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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2014	.	
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	.	
	.	

The Committee on Children, Families, and Elder Affairs (Diaz de la Portilla) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (5) is added to section 450.021,
Florida Statutes, to read:

450.021 Minimum age; general.—

(5) In order to better ensure the elimination of minors
being exploited and becoming victims of human trafficking, a
person under the age of 18, whether or not such person's



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11 disabilities of nonage have been removed by marriage or
12 otherwise, may not be employed, permitted, or suffered to work
13 in an adult theater, as defined in s. 847.001(2)(b).

14 Section 2. Subsection (3) is added to section 450.045,
15 Florida Statutes, to read:

16 450.045 Proof of identity and age; posting of notices.—

17 (3) (a) In order to provide the department and law
18 enforcement agencies the means to more effectively identify,
19 investigate, and arrest persons engaging in human trafficking,
20 an adult theater, as defined in s. 847.001(2)(b), shall obtain
21 proof of the identity and age of each of its employees or
22 independent contractors, and shall verify the validity of the
23 identification and age verification document with the issuer,
24 before his or her employment or provision of services as an
25 independent contractor.

26 (b) The adult theater shall obtain and keep on record a
27 photocopy of the person's driver license or state or federal
28 government-issued photo identification card, along with a record
29 of the verification of the validity of the identification and
30 age verification document with the issuer, during the entire
31 period of employment or business relationship with the
32 independent contractor and for at least 3 years after the
33 employee or independent contractor ceases employment or the
34 provision of services.

35 (c) The department and its agents have the authority to
36 enter during operating hours, unannounced and without prior
37 notice, and inspect at any time a place or establishment covered
38 by this subsection and to have access to age verification
39 documents kept on file by the adult theater and such other



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40 records as may aid in the enforcement of this subsection.

41 Section 3. Subsection (18) is added to section 775.15,
42 Florida Statutes, to read:

43 775.15 Time limitations; general time limitations;
44 exceptions.—

45 (18) A prosecution for a violation of s. 787.06 may be
46 commenced at any time. This subsection applies to any such
47 offense except an offense the prosecution of which would have
48 been barred by subsection (2) on or before October 1, 2014.

49 Section 4. Subsections (3) and (4) of section 787.06,
50 Florida Statutes, are amended, and subsection (8) is added to
51 that section, to read:

52 787.06 Human trafficking.—

53 (3) Any person who knowingly, or in reckless disregard of
54 the facts, engages in human trafficking, or attempts to engage
55 in human trafficking, or benefits financially by receiving
56 anything of value from participation in a venture that has
57 subjected a person to human trafficking:

58 (a) 1. Using coercion For labor or services of any child
59 under the age of 18 commits a felony of the first degree,
60 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

61 2. Using coercion for labor or services of an adult commits
62 a felony of the first degree, punishable as provided in s.
63 775.082, s. 775.083, or s. 775.084.

64 (b) Using coercion for commercial sexual activity of an
65 adult commits a felony of the first degree, punishable as
66 provided in s. 775.082, s. 775.083, or s. 775.084.

67 (c) 1. Using coercion For labor or services of any child
68 under the age of 18 individual who is an unauthorized alien



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69 commits a felony of the first degree, punishable as provided in
70 s. 775.082, s. 775.083, or s. 775.084.

71 2. Using coercion for labor or services of an adult who is
72 an unauthorized alien commits a felony of the first degree,
73 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

74 (d) Using coercion for commercial sexual activity of an
75 adult ~~any individual~~ who is an unauthorized alien commits a
76 felony of the first degree, punishable as provided in s.
77 775.082, s. 775.083, or s. 775.084.

78 (e) 1. Using coercion For labor or services who does so by
79 the transfer or transport of any child under the age of 18
80 ~~individual~~ from outside this state to within the state commits a
81 felony of the first degree, punishable as provided in s.
82 775.082, s. 775.083, or s. 775.084.

83 2. Using coercion for labor or services who does so by the
84 transfer or transport of an adult from outside this state to
85 within the state commits a felony of the first degree,
86 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

87 (f) 1. Using coercion For commercial sexual activity who
88 does so by the transfer or transport of any child under the age
89 of 18 ~~individual~~ from outside this state to within the state
90 commits a felony of the first degree, punishable by imprisonment
91 for a term of years not exceeding life, or as provided in s.
92 775.082, s. 775.083, or s. 775.084.

93 2. Using coercion for commercial sexual activity who does
94 so by the transfer or transport of an adult from outside this
95 state to within the state commits a felony of the first degree,
96 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

97 (g) For commercial sexual activity in which any child under



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98 the age of 18, or in which any person who is mentally defective
99 or mentally incapacitated as those terms are defined in s.
100 794.011(1), is involved commits a life felony ~~of the first~~
101 ~~degree, punishable by imprisonment for a term of years not~~
102 ~~exceeding life, or as provided in s. 775.082(3)(a)5. 775.082, s.~~
103 ~~775.083, or s. 775.084. In a prosecution under this paragraph in~~
104 ~~which the defendant had a reasonable opportunity to observe the~~
105 ~~person who was subject to human trafficking, the state need not~~
106 ~~prove that the defendant knew that the person had not attained~~
107 ~~the age of 18 years.~~

108 ~~(h) For commercial sexual activity in which any child under~~
109 ~~the age of 15 is involved commits a life felony, punishable as~~
110 ~~provided in s. 775.082, s. 775.083, or s. 775.084. In a~~
111 ~~prosecution under this paragraph in which the defendant had a~~
112 ~~reasonable opportunity to observe the person who was subject to~~
113 ~~human trafficking, the state need not prove that the defendant~~
114 ~~knew that the person had not attained the age of 15 years.~~

115
116 For each instance of human trafficking of any individual under
117 this subsection, a separate crime is committed and a separate
118 punishment is authorized.

119 (4) (a) Any parent, legal guardian, or other person having
120 custody or control of a minor who sells or otherwise transfers
121 custody or control of such minor, or offers to sell or otherwise
122 transfer custody of such minor, with knowledge or in reckless
123 disregard of the fact that, as a consequence of the sale or
124 transfer, the minor will be subject to human trafficking commits
125 a life ~~first-degree~~ felony, punishable as provided in s.
126 775.082, s. 775.083, or s. 775.084.



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127 (b) Any person who permanently brands, or directs to be
128 branded, a victim of an offense under this section commits a
129 second degree felony, punishable as provided in s. 775.082, s.
130 775.083, or s. 775.084. For purposes of this subsection, the
131 term "permanently branded" means a mark on the individual's body
132 that, if it can be removed or repaired at all, can only be
133 removed or repaired by surgical means, laser treatment, or other
134 medical procedure.

135 (8) In a prosecution under this section, the defendant's
136 ignorance of the victim's age, the victim's misrepresentation of
137 his or her age, or the defendant's bona fide belief of the
138 victim's age cannot be raised as a defense.

139 Section 5. Paragraph (a) of subsection (3) of section
140 775.082, Florida Statutes, is amended to read:

141 775.082 Penalties; applicability of sentencing structures;
142 mandatory minimum sentences for certain reoffenders previously
143 released from prison.-

144 (3) A person who has been convicted of any other designated
145 felony may be punished as follows:

146 (a)1. For a life felony committed prior to October 1, 1983,
147 by a term of imprisonment for life or for a term of years not
148 less than 30.

149 2. For a life felony committed on or after October 1, 1983,
150 by a term of imprisonment for life or by a term of imprisonment
151 not exceeding 40 years.

152 3. Except as provided in subparagraph 4., for a life felony
153 committed on or after July 1, 1995, by a term of imprisonment
154 for life or by imprisonment for a term of years not exceeding
155 life imprisonment.



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156 4.a. Except as provided in sub-subparagraph b., for a life
157 felony committed on or after September 1, 2005, which is a
158 violation of s. 800.04(5)(b), by:

159 (I) A term of imprisonment for life; or

160 (II) A split sentence that is a term of not less than 25
161 years' imprisonment and not exceeding life imprisonment,
162 followed by probation or community control for the remainder of
163 the person's natural life, as provided in s. 948.012(4).

164 b. For a life felony committed on or after July 1, 2008,
165 which is a person's second or subsequent violation of s.
166 800.04(5)(b), by a term of imprisonment for life.

167 5. For a life felony committed on or after October 1, 2014,
168 which is a violation of s. 787.06(3)(g), by a term of
169 imprisonment for life.

170 Section 6. Section 796.001, Florida Statutes, is created to
171 read:

172 796.001 Offenses by adults involving minors; intent.—It is
173 the intent of the Legislature that adults who involve minors in
174 any behavior prohibited under this chapter be prosecuted under
175 other laws of this state, such as, but not limited to, s.
176 787.06, chapter 794, chapter 800, s. 810.145, chapter 827, and
177 chapter 847. The Legislature finds that prosecution of such
178 adults under this chapter is inappropriate since a minor is
179 unable to consent to such behavior.

180 Section 7. Sections 796.03, 796.035, and 796.036, Florida
181 Statutes, are repealed.

182 Section 8. Section 796.05, Florida Statutes, is amended to
183 read:

184 796.05 Deriving support from the proceeds of prostitution.—



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185 (1) It shall be unlawful for any person with reasonable
186 belief or knowing another person is engaged in prostitution to
187 live or derive support or maintenance in whole or in part from
188 what is believed to be the earnings or proceeds of such person's
189 prostitution.

190 (2) Anyone violating this section commits:

191 (a) For a first offense, a felony of the second ~~third~~
192 degree, punishable as provided in s. 775.082, s. 775.083, or s.
193 775.084.

194 (b) For a second offense, a felony of the first degree,
195 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

196 (c) For a third or subsequent offense, a felony of the
197 first degree punishable as provided in s. 775.082, s. 775.083,
198 or s. 775.084, with a mandatory minimum term of imprisonment of
199 10 years.

200 Section 9. Subsection (2) and subsections (4) through (6)
201 of section 796.07, Florida Statutes, are amended to read:

202 796.07 Prohibiting prostitution and related acts.—

203 (2) It is unlawful:

204 (a) To own, establish, maintain, or operate any place,
205 structure, building, or conveyance for the purpose of lewdness,
206 assignation, or prostitution.

