PM Roll Call SB 1654 by AA
1:51:08 PM Sb 1654 reported favoarably
1:51:15 PM SB 1694 Sen Torres explains
1:52:20 PM Sen Torres waives call
1:52:38 PM Roll Call SB 1694
1:52:51 PM SB 1694 reported favorably
1:53:09 PM Chair Garcia
1:53:29 PM Meeting adjourned