207 (b) To offer, or to offer or agree to secure, another for
208 the purpose of prostitution or for any other lewd or indecent
209 act.

210 (c) To receive, or to offer or agree to receive, any person
211 into any place, structure, building, or conveyance for the
212 purpose of prostitution, lewdness, or assignation, or to permit
213 any person to remain there for such purpose.



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214 (d) To direct, take, or transport, or to offer or agree to
215 direct, take, or transport, any person to any place, structure,
216 or building, or to any other person, with knowledge or
217 reasonable cause to believe that the purpose of such directing,
218 taking, or transporting is prostitution, lewdness, or
219 assignation.

220 (e) To offer to commit, or to commit, or to engage in,
221 prostitution, lewdness, or assignation.

222 (f) To solicit, induce, entice, or procure another to
223 commit prostitution, lewdness, or assignation.

224 (g) To reside in, enter, or remain in, any place,
225 structure, or building, or to enter or remain in any conveyance,
226 for the purpose of prostitution, lewdness, or assignation.

227 (h) To aid or, abet, ~~or participate~~ in any of the acts or
228 things enumerated in this subsection.

229 (i) To purchase the services of any person engaged in
230 prostitution.

231 (4) A person who violates paragraph (2) (e) or (g) any
232 ~~provision of this section~~ commits:

233 (a) A misdemeanor of the second degree for a first
234 violation, punishable as provided in s. 775.082 or s. 775.083.

235 (b) A misdemeanor of the first degree for a second
236 violation, punishable as provided in s. 775.082 or s. 775.083.

237 (c) A felony of the third degree for a third or subsequent
238 violation, punishable as provided in s. 775.082, s. 775.083, or
239 s. 775.084.

240 (5) (a) A person who violates paragraphs (2) (a), (b), (c),
241 (d), (f), (h), or (i) commits:

242 1. For a first offense, a felony of the third degree,



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

244 2. For a second offense, a felony of the second degree,
245 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

246 3. For a third or subsequent offense, a felony of the first
247 degree, punishable as provided in s. 775.082, s. 775.083, or s.
248 775.084. A person who is charged with a third or subsequent
249 violation of this section shall be offered admission to a
250 pretrial intervention program or a substance abuse treatment
251 program as provided in s. 948.08.

252 (6) A person who violates paragraphs (2) (a), (b), (c), (d),
253 (f), (h), or (i) paragraph (2) (f) shall be assessed a criminal
254 civil penalty of \$5,000 if the violation results in any judicial
255 disposition other than acquittal or dismissal. Of the proceeds
256 from each penalty assessed under this subsection, the first \$500
257 shall be paid to the circuit court administrator for the sole
258 purpose of paying the administrative costs of treatment-based
259 drug court programs provided under s. 397.334. The remainder of
260 the penalty assessed shall be deposited in the Operations and
261 Maintenance Trust Fund of the Department of Children and Family
262 Services for the sole purpose of funding safe houses and short-
263 term safe houses as provided in s. 409.1678.

264 Section 10. Subsection (3), paragraph (a) of subsection
265 (8), and paragraph (a) of subsection (10) of section 943.0583,
266 Florida Statutes, are amended to read:

267 943.0583 Human trafficking victim expunction.—

268 (3) A person who is a victim of human trafficking may
269 petition for the expunction of a criminal history record
270 resulting from the arrest or filing of charges ~~any conviction~~
271 for an offense committed or reported to have been committed



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272 while the person ~~he or she~~ was a victim of human trafficking,
273 which offense was committed or reported to have been committed
274 as a part of the human trafficking scheme of which the person ~~he~~
275 ~~or she~~ was a victim or at the direction of an operator of the
276 scheme, including, but not limited to, violations under chapters
277 796 and 847, without regard to the disposition of the arrest or
278 of any charges. However, this section does not apply to any
279 offense listed in s. 775.084(1)(b)1. Determination of the
280 petition under this section should be by a preponderance of the
281 evidence. A conviction expunged under this section is deemed to
282 have been vacated due to a substantive defect in the underlying
283 criminal proceedings. If a person is adjudicated not guilty by
284 reason of insanity or is found to be incompetent to stand trial
285 for any such charge, the expunction of the criminal history
286 record may not prevent the entry of the judgment or finding in
287 state and national databases for use in determining eligibility
288 to purchase or possess a firearm or to carry a concealed
289 firearm, as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s.
290 922(t), nor shall it prevent any governmental agency that is
291 authorized by state or federal law to determine eligibility to
292 purchase or possess a firearm or to carry a concealed firearm
293 from accessing or using the record of the judgment or finding in
294 the course of such agency's official duties.

295 (8)(a) Any criminal history record of a minor or an adult
296 that is ordered expunged by the court of original jurisdiction
297 over the charges ~~crime~~ sought to be expunged pursuant to this
298 section must be physically destroyed or obliterated by any
299 criminal justice agency having custody of such record, except
300 that any criminal history record in the custody of the



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301 department must be retained in all cases.

302 (10) (a) A criminal history record ordered expunged under
303 this section that is retained by the department is confidential
304 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
305 Constitution, except that the record shall be made available to
306 criminal justice agencies for their respective criminal justice
307 purposes and to any governmental agency that is authorized by
308 state or federal law to determine eligibility to purchase or
309 possess a firearm or to carry a concealed firearm for use in the
310 course of such agency's official duties. Otherwise, such record
311 shall not be disclosed to any person or entity except upon order
312 of a court of competent jurisdiction. A criminal justice agency
313 may retain a notation indicating compliance with an order to
314 expunge.

315 Section 11. Paragraphs (c), (e), and (g) through (j) of
316 subsection (3) of section 921.0022, Florida Statutes, are
317 amended to read:

318 921.0022 Criminal Punishment Code; offense severity ranking
319 chart.-

320 (3) OFFENSE SEVERITY RANKING CHART

321 (c) LEVEL 3

322
323

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.

324



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325	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
326	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
327	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
328	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
329	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
330	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
331	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
332	327.35 (2) (b)	3rd	Felony BUI.
333			



- 334 328.05(2) 3rd Possess, sell, or counterfeit
fictitious, stolen, or
fraudulent titles or bills of
sale of vessels.
- 335 328.07(4) 3rd Manufacture, exchange, or
possess vessel with counterfeit
or wrong ID number.
- 336 376.302(5) 3rd Fraud related to reimbursement
for cleanup expenses under the
Inland Protection Trust Fund.
- 337 379.2431 3rd Taking, disturbing, mutilating,
(1) (e) 5. destroying, causing to be
destroyed, transferring,
selling, offering to sell,
molesting, or harassing marine
turtles, marine turtle eggs, or
marine turtle nests in
violation of the Marine Turtle
Protection Act.
- 338 379.2431 3rd Soliciting to commit or
(1) (e) 6. conspiring to commit a
violation of the Marine Turtle
Protection Act.
- 400.9935(4) 3rd Operating a clinic without a



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vehicle.

346

~~796.05(1) 3rd Live on earnings of a
prostitute.~~

347

806.10(1) 3rd Maliciously injure, destroy, or
interfere with vehicles or
equipment used in firefighting.

348

806.10(2) 3rd Interferes with or assaults
firefighter in performance of
duty.

349

810.09(2)(c) 3rd Trespass on property other than
structure or conveyance armed
with firearm or dangerous
weapon.

350

812.014(2)(c)2. 3rd Grand theft; \$5,000 or more but
less than \$10,000.

351

812.0145(2)(c) 3rd Theft from person 65 years of
age or older; \$300 or more but
less than \$10,000.

352

815.04(4)(b) 2nd Computer offense devised to
defraud or obtain property.

353

817.034(4)(a)3. 3rd Engages in scheme to defraud



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(Florida Communications Fraud Act), property valued at less than \$20,000.

354

817.233 3rd Burning to defraud insurer.

355

817.234 3rd Unlawful solicitation of
(8) (b) - (c) persons involved in motor vehicle accidents.

356

817.234 (11) (a) 3rd Insurance fraud; property value less than \$20,000.

357

817.236 3rd Filing a false motor vehicle insurance application.

358

817.2361 3rd Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

359

817.413 (2) 3rd Sale of used goods as new.

360

817.505 (4) 3rd Patient brokering.

361

828.12 (2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or death.



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362 831.28(2)(a) 3rd Counterfeiting a payment
instrument with intent to
defraud or possessing a
counterfeit payment instrument.

363 831.29 2nd Possession of instruments for
counterfeiting drivers'
licenses or identification
cards.

364 838.021(3)(b) 3rd Threatens unlawful harm to
public servant.

365 843.19 3rd Injure, disable, or kill police
dog or horse.

366 860.15(3) 3rd Overcharging for repairs and
parts.

367 870.01(2) 3rd Riot; inciting or encouraging.

368 893.13(1)(a)2. 3rd 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).

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370 893.13(1)(d)2. 2nd Sell, manufacture, or deliver
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
university.

371 893.13(1)(f)2. 2nd Sell, manufacture, or deliver
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 public
housing facility.

372 893.13(6)(a) 3rd Possession of any controlled
substance other than felony
possession of cannabis.

373 893.13(7)(a)8. 3rd Withhold information from
practitioner regarding previous
receipt of or prescription for
a controlled substance.

893.13(7)(a)9. 3rd Obtain or attempt to obtain
controlled substance by fraud,
forgery, misrepresentation,
etc.



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374

893.13(7)(a)10. 3rd Affix false or forged label to
package of controlled
substance.

375

893.13(7)(a)11. 3rd Furnish false or fraudulent
material information on any
document or record required by
chapter 893.

376

893.13(8)(a)1. 3rd Knowingly assist a patient,
other person, or owner of an
animal in obtaining a
controlled substance through
deceptive, untrue, or
fraudulent representations in
or related to the
practitioner's practice.

377

893.13(8)(a)2. 3rd Employ a trick or scheme in the
practitioner's practice to
assist a patient, other person,
or owner of an animal in
obtaining a controlled
substance.

378

893.13(8)(a)3. 3rd Knowingly write a prescription
for a controlled substance for
a fictitious person.



388	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
389	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
390	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
391	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
392	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
393	379.3671 (2)(c)3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
394	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
395	440.10(1)(g)	2nd	Failure to obtain workers'



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404	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
405	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
406	<u>796.05 (1)</u>	<u>2nd</u>	<u>Live on earnings of a prostitute; 1st offense.</u>
407	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
408	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
409	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
410	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
411	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.



412	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
413	812.131(2)(b)	3rd	Robbery by sudden snatching.
414	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
415	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
416	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
417	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.
	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



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information of 10 or more
individuals.

418

817.625(2)(b) 2nd Second or subsequent fraudulent
use of scanning device or
reencoder.

419

825.1025(4) 3rd Lewd or lascivious exhibition
in the presence of an elderly
person or disabled adult.

420

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

421

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

422

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.

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424	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
425	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
426	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
427	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
428	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
429	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 to join a criminal gang.
	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).



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430

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.

431

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.

432

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



441	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
442	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
443	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
444	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
445	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
446	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
447			



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448	456.065 (2)	3rd	Practicing a health care profession without a license.
449	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
450	458.327 (1)	3rd	Practicing medicine without a license.
451	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
452	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
453	461.012 (1)	3rd	Practicing podiatric medicine without a license.
454	462.17	3rd	Practicing naturopathy without a license.
455	463.015 (1)	3rd	Practicing optometry without a license.
456	464.016 (1)	3rd	Practicing nursing without a license.



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457	465.015 (2)	3rd	Practicing pharmacy without a license.
458	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
459	467.201	3rd	Practicing midwifery without a license.
460	468.366	3rd	Delivering respiratory care services without a license.
461	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
462	483.901 (9)	3rd	Practicing medical physics without a license.
463	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
464	484.053	3rd	Dispensing hearing aids without a license.
	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded



\$50,000 and there were five or more victims.

465

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.

466

560.125(5)(a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

467

655.50(10)(b)1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

468

775.21(10)(a) 3rd Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

469

775.21(10)(b) 3rd Sexual predator working where children regularly congregate.

470

775.21(10)(g) 3rd Failure to report or providing



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false information about a
sexual predator; harbor or
conceal a sexual predator.

471

782.051(3)

2nd

Attempted felony murder of a
person by a person other than
the perpetrator or the
perpetrator of an attempted
felony.

472

782.07(1)

2nd

Killing of a human being by the
act, procurement, or culpable
negligence of another
(manslaughter).

473

782.071

2nd

Killing of a human being or
viable fetus by the operation
of a motor vehicle in a
reckless manner (vehicular
homicide).

474

782.072

2nd

Killing of a human being by the
operation of a vessel in a
reckless manner (vessel
homicide).

475

784.045(1)(a)1.

2nd

Aggravated battery;
intentionally causing great
bodily harm or disfigurement.



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476	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
477	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
478	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
479	784.048 (7)	3rd	Aggravated stalking; violation of court order.
480	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
481	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
482	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
483	784.081 (1)	1st	Aggravated battery on specified official or employee.
484	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.



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485	784.083(1)	1st	Aggravated battery on code inspector.
486	787.06(3)(a) <u>2.</u>	1st	Human trafficking using coercion for labor and services <u>of an adult.</u>
487	787.06(3)(e) <u>2.</u>	1st	Human trafficking using coercion for labor and services by the transfer or transport of <u>an adult</u> any individual from outside Florida to within the state.
488	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
489	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
490	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
491	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or



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attempting to commit a felony.

492

790.166(3) 2nd Possessing, selling, using, or
attempting to use a hoax weapon
of mass destruction.

493

790.166(4) 2nd Possessing, displaying, or
threatening to use a hoax
weapon of mass destruction
while committing or attempting
to commit a felony.

494

790.23 1st,PBL Possession of a firearm by a
person who qualifies for the
penalty enhancements provided
for in s. 874.04.

495

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.

496

~~796.03 2nd Procuring any person under 16
years for prostitution.~~

497

796.05(1) 1st Live on earnings of a
prostitute; 2nd offense.

498



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499	<u>796.05(1)</u>	<u>1st</u>	<u>Live on earnings of a prostitute; 3rd and subsequent offense.</u>
500	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
501	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
502	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
503	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
504	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
505	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
	810.02(3)(e)	2nd	Burglary of authorized



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emergency vehicle.

506

812.014 (2) (a) 1. 1st Property stolen, valued at
\$100,000 or more or a
semitrailer deployed by a law
enforcement officer; property
stolen while causing other
property damage; 1st degree
grand theft.

507

812.014 (2) (b) 2. 2nd Property stolen, cargo valued
at less than \$50,000, grand
theft in 2nd degree.

508

812.014 (2) (b) 3. 2nd Property stolen, emergency
medical equipment; 2nd degree
grand theft.

509

812.014 (2) (b) 4. 2nd Property stolen, law
enforcement equipment from
authorized emergency vehicle.

510

812.0145 (2) (a) 1st Theft from person 65 years of
age or older; \$50,000 or more.

511

812.019 (2) 1st Stolen property; initiates,
organizes, plans, etc., the
theft of property and traffics
in stolen property.



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512	812.131 (2) (a)	2nd	Robbery by sudden snatching.
513	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
514	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
515	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
516	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
517	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
518	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
519	817.535 (2) (a)	3rd	Filing false lien or other



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unauthorized document.

520

825.102(3)(b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

521

825.103(2)(b) 2nd Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.

522

827.03(2)(b) 2nd Neglect of a child causing great bodily harm, disability, or disfigurement.

523

827.04(3) 3rd Impregnation of a child under 16 years of age by person 21 years of age or older.

524

837.05(2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

525

838.015 2nd Bribery.

526

838.016 2nd Unlawful compensation or reward for official behavior.

527



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528	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
529	838.22	2nd	Bid tampering.
530	843.0855 (2)	3rd	Impersonation of a public officer or employee.
531	843.0855 (3)	3rd	Unlawful simulation of legal process.
532	843.0855 (4)	3rd	Intimidation of a public officer or employee.
533	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
534	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
535	872.06	2nd	Abuse of a dead human body.
536	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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plans, finances, directs,
manages, or supervises criminal
gang-related activity.

537

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.

538

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.

539

893.13(4)(a) 1st Deliver to minor cocaine (or
other s. 893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or
(2)(c)4. drugs).



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540	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
541	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
542	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
543	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
544	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
545	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
546	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
547			



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548	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
549	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
550	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
551	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
552	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
553	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to



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comply with reporting
requirements.

554

943.0435 (8) 2nd Sexual offender; remains in
state after indicating intent
to leave; failure to comply
with reporting requirements.

555

943.0435 (9) (a) 3rd Sexual offender; failure to
comply with reporting
requirements.

556

943.0435 (13) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

557

943.0435 (14) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification.

558

944.607 (9) 3rd Sexual offender; failure to
comply with reporting
requirements.

559

944.607 (10) (a) 3rd Sexual offender; failure to
submit to the taking of a
digitized photograph.



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560 944.607(12) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

561 944.607(13) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification.

562 985.4815(10) 3rd Sexual offender; failure to
submit to the taking of a
digitized photograph.

563 985.4815(12) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

564 985.4815(13) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification.

565
566 (h) LEVEL 8

567
568

Florida	Felony	Description
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	Statute	Degree	
569	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
570	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
571	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
572	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
573	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
574	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.
575	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.



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576	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
577	777.03(2)(a)	1st	Accessory after the fact, capital felony.
578	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.
579	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
580	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
581			



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- 582 782.072 (2) 1st Committing vessel homicide and
failing to render aid or give
information.
- 583 787.06 (3) (a) 1. 1st Human trafficking for labor and
services of a child.
- 584 787.06 (3) (b) 1st Human trafficking using
coercion for commercial sexual
activity of an adult.
- 585 787.06 (3) (c) 2. 1st Human trafficking using
coercion for labor and services
of an unauthorized alien adult.
- 586 787.06 (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.
- 587 787.06 (3) (f) 2. 1st Human trafficking using
coercion for commercial sexual
activity by the transfer or
transport of any adult
~~individual~~ from outside Florida
to within the state.
- 790.161 (3) 1st Discharging a destructive



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595	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
596	812.13 (2) (b)	1st	Robbery with a weapon.
597	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
598	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
599	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
600	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
601	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



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vehicle resulting in great
bodily harm.

609

860.16 1st Aircraft piracy.

610

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).

611

893.13(2)(b) 1st Purchase in excess of 10 grams
of any substance specified in
s. 893.03(1)(a) or (b).

612

893.13(6)(c) 1st Possess in excess of 10 grams
of any substance specified in
s. 893.03(1)(a) or (b).

613

893.135(1)(a)2. 1st Trafficking in cannabis, more
than 2,000 lbs., less than
10,000 lbs.

614

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

615

893.135 1st Trafficking in illegal drugs,
(1)(c)1.b. more than 14 grams, less than
28 grams.



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616	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
617	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
618	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
619	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
620	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
621	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
622	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.



623	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
624	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
625	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
626	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
627	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
628	896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than



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\$100,000.

629

630 (i) LEVEL 9

631

632

Florida Statute	Felony Degree	Description
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633

316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
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634

327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
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635

409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
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636

499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
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637

560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
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638

560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling
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- 646 787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or
reward or as a shield or
hostage.
- 647 787.01(1)(a)2. 1st,PBL Kidnapping with intent to
commit or facilitate commission
of any felony.
- 648 787.01(1)(a)4. 1st,PBL Kidnapping with intent to
interfere with performance of
any governmental or political
function.
- 649 787.02(3)(a) 1st False imprisonment; child under
age 13; perpetrator also
commits aggravated child abuse,
sexual battery, or lewd or
lascivious battery,
molestation, conduct, or
exhibition.
- 650 787.06(3)(c)1. 1st Human trafficking for labor and
services of an unauthorized
alien child.
- 787.06(3)(d) 1st Human trafficking using
coercion for commercial sexual
activity of an unauthorized
adult alien.



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651	<u>787.06(3)(f)1.</u>	<u>1st,PBL</u>	<u>Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.</u>
652	787.06(3)(g)	1st,PBL	Human trafficking for commercial sexual activity of a child under the age of 18.
653	787.06(4)	1st	Selling or buying of minors into human trafficking.
654	790.161	1st	Attempted capital destructive device offense.
655	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
656	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
657	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.



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658	794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
659	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
660	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
661	796.035	1st	Selling or buying of minors into prostitution.
662	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
663	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
664	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
665	812.135 (2) (b)	1st	Home-invasion robbery with weapon.



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666	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
667	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
668	817.535 (5) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.
669	817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
670	827.03 (2) (a)	1st	Aggravated child abuse.
671	847.0145 (1)	1st	Selling, or otherwise



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transferring custody or
control, of a minor.

672

847.0145(2) 1st Purchasing, or otherwise
obtaining custody or control,
of a minor.

673

859.01 1st Poisoning or introducing
bacteria, radioactive
materials, viruses, or chemical
compounds into food, drink,
medicine, or water with intent
to kill or injure another
person.

674

893.135 1st Attempted capital trafficking
offense.

675

893.135(1)(a)3. 1st Trafficking in cannabis, more
than 10,000 lbs.

676

893.135 1st Trafficking in cocaine, more
(1)(b)1.c. than 400 grams, less than 150
kilograms.

677

893.135 1st Trafficking in illegal drugs,
(1)(c)1.c. more than 28 grams, less than
30 kilograms.

678



679	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
680	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
681	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
682	893.135 (1) (h) 1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.
683	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
684	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
685	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
686	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.



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687 (j) LEVEL 10

688

689

Florida Statute	Felony Degree	Description
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690

499.0051(10)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.
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691

782.04(2)	1st,PBL	Unlawful killing of human; act is homicide, unpremeditated.
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692

782.07(3)	1st	Aggravated manslaughter of a child.
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693

787.01(1)(a)3.	1st,PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
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694

787.01(3)(a)	Life	Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
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695

<u>787.06(3)(g)</u>	Life	Human trafficking for
787.06(3)(h)		commercial sexual activity of a child under the age of <u>18 or</u>



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mentally defective or
incapacitated person ~~15~~.

696

787.06(4)(a) Life Selling or buying of minors
into human trafficking.

697

794.011(3) Life Sexual battery; victim 12 years
or older, offender uses or
threatens to use deadly weapon
or physical force to cause
serious injury.

698

812.135(2)(a) 1st,PBL Home-invasion robbery with
firearm or other deadly weapon.

699

876.32 1st Treason against the state.

700

701 Section 12. Paragraph (g) of subsection (67) of section
702 39.01, Florida Statutes, is amended to read:

703 39.01 Definitions.—When used in this chapter, unless the
704 context otherwise requires:

705 (67) "Sexual abuse of a child" for purposes of finding a
706 child to be dependent means one or more of the following acts:

707 (g) The sexual exploitation of a child, which includes the
708 act of a child offering to engage in or engaging in
709 prostitution, provided that the child is not under arrest or is
710 not being prosecuted in a delinquency or criminal proceeding for
711 a violation of any offense in chapter 796 based on such
712 behavior; or allowing, encouraging, or forcing a child to:



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- 713 1. Solicit for or engage in prostitution;
714 2. Engage in a sexual performance, as defined by chapter
715 827; or
716 3. Participate in the trade of human ~~sex~~ trafficking as
717 provided in s. 787.06(3)(g) ~~796.035~~.

718 Section 13. Paragraphs (b) and (c) of subsection (2) of
719 section 90.404, Florida Statutes, are amended to read:

720 90.404 Character evidence; when admissible.—

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

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

727 2. For the purposes of this paragraph, the term "child
728 molestation" means conduct proscribed by s. 787.025(2)(c), s.
729 787.06(3)(g) ~~and (h)~~, s. 794.011, excluding s. 794.011(10), s.
730 794.05, ~~s. 796.03, s. 796.035~~, s. 800.04, s. 827.071, s.
731 847.0135(5), s. 847.0145, or s. 985.701(1) when committed
732 against a person 16 years of age or younger.

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

738 2. For the purposes of this paragraph, the term "sexual
739 offense" means conduct proscribed by s. 787.025(2)(c), s.
740 787.06(3)(b), (d), (f), or (g), ~~or (h)~~, s. 794.011, excluding s.
741 794.011(10), s. 794.05, ~~s. 796.03, s. 796.035~~, s.



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742 825.1025(2)(b), s. 827.071, s. 847.0135(5), s. 847.0145, or s.
743 985.701(1).

744 Section 14. Paragraph (a) of subsection (1) of section
745 772.102, Florida Statutes, is amended to read:

746 772.102 Definitions.—As used in this chapter, the term:

747 (1) "Criminal activity" means to commit, to attempt to
748 commit, to conspire to commit, or to solicit, coerce, or
749 intimidate another person to commit:

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

752 1. Section 210.18, relating to evasion of payment of
753 cigarette taxes.

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

755 3. Section 440.105 or s. 440.106, relating to workers'
756 compensation.

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

758 5. Chapter 517, relating to securities transactions.

759 6. Section 550.235 or s. 550.3551, relating to dogracing
760 and horseracing.

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

762 8. Chapter 552, relating to the manufacture, distribution,
763 and use of explosives.

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

765 10. Section 624.401, relating to transacting insurance
766 without a certificate of authority, s. 624.437(4)(c)1., relating
767 to operating an unauthorized multiple-employer welfare
768 arrangement, or s. 626.902(1)(b), relating to representing or
769 aiding an unauthorized insurer.

770 11. Chapter 687, relating to interest and usurious



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771 practices.
772 12. Section 721.08, s. 721.09, or s. 721.13, relating to
773 real estate timeshare plans.
774 13. Chapter 782, relating to homicide.
775 14. Chapter 784, relating to assault and battery.
776 15. Chapter 787, relating to kidnapping or human
777 trafficking.
778 16. Chapter 790, relating to weapons and firearms.
779 17. Section ~~796.03~~, s. 796.04, s. 796.05, or s. 796.07,
780 relating to prostitution.
781 18. Chapter 806, relating to arson.
782 19. Section 810.02(2)(c), relating to specified burglary of
783 a dwelling or structure.
784 20. Chapter 812, relating to theft, robbery, and related
785 crimes.
786 21. Chapter 815, relating to computer-related crimes.
787 22. Chapter 817, relating to fraudulent practices, false
788 pretenses, fraud generally, and credit card crimes.
789 23. Section 827.071, relating to commercial sexual
790 exploitation of children.
791 24. Chapter 831, relating to forgery and counterfeiting.
792 25. Chapter 832, relating to issuance of worthless checks
793 and drafts.
794 26. Section 836.05, relating to extortion.
795 27. Chapter 837, relating to perjury.
796 28. Chapter 838, relating to bribery and misuse of public
797 office.
798 29. Chapter 843, relating to obstruction of justice.
799 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or



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800 s. 847.07, relating to obscene literature and profanity.
801 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
802 849.25, relating to gambling.
803 32. Chapter 893, relating to drug abuse prevention and
804 control.
805 33. Section 914.22 or s. 914.23, relating to witnesses,
806 victims, or informants.
807 34. Section 918.12 or s. 918.13, relating to tampering with
808 jurors and evidence.
809 Section 15. Paragraph (m) of subsection (1) of section
810 775.0877, Florida Statutes, is amended to read:
811 775.0877 Criminal transmission of HIV; procedures;
812 penalties.—
813 (1) In any case in which a person has been convicted of or
814 has pled nolo contendere or guilty to, regardless of whether
815 adjudication is withheld, any of the following offenses, or the
816 attempt thereof, which offense or attempted offense involves the
817 transmission of body fluids from one person to another:
818 (m) Sections ~~796.03~~, 796.07~~7~~ and 796.08, relating to
819 prostitution; or
820
821 the court shall order the offender to undergo HIV testing, to be
822 performed under the direction of the Department of Health in
823 accordance with s. 381.004, unless the offender has undergone
824 HIV testing voluntarily or pursuant to procedures established in
825 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
826 rule providing for HIV testing of criminal offenders or inmates,
827 subsequent to her or his arrest for an offense enumerated in
828 paragraphs (a)-(n) for which she or he was convicted or to which



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829 she or he pled nolo contendere or guilty. The results of an HIV
830 test performed on an offender pursuant to this subsection are
831 not admissible in any criminal proceeding arising out of the
832 alleged offense.

833 Section 16. Paragraph (a) of subsection (4) and paragraph
834 (b) of subsection (10) of section 775.21, Florida Statutes, are
835 amended to read:

836 775.21 The Florida Sexual Predators Act.—

837 (4) SEXUAL PREDATOR CRITERIA.—

838 (a) For a current offense committed on or after October 1,
839 1993, upon conviction, an offender shall be designated as a
840 “sexual predator” under subsection (5), and subject to
841 registration under subsection (6) and community and public
842 notification under subsection (7) if:

843 1. The felony is:

844 a. A capital, life, or first-degree felony violation, or
845 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
846 is a minor and the defendant is not the victim’s parent or
847 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
848 violation of a similar law of another jurisdiction; or

849 b. Any felony violation, or any attempt thereof, of s.
850 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
851 minor and the defendant is not the victim’s parent or guardian;
852 s. 787.06(3)(b), (d), (f), or (g), ~~or (h)~~; s. 794.011, excluding
853 s. 794.011(10); s. 794.05; ~~s. 796.03; s. 796.035~~; s. 800.04; s.
854 810.145(8)(b); s. 825.1025(2)(b); s. 827.071; s. 847.0135(5); s.
855 847.0145; or s. 985.701(1); or a violation of a similar law of
856 another jurisdiction, and the offender has previously been
857 convicted of or found to have committed, or has pled nolo



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858 | contendere or guilty to, regardless of adjudication, any
859 | violation of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
860 | the victim is a minor and the defendant is not the victim's
861 | parent or guardian; s. 787.06(3)(b), (d), (f), or (g), ~~or~~ (h);
862 | s. 794.011, excluding s. 794.011(10); s. 794.05; ~~s. 796.03; s.~~
863 | ~~796.035;~~ s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
864 | 847.0135, excluding s. 847.0135(6); s. 847.0145; or s.
865 | 985.701(1); or a violation of a similar law of another
866 | jurisdiction;

867 | 2. The offender has not received a pardon for any felony or
868 | similar law of another jurisdiction that is necessary for the
869 | operation of this paragraph; and

870 | 3. A conviction of a felony or similar law of another
871 | jurisdiction necessary to the operation of this paragraph has
872 | not been set aside in any postconviction proceeding.

873 | (10) PENALTIES.—

874 | (b) A sexual predator who has been convicted of or found to
875 | have committed, or has pled nolo contendere or guilty to,
876 | regardless of adjudication, any violation, or attempted
877 | violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
878 | the victim is a minor and the defendant is not the victim's
879 | parent or guardian; s. 794.011, excluding s. 794.011(10); s.
880 | 794.05; ~~s. 796.03; s. 796.035;~~ s. 800.04; s. 827.071; s.
881 | 847.0133; s. 847.0135(5); s. 847.0145; or s. 985.701(1); or a
882 | violation of a similar law of another jurisdiction when the
883 | victim of the offense was a minor, and who works, whether for
884 | compensation or as a volunteer, at any business, school, child
885 | care facility, park, playground, or other place where children
886 | regularly congregate, commits a felony of the third degree,



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

888 Section 17. Paragraph (a) of subsection (3) of section
889 787.01, Florida Statutes, is amended to read:

890 787.01 Kidnapping; kidnapping of child under age 13,
891 aggravating circumstances.—

892 (3) (a) A person who commits the offense of kidnapping upon
893 a child under the age of 13 and who, in the course of committing
894 the offense, commits one or more of the following:

895 1. Aggravated child abuse, as defined in s. 827.03;

896 2. Sexual battery, as defined in chapter 794, against the
897 child;

898 3. Lewd or lascivious battery, lewd or lascivious
899 molestation, lewd or lascivious conduct, or lewd or lascivious
900 exhibition, in violation of s. 800.04 or s. 847.0135(5);

901 4. A violation of ~~s. 796.03~~ or s. 796.04, relating to
902 prostitution, upon the child; or

903 5. Exploitation of the child or allowing the child to be
904 exploited, in violation of s. 450.151,

905
906 commits a life felony, punishable as provided in s. 775.082, s.
907 775.083, or s. 775.084.

908 Section 18. Paragraph (a) of subsection (3) of section
909 787.02, Florida Statutes, is amended to read:

910 787.02 False imprisonment; false imprisonment of child
911 under age 13, aggravating circumstances.—

912 (3) (a) A person who commits the offense of false
913 imprisonment upon a child under the age of 13 and who, in the
914 course of committing the offense, commits any offense enumerated
915 in subparagraphs 1.-5., commits a felony of the first degree,



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916 punishable by imprisonment for a term of years not exceeding
917 life or as provided in s. 775.082, s. 775.083, or s. 775.084.

918 1. Aggravated child abuse, as defined in s. 827.03;

919 2. Sexual battery, as defined in chapter 794, against the
920 child;

921 3. Lewd or lascivious battery, lewd or lascivious
922 molestation, lewd or lascivious conduct, or lewd or lascivious
923 exhibition, in violation of s. 800.04 or s. 847.0135(5);

924 4. A violation of ~~s. 796.03~~ or s. 796.04, relating to
925 prostitution, upon the child; or

926 5. Exploitation of the child or allowing the child to be
927 exploited, in violation of s. 450.151.

928 Section 19. Subsection (1) of section 794.056, Florida
929 Statutes, is amended to read:

930 794.056 Rape Crisis Program Trust Fund.—

931 (1) The Rape Crisis Program Trust Fund is created within
932 the Department of Health for the purpose of providing funds for
933 rape crisis centers in this state. Trust fund moneys shall be
934 used exclusively for the purpose of providing services for
935 victims of sexual assault. Funds credited to the trust fund
936 consist of those funds collected as an additional court
937 assessment in each case in which a defendant pleads guilty or
938 nolo contendere to, or is found guilty of, regardless of
939 adjudication, an offense provided in s. 775.21(6) and (10)(a),
940 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
941 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
942 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
943 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
944 ~~s. 796.03; s. 796.035;~~ s. 796.04; s. 796.05; s. 796.06; s.



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945 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
946 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
947 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
948 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
949 (14)(c); or s. 985.701(1). Funds credited to the trust fund also
950 shall include revenues provided by law, moneys appropriated by
951 the Legislature, and grants from public or private entities.

952 Section 20. Subsection (1) of section 856.022, Florida
953 Statutes, is amended to read:

954 856.022 Loitering or prowling by certain offenders in close
955 proximity to children; penalty.-

956 (1) Except as provided in subsection (2), this section
957 applies to a person convicted of committing, or attempting,
958 soliciting, or conspiring to commit, any of the criminal
959 offenses proscribed in the following statutes in this state or
960 similar offenses in another jurisdiction against a victim who
961 was under 18 years of age at the time of the offense: s. 787.01,
962 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
963 the offender was not the victim's parent or guardian; s.
964 794.011, excluding s. 794.011(10); s. 794.05; ~~s. 796.03; s.~~
965 ~~796.035~~; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
966 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
967 847.0145; s. 985.701(1); or any similar offense committed in
968 this state which has been redesignated from a former statute
969 number to one of those listed in this subsection, if the person
970 has not received a pardon for any felony or similar law of
971 another jurisdiction necessary for the operation of this
972 subsection and a conviction of a felony or similar law of
973 another jurisdiction necessary for the operation of this



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974 subsection has not been set aside in any postconviction
975 proceeding.

976 Section 21. Paragraph (a) of subsection (1) of section
977 895.02, Florida Statutes, is amended to read:

978 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

979 (1) "Racketeering activity" means to commit, to attempt to
980 commit, to conspire to commit, or to solicit, coerce, or
981 intimidate another person to commit:

982 (a) Any crime that is chargeable by petition, indictment,
983 or information under the following provisions of the Florida
984 Statutes:

985 1. Section 210.18, relating to evasion of payment of
986 cigarette taxes.

987 2. Section 316.1935, relating to fleeing or attempting to
988 elude a law enforcement officer and aggravated fleeing or
989 eluding.

990 3. Section 403.727(3)(b), relating to environmental
991 control.

992 4. Section 409.920 or s. 409.9201, relating to Medicaid
993 fraud.

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

995 6. Section 440.105 or s. 440.106, relating to workers'
996 compensation.

997 7. Section 443.071(4), relating to creation of a fictitious
998 employer scheme to commit reemployment assistance fraud.

999 8. Section 465.0161, relating to distribution of medicinal
1000 drugs without a permit as an Internet pharmacy.

1001 9. Section 499.0051, relating to crimes involving
1002 contraband and adulterated drugs.



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- 1003 10. Part IV of chapter 501, relating to telemarketing.
1004 11. Chapter 517, relating to sale of securities and
1005 investor protection.
1006 12. Section 550.235 or s. 550.3551, relating to dogracing
1007 and horseracing.
1008 13. Chapter 550, relating to jai alai frontons.
1009 14. Section 551.109, relating to slot machine gaming.
1010 15. Chapter 552, relating to the manufacture, distribution,
1011 and use of explosives.
1012 16. Chapter 560, relating to money transmitters, if the
1013 violation is punishable as a felony.
1014 17. Chapter 562, relating to beverage law enforcement.
1015 18. Section 624.401, relating to transacting insurance
1016 without a certificate of authority, s. 624.437(4)(c)1., relating
1017 to operating an unauthorized multiple-employer welfare
1018 arrangement, or s. 626.902(1)(b), relating to representing or
1019 aiding an unauthorized insurer.
1020 19. Section 655.50, relating to reports of currency
1021 transactions, when such violation is punishable as a felony.
1022 20. Chapter 687, relating to interest and usurious
1023 practices.
1024 21. Section 721.08, s. 721.09, or s. 721.13, relating to
1025 real estate timeshare plans.
1026 22. Section 775.13(5)(b), relating to registration of
1027 persons found to have committed any offense for the purpose of
1028 benefiting, promoting, or furthering the interests of a criminal
1029 gang.
1030 23. Section 777.03, relating to commission of crimes by
1031 accessories after the fact.



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- 1032 24. Chapter 782, relating to homicide.
- 1033 25. Chapter 784, relating to assault and battery.
- 1034 26. Chapter 787, relating to kidnapping or human
1035 trafficking.
- 1036 27. Chapter 790, relating to weapons and firearms.
- 1037 28. Chapter 794, relating to sexual battery, but only if
1038 such crime was committed with the intent to benefit, promote, or
1039 further the interests of a criminal gang, or for the purpose of
1040 increasing a criminal gang member's own standing or position
1041 within a criminal gang.
- 1042 29. Section ~~796.03, s. 796.035, s.~~ 796.04, s. 796.05, or s.
1043 796.07, relating to prostitution and sex trafficking.
- 1044 30. Chapter 806, relating to arson and criminal mischief.
- 1045 31. Chapter 810, relating to burglary and trespass.
- 1046 32. Chapter 812, relating to theft, robbery, and related
1047 crimes.
- 1048 33. Chapter 815, relating to computer-related crimes.
- 1049 34. Chapter 817, relating to fraudulent practices, false
1050 pretenses, fraud generally, and credit card crimes.
- 1051 35. Chapter 825, relating to abuse, neglect, or
1052 exploitation of an elderly person or disabled adult.
- 1053 36. Section 827.071, relating to commercial sexual
1054 exploitation of children.
- 1055 37. Section 828.122, relating to fighting or baiting
1056 animals.
- 1057 38. Chapter 831, relating to forgery and counterfeiting.
- 1058 39. Chapter 832, relating to issuance of worthless checks
1059 and drafts.
- 1060 40. Section 836.05, relating to extortion.



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1061 41. Chapter 837, relating to perjury.
1062 42. Chapter 838, relating to bribery and misuse of public
1063 office.
1064 43. Chapter 843, relating to obstruction of justice.
1065 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
1066 s. 847.07, relating to obscene literature and profanity.
1067 45. Chapter 849, relating to gambling, lottery, gambling or
1068 gaming devices, slot machines, or any of the provisions within
1069 that chapter.
1070 46. Chapter 874, relating to criminal gangs.
1071 47. Chapter 893, relating to drug abuse prevention and
1072 control.
1073 48. Chapter 896, relating to offenses related to financial
1074 transactions.
1075 49. Sections 914.22 and 914.23, relating to tampering with
1076 or harassing a witness, victim, or informant, and retaliation
1077 against a witness, victim, or informant.
1078 50. Sections 918.12 and 918.13, relating to tampering with
1079 jurors and evidence.
1080 Section 22. Section 938.085, Florida Statutes, is amended
1081 to read:
1082 938.085 Additional cost to fund rape crisis centers.—In
1083 addition to any sanction imposed when a person pleads guilty or
1084 nolo contendere to, or is found guilty of, regardless of
1085 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
1086 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
1087 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
1088 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
1089 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; ~~s. 796.03;~~



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1090 ~~s. 796.035~~; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d)
1091 and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s.
1092 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s.
1093 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145;
1094 s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s.
1095 985.701(1), the court shall impose a surcharge of \$151. Payment
1096 of the surcharge shall be a condition of probation, community
1097 control, or any other court-ordered supervision. The sum of \$150
1098 of the surcharge shall be deposited into the Rape Crisis Program
1099 Trust Fund established within the Department of Health by
1100 chapter 2003-140, Laws of Florida. The clerk of the court shall
1101 retain \$1 of each surcharge that the clerk of the court collects
1102 as a service charge of the clerk's office.

1103 Section 23. Subsection (1) of section 938.10, Florida
1104 Statutes, is amended to read:

1105 938.10 Additional court cost imposed in cases of certain
1106 crimes.-

1107 (1) If a person pleads guilty or nolo contendere to, or is
1108 found guilty of, regardless of adjudication, any offense against
1109 a minor in violation of s. 784.085, chapter 787, chapter 794, ~~s.~~
1110 ~~796.03~~, ~~s. 796.035~~, s. 800.04, chapter 827, s. 847.012, s.
1111 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145, s.
1112 893.147(3), or s. 985.701, or any offense in violation of s.
1113 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
1114 court shall impose a court cost of \$151 against the offender in
1115 addition to any other cost or penalty required by law.

1116 Section 24. Paragraph (a) of subsection (1) of section
1117 943.0435, Florida Statutes, is amended to read:

1118 943.0435 Sexual offenders required to register with the



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1119 department; penalty.-

1120 (1) As used in this section, the term:

1121 (a)1. "Sexual offender" means a person who meets the
1122 criteria in sub-subparagraph a., sub-subparagraph b., sub-
1123 subparagraph c., or sub-subparagraph d., as follows:

1124 a.(I) Has been convicted of committing, or attempting,
1125 soliciting, or conspiring to commit, any of the criminal
1126 offenses proscribed in the following statutes in this state or
1127 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
1128 or s. 787.025(2)(c), where the victim is a minor and the
1129 defendant is not the victim's parent or guardian; s.
1130 787.06(3)(b), (d), (f), or (g), ~~or (h)~~; s. 794.011, excluding s.
1131 794.011(10); s. 794.05; ~~s. 796.03; s. 796.035~~; s. 800.04; s.
1132 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
1133 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
1134 or s. 985.701(1); or any similar offense committed in this state
1135 which has been redesignated from a former statute number to one
1136 of those listed in this sub-sub-subparagraph; and

1137 (II) Has been released on or after October 1, 1997, from
1138 the sanction imposed for any conviction of an offense described
1139 in sub-sub-subparagraph (I). For purposes of sub-sub-
1140 subparagraph (I), a sanction imposed in this state or in any
1141 other jurisdiction includes, but is not limited to, a fine,
1142 probation, community control, parole, conditional release,
1143 control release, or incarceration in a state prison, federal
1144 prison, private correctional facility, or local detention
1145 facility;

1146 b. Establishes or maintains a residence in this state and
1147 who has not been designated as a sexual predator by a court of



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1148 this state but who has been designated as a sexual predator, as
1149 a sexually violent predator, or by another sexual offender
1150 designation in another state or jurisdiction and was, as a
1151 result of such designation, subjected to registration or
1152 community or public notification, or both, or would be if the
1153 person were a resident of that state or jurisdiction, without
1154 regard to whether the person otherwise meets the criteria for
1155 registration as a sexual offender;

1156 c. Establishes or maintains a residence in this state who
1157 is in the custody or control of, or under the supervision of,
1158 any other state or jurisdiction as a result of a conviction for
1159 committing, or attempting, soliciting, or conspiring to commit,
1160 any of the criminal offenses proscribed in the following
1161 statutes or similar offense in another jurisdiction: s. 787.01,
1162 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
1163 the defendant is not the victim's parent or guardian; s.
1164 787.06(3)(b), (d), (f), or (g), ~~or (h)~~; s. 794.011, excluding s.
1165 794.011(10); s. 794.05; ~~s. 796.03; s. 796.035~~; s. 800.04; s.
1166 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
1167 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
1168 or s. 985.701(1); or any similar offense committed in this state
1169 which has been redesignated from a former statute number to one
1170 of those listed in this sub-subparagraph; or

1171 d. On or after July 1, 2007, has been adjudicated
1172 delinquent for committing, or attempting, soliciting, or
1173 conspiring to commit, any of the criminal offenses proscribed in
1174 the following statutes in this state or similar offenses in
1175 another jurisdiction when the juvenile was 14 years of age or
1176 older at the time of the offense:



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- 1177 (I) Section 794.011, excluding s. 794.011(10);
1178 (II) Section 800.04(4)(b) where the victim is under 12
1179 years of age or where the court finds sexual activity by the use
1180 of force or coercion;
1181 (III) Section 800.04(5)(c)1. where the court finds
1182 molestation involving unclothed genitals; or
1183 (IV) Section 800.04(5)(d) where the court finds the use of
1184 force or coercion and unclothed genitals.
1185 2. For all qualifying offenses listed in sub-subparagraph
1186 (1)(a)1.d., the court shall make a written finding of the age of
1187 the offender at the time of the offense.

1188
1189 For each violation of a qualifying offense listed in this
1190 subsection, the court shall make a written finding of the age of
1191 the victim at the time of the offense. For a violation of s.
1192 800.04(4), the court shall additionally make a written finding
1193 indicating that the offense did or did not involve sexual
1194 activity and indicating that the offense did or did not involve
1195 force or coercion. For a violation of s. 800.04(5), the court
1196 shall additionally make a written finding that the offense did
1197 or did not involve unclothed genitals or genital area and that
1198 the offense did or did not involve the use of force or coercion.

1199 Section 25. Section 943.0585, Florida Statutes, is amended
1200 to read:

1201 943.0585 Court-ordered expunction of criminal history
1202 records.—The courts of this state have jurisdiction over their
1203 own procedures, including the maintenance, expunction, and
1204 correction of judicial records containing criminal history
1205 information to the extent such procedures are not inconsistent



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1206 with the conditions, responsibilities, and duties established by
1207 this section. Any court of competent jurisdiction may order a
1208 criminal justice agency to expunge the criminal history record
1209 of a minor or an adult who complies with the requirements of
1210 this section. The court shall not order a criminal justice
1211 agency to expunge a criminal history record until the person
1212 seeking to expunge a criminal history record has applied for and
1213 received a certificate of eligibility for expunction pursuant to
1214 subsection (2). A criminal history record that relates to a
1215 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
1216 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
1217 s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,
1218 s. 893.135, s. 916.1075, a violation enumerated in s. 907.041,
1219 or any violation specified as a predicate offense for
1220 registration as a sexual predator pursuant to s. 775.21, without
1221 regard to whether that offense alone is sufficient to require
1222 such registration, or for registration as a sexual offender
1223 pursuant to s. 943.0435, may not be expunged, without regard to
1224 whether adjudication was withheld, if the defendant was found
1225 guilty of or pled guilty or nolo contendere to the offense, or
1226 if the defendant, as a minor, was found to have committed, or
1227 pled guilty or nolo contendere to committing, the offense as a
1228 delinquent act. The court may only order expunction of a
1229 criminal history record pertaining to one arrest or one incident
1230 of alleged criminal activity, except as provided in this
1231 section. The court may, at its sole discretion, order the
1232 expunction of a criminal history record pertaining to more than
1233 one arrest if the additional arrests directly relate to the
1234 original arrest. If the court intends to order the expunction of



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1235 records pertaining to such additional arrests, such intent must
1236 be specified in the order. A criminal justice agency may not
1237 expunge any record pertaining to such additional arrests if the
1238 order to expunge does not articulate the intention of the court
1239 to expunge a record pertaining to more than one arrest. This
1240 section does not prevent the court from ordering the expunction
1241 of only a portion of a criminal history record pertaining to one
1242 arrest or one incident of alleged criminal activity.

1243 Notwithstanding any law to the contrary, a criminal justice
1244 agency may comply with laws, court orders, and official requests
1245 of other jurisdictions relating to expunction, correction, or
1246 confidential handling of criminal history records or information
1247 derived therefrom. This section does not confer any right to the
1248 expunction of any criminal history record, and any request for
1249 expunction of a criminal history record may be denied at the
1250 sole discretion of the court.

1251 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each
1252 petition to a court to expunge a criminal history record is
1253 complete only when accompanied by:

1254 (a) A valid certificate of eligibility for expunction
1255 issued by the department pursuant to subsection (2).

1256 (b) The petitioner's sworn statement attesting that the
1257 petitioner:

1258 1. Has never, prior to the date on which the petition is
1259 filed, been adjudicated guilty of a criminal offense or
1260 comparable ordinance violation, or been adjudicated delinquent
1261 for committing any felony or a misdemeanor specified in s.
1262 943.051(3)(b).

1263 2. Has not been adjudicated guilty of, or adjudicated



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1264 delinquent for committing, any of the acts stemming from the
1265 arrest or alleged criminal activity to which the petition
1266 pertains.

1267 3. Has never secured a prior sealing or expunction of a
1268 criminal history record under this section, s. 943.059, former
1269 s. 893.14, former s. 901.33, or former s. 943.058, unless
1270 expunction is sought of a criminal history record previously
1271 sealed for 10 years pursuant to paragraph (2) (h) and the record
1272 is otherwise eligible for expunction.

1273 4. Is eligible for such an expunction to the best of his or
1274 her knowledge or belief and does not have any other petition to
1275 expunge or any petition to seal pending before any court.

1276
1277 Any person who knowingly provides false information on such
1278 sworn statement to the court commits a felony of the third
1279 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1280 775.084.

1281 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to
1282 petitioning the court to expunge a criminal history record, a
1283 person seeking to expunge a criminal history record shall apply
1284 to the department for a certificate of eligibility for
1285 expunction. The department shall, by rule adopted pursuant to
1286 chapter 120, establish procedures pertaining to the application
1287 for and issuance of certificates of eligibility for expunction.
1288 A certificate of eligibility for expunction is valid for 12
1289 months after the date stamped on the certificate when issued by
1290 the department. After that time, the petitioner must reapply to
1291 the department for a new certificate of eligibility. Eligibility
1292 for a renewed certification of eligibility must be based on the



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1293 status of the applicant and the law in effect at the time of the
1294 renewal application. The department shall issue a certificate of
1295 eligibility for expunction to a person who is the subject of a
1296 criminal history record if that person:

1297 (a) Has obtained, and submitted to the department, a
1298 written, certified statement from the appropriate state attorney
1299 or statewide prosecutor which indicates:

1300 1. That an indictment, information, or other charging
1301 document was not filed or issued in the case.

1302 2. That an indictment, information, or other charging
1303 document, if filed or issued in the case, was dismissed or nolle
1304 prosequi by the state attorney or statewide prosecutor, or was
1305 dismissed by a court of competent jurisdiction, and that none of
1306 the charges related to the arrest or alleged criminal activity
1307 to which the petition to expunge pertains resulted in a trial,
1308 without regard to whether the outcome of the trial was other
1309 than an adjudication of guilt.

1310 3. That the criminal history record does not relate to a
1311 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
1312 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
1313 s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,
1314 s. 893.135, s. 916.1075, a violation enumerated in s. 907.041,
1315 or any violation specified as a predicate offense for
1316 registration as a sexual predator pursuant to s. 775.21, without
1317 regard to whether that offense alone is sufficient to require
1318 such registration, or for registration as a sexual offender
1319 pursuant to s. 943.0435, where the defendant was found guilty
1320 of, or pled guilty or nolo contendere to any such offense, or
1321 that the defendant, as a minor, was found to have committed, or



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1322 pled guilty or nolo contendere to committing, such an offense as
1323 a delinquent act, without regard to whether adjudication was
1324 withheld.

1325 (b) Remits a \$75 processing fee to the department for
1326 placement in the Department of Law Enforcement Operating Trust
1327 Fund, unless such fee is waived by the executive director.

1328 (c) Has submitted to the department a certified copy of the
1329 disposition of the charge to which the petition to expunge
1330 pertains.

1331 (d) Has never, prior to the date on which the application
1332 for a certificate of eligibility is filed, been adjudicated
1333 guilty of a criminal offense or comparable ordinance violation,
1334 or been adjudicated delinquent for committing any felony or a
1335 misdemeanor specified in s. 943.051(3)(b).

1336 (e) Has not been adjudicated guilty of, or adjudicated
1337 delinquent for committing, any of the acts stemming from the
1338 arrest or alleged criminal activity to which the petition to
1339 expunge pertains.

1340 (f) Has never secured a prior sealing or expunction of a
1341 criminal history record under this section, s. 943.059, former
1342 s. 893.14, former s. 901.33, or former s. 943.058, unless
1343 expunction is sought of a criminal history record previously
1344 sealed for 10 years pursuant to paragraph (h) and the record is
1345 otherwise eligible for expunction.

1346 (g) Is no longer under court supervision applicable to the
1347 disposition of the arrest or alleged criminal activity to which
1348 the petition to expunge pertains.

1349 (h) Has previously obtained a court order sealing the
1350 record under this section, former s. 893.14, former s. 901.33,



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1351 or former s. 943.058 for a minimum of 10 years because
1352 adjudication was withheld or because all charges related to the
1353 arrest or alleged criminal activity to which the petition to
1354 expunge pertains were not dismissed prior to trial, without
1355 regard to whether the outcome of the trial was other than an
1356 adjudication of guilt. The requirement for the record to have
1357 previously been sealed for a minimum of 10 years does not apply
1358 when a plea was not entered or all charges related to the arrest
1359 or alleged criminal activity to which the petition to expunge
1360 pertains were dismissed prior to trial.

1361 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

1362 (a) In judicial proceedings under this section, a copy of
1363 the completed petition to expunge shall be served upon the
1364 appropriate state attorney or the statewide prosecutor and upon
1365 the arresting agency; however, it is not necessary to make any
1366 agency other than the state a party. The appropriate state
1367 attorney or the statewide prosecutor and the arresting agency
1368 may respond to the court regarding the completed petition to
1369 expunge.

1370 (b) If relief is granted by the court, the clerk of the
1371 court shall certify copies of the order to the appropriate state
1372 attorney or the statewide prosecutor and the arresting agency.
1373 The arresting agency is responsible for forwarding the order to
1374 any other agency to which the arresting agency disseminated the
1375 criminal history record information to which the order pertains.
1376 The department shall forward the order to expunge to the Federal
1377 Bureau of Investigation. The clerk of the court shall certify a
1378 copy of the order to any other agency which the records of the
1379 court reflect has received the criminal history record from the



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1380 court.

1381 (c) For an order to expunge entered by a court prior to
1382 July 1, 1992, the department shall notify the appropriate state
1383 attorney or statewide prosecutor of an order to expunge which is
1384 contrary to law because the person who is the subject of the
1385 record has previously been convicted of a crime or comparable
1386 ordinance violation or has had a prior criminal history record
1387 sealed or expunged. Upon receipt of such notice, the appropriate
1388 state attorney or statewide prosecutor shall take action, within
1389 60 days, to correct the record and petition the court to void
1390 the order to expunge. The department shall seal the record until
1391 such time as the order is voided by the court.

1392 (d) On or after July 1, 1992, the department or any other
1393 criminal justice agency is not required to act on an order to
1394 expunge entered by a court when such order does not comply with
1395 the requirements of this section. Upon receipt of such an order,
1396 the department must notify the issuing court, the appropriate
1397 state attorney or statewide prosecutor, the petitioner or the
1398 petitioner's attorney, and the arresting agency of the reason
1399 for noncompliance. The appropriate state attorney or statewide
1400 prosecutor shall take action within 60 days to correct the
1401 record and petition the court to void the order. No cause of
1402 action, including contempt of court, shall arise against any
1403 criminal justice agency for failure to comply with an order to
1404 expunge when the petitioner for such order failed to obtain the
1405 certificate of eligibility as required by this section or such
1406 order does not otherwise comply with the requirements of this
1407 section.

1408 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any



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1409 criminal history record of a minor or an adult which is ordered
1410 expunged by a court of competent jurisdiction pursuant to this
1411 section must be physically destroyed or obliterated by any
1412 criminal justice agency having custody of such record; except
1413 that any criminal history record in the custody of the
1414 department must be retained in all cases. A criminal history
1415 record ordered expunged that is retained by the department is
1416 confidential and exempt from the provisions of s. 119.07(1) and
1417 s. 24(a), Art. I of the State Constitution and not available to
1418 any person or entity except upon order of a court of competent
1419 jurisdiction. A criminal justice agency may retain a notation
1420 indicating compliance with an order to expunge.

1421 (a) The person who is the subject of a criminal history
1422 record that is expunged under this section or under other
1423 provisions of law, including former s. 893.14, former s. 901.33,
1424 and former s. 943.058, may lawfully deny or fail to acknowledge
1425 the arrests covered by the expunged record, except when the
1426 subject of the record:

- 1427 1. Is a candidate for employment with a criminal justice
1428 agency;
- 1429 2. Is a defendant in a criminal prosecution;
- 1430 3. Concurrently or subsequently petitions for relief under
1431 this section, s. 943.0583, or s. 943.059;
- 1432 4. Is a candidate for admission to The Florida Bar;
- 1433 5. Is seeking to be employed or licensed by or to contract
1434 with the Department of Children and Families, the Division of
1435 Vocational Rehabilitation within the Department of Education,
1436 the Agency for Health Care Administration, the Agency for
1437 Persons with Disabilities, the Department of Health, the



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1438 Department of Elderly Affairs, or the Department of Juvenile
1439 Justice or to be employed or used by such contractor or licensee
1440 in a sensitive position having direct contact with children, the
1441 disabled, or the elderly; or

1442 6. Is seeking to be employed or licensed by the Department
1443 of Education, any district school board, any university
1444 laboratory school, any charter school, any private or parochial
1445 school, or any local governmental entity that licenses child
1446 care facilities.

1447 (b) Subject to the exceptions in paragraph (a), a person
1448 who has been granted an expunction under this section, former s.
1449 893.14, former s. 901.33, or former s. 943.058 may not be held
1450 under any provision of law of this state to commit perjury or to
1451 be otherwise liable for giving a false statement by reason of
1452 such person's failure to recite or acknowledge an expunged
1453 criminal history record.

1454 (c) Information relating to the existence of an expunged
1455 criminal history record which is provided in accordance with
1456 paragraph (a) is confidential and exempt from the provisions of
1457 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
1458 except that the department shall disclose the existence of a
1459 criminal history record ordered expunged to the entities set
1460 forth in subparagraphs (a)1., 4., 5., 6., and 7. for their
1461 respective licensing, access authorization, and employment
1462 purposes, and to criminal justice agencies for their respective
1463 criminal justice purposes. It is unlawful for any employee of an
1464 entity set forth in subparagraph (a)1., subparagraph (a)4.,
1465 subparagraph (a)5., subparagraph (a)6., or subparagraph (a)7. to
1466 disclose information relating to the existence of an expunged



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1467 criminal history record of a person seeking employment, access
1468 authorization, or licensure with such entity or contractor,
1469 except to the person to whom the criminal history record relates
1470 or to persons having direct responsibility for employment,
1471 access authorization, or licensure decisions. Any person who
1472 violates this paragraph commits a misdemeanor of the first
1473 degree, punishable as provided in s. 775.082 or s. 775.083.

1474 (5) STATUTORY REFERENCES.—Any reference to any other
1475 chapter, section, or subdivision of the Florida Statutes in this
1476 section constitutes a general reference under the doctrine of
1477 incorporation by reference.

1478 Section 26. Section 943.059, Florida Statutes, is amended
1479 to read:

1480 943.059 Court-ordered sealing of criminal history records.—
1481 The courts of this state shall continue to have jurisdiction
1482 over their own procedures, including the maintenance, sealing,
1483 and correction of judicial records containing criminal history
1484 information to the extent such procedures are not inconsistent
1485 with the conditions, responsibilities, and duties established by
1486 this section. Any court of competent jurisdiction may order a
1487 criminal justice agency to seal the criminal history record of a
1488 minor or an adult who complies with the requirements of this
1489 section. The court shall not order a criminal justice agency to
1490 seal a criminal history record until the person seeking to seal
1491 a criminal history record has applied for and received a
1492 certificate of eligibility for sealing pursuant to subsection
1493 (2). A criminal history record that relates to a violation of s.
1494 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
1495 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071,



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1496 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135,
1497 s. 916.1075, a violation enumerated in s. 907.041, or any
1498 violation specified as a predicate offense for registration as a
1499 sexual predator pursuant to s. 775.21, without regard to whether
1500 that offense alone is sufficient to require such registration,
1501 or for registration as a sexual offender pursuant to s.
1502 943.0435, may not be sealed, without regard to whether
1503 adjudication was withheld, if the defendant was found guilty of
1504 or pled guilty or nolo contendere to the offense, or if the
1505 defendant, as a minor, was found to have committed or pled
1506 guilty or nolo contendere to committing the offense as a
1507 delinquent act. The court may only order sealing of a criminal
1508 history record pertaining to one arrest or one incident of
1509 alleged criminal activity, except as provided in this section.
1510 The court may, at its sole discretion, order the sealing of a
1511 criminal history record pertaining to more than one arrest if
1512 the additional arrests directly relate to the original arrest.
1513 If the court intends to order the sealing of records pertaining
1514 to such additional arrests, such intent must be specified in the
1515 order. A criminal justice agency may not seal any record
1516 pertaining to such additional arrests if the order to seal does
1517 not articulate the intention of the court to seal records
1518 pertaining to more than one arrest. This section does not
1519 prevent the court from ordering the sealing of only a portion of
1520 a criminal history record pertaining to one arrest or one
1521 incident of alleged criminal activity. Notwithstanding any law
1522 to the contrary, a criminal justice agency may comply with laws,
1523 court orders, and official requests of other jurisdictions
1524 relating to sealing, correction, or confidential handling of



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1525 criminal history records or information derived therefrom. This
1526 section does not confer any right to the sealing of any criminal
1527 history record, and any request for sealing a criminal history
1528 record may be denied at the sole discretion of the court.

1529 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
1530 petition to a court to seal a criminal history record is
1531 complete only when accompanied by:

1532 (a) A valid certificate of eligibility for sealing issued
1533 by the department pursuant to subsection (2).

1534 (b) The petitioner's sworn statement attesting that the
1535 petitioner:

1536 1. Has never, prior to the date on which the petition is
1537 filed, been adjudicated guilty of a criminal offense or
1538 comparable ordinance violation, or been adjudicated delinquent
1539 for committing any felony or a misdemeanor specified in s.
1540 943.051(3)(b).

1541 2. Has not been adjudicated guilty of or adjudicated
1542 delinquent for committing any of the acts stemming from the
1543 arrest or alleged criminal activity to which the petition to
1544 seal pertains.

1545 3. Has never secured a prior sealing or expunction of a
1546 criminal history record under this section, s. 943.0585, former
1547 s. 893.14, former s. 901.33, or former s. 943.058.

1548 4. Is eligible for such a sealing to the best of his or her
1549 knowledge or belief and does not have any other petition to seal
1550 or any petition to expunge pending before any court.

1551
1552 Any person who knowingly provides false information on such
1553 sworn statement to the court commits a felony of the third



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1554 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1555 775.084.

1556 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to
1557 petitioning the court to seal a criminal history record, a
1558 person seeking to seal a criminal history record shall apply to
1559 the department for a certificate of eligibility for sealing. The
1560 department shall, by rule adopted pursuant to chapter 120,
1561 establish procedures pertaining to the application for and
1562 issuance of certificates of eligibility for sealing. A
1563 certificate of eligibility for sealing is valid for 12 months
1564 after the date stamped on the certificate when issued by the
1565 department. After that time, the petitioner must reapply to the
1566 department for a new certificate of eligibility. Eligibility for
1567 a renewed certification of eligibility must be based on the
1568 status of the applicant and the law in effect at the time of the
1569 renewal application. The department shall issue a certificate of
1570 eligibility for sealing to a person who is the subject of a
1571 criminal history record provided that such person:

1572 (a) Has submitted to the department a certified copy of the
1573 disposition of the charge to which the petition to seal
1574 pertains.

1575 (b) Remits a \$75 processing fee to the department for
1576 placement in the Department of Law Enforcement Operating Trust
1577 Fund, unless such fee is waived by the executive director.

1578 (c) Has never, prior to the date on which the application
1579 for a certificate of eligibility is filed, been adjudicated
1580 guilty of a criminal offense or comparable ordinance violation,
1581 or been adjudicated delinquent for committing any felony or a
1582 misdemeanor specified in s. 943.051(3)(b).



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1583 (d) Has not been adjudicated guilty of or adjudicated
1584 delinquent for committing any of the acts stemming from the
1585 arrest or alleged criminal activity to which the petition to
1586 seal pertains.

1587 (e) Has never secured a prior sealing or expunction of a
1588 criminal history record under this section, s. 943.0585, former
1589 s. 893.14, former s. 901.33, or former s. 943.058.

1590 (f) Is no longer under court supervision applicable to the
1591 disposition of the arrest or alleged criminal activity to which
1592 the petition to seal pertains.

1593 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

1594 (a) In judicial proceedings under this section, a copy of
1595 the completed petition to seal shall be served upon the
1596 appropriate state attorney or the statewide prosecutor and upon
1597 the arresting agency; however, it is not necessary to make any
1598 agency other than the state a party. The appropriate state
1599 attorney or the statewide prosecutor and the arresting agency
1600 may respond to the court regarding the completed petition to
1601 seal.

1602 (b) If relief is granted by the court, the clerk of the
1603 court shall certify copies of the order to the appropriate state
1604 attorney or the statewide prosecutor and to the arresting
1605 agency. The arresting agency is responsible for forwarding the
1606 order to any other agency to which the arresting agency
1607 disseminated the criminal history record information to which
1608 the order pertains. The department shall forward the order to
1609 seal to the Federal Bureau of Investigation. The clerk of the
1610 court shall certify a copy of the order to any other agency
1611 which the records of the court reflect has received the criminal



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1612 history record from the court.

1613 (c) For an order to seal entered by a court prior to July
1614 1, 1992, the department shall notify the appropriate state
1615 attorney or statewide prosecutor of any order to seal which is
1616 contrary to law because the person who is the subject of the
1617 record has previously been convicted of a crime or comparable
1618 ordinance violation or has had a prior criminal history record
1619 sealed or expunged. Upon receipt of such notice, the appropriate
1620 state attorney or statewide prosecutor shall take action, within
1621 60 days, to correct the record and petition the court to void
1622 the order to seal. The department shall seal the record until
1623 such time as the order is voided by the court.

1624 (d) On or after July 1, 1992, the department or any other
1625 criminal justice agency is not required to act on an order to
1626 seal entered by a court when such order does not comply with the
1627 requirements of this section. Upon receipt of such an order, the
1628 department must notify the issuing court, the appropriate state
1629 attorney or statewide prosecutor, the petitioner or the
1630 petitioner's attorney, and the arresting agency of the reason
1631 for noncompliance. The appropriate state attorney or statewide
1632 prosecutor shall take action within 60 days to correct the
1633 record and petition the court to void the order. No cause of
1634 action, including contempt of court, shall arise against any
1635 criminal justice agency for failure to comply with an order to
1636 seal when the petitioner for such order failed to obtain the
1637 certificate of eligibility as required by this section or when
1638 such order does not comply with the requirements of this
1639 section.

1640 (e) An order sealing a criminal history record pursuant to



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1641 this section does not require that such record be surrendered to
1642 the court, and such record shall continue to be maintained by
1643 the department and other criminal justice agencies.

1644 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
1645 history record of a minor or an adult which is ordered sealed by
1646 a court of competent jurisdiction pursuant to this section is
1647 confidential and exempt from the provisions of s. 119.07(1) and
1648 s. 24(a), Art. I of the State Constitution and is available only
1649 to the person who is the subject of the record, to the subject's
1650 attorney, to criminal justice agencies for their respective
1651 criminal justice purposes, which include conducting a criminal
1652 history background check for approval of firearms purchases or
1653 transfers as authorized by state or federal law, to judges in
1654 the state courts system for the purpose of assisting them in
1655 their case-related decisionmaking responsibilities, as set forth
1656 in s. 943.053(5), or to those entities set forth in
1657 subparagraphs (a)1., 4., 5., 6., and 8. for their respective
1658 licensing, access authorization, and employment purposes.

1659 (a) The subject of a criminal history record sealed under
1660 this section or under other provisions of law, including former
1661 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
1662 deny or fail to acknowledge the arrests covered by the sealed
1663 record, except when the subject of the record:

- 1664 1. Is a candidate for employment with a criminal justice
1665 agency;
- 1666 2. Is a defendant in a criminal prosecution;
- 1667 3. Concurrently or subsequently petitions for relief under
1668 this section, s. 943.0583, or s. 943.0585;
- 1669 4. Is a candidate for admission to The Florida Bar;



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1670 5. Is seeking to be employed or licensed by or to contract
1671 with the Department of Children and Families, the Division of
1672 Vocational Rehabilitation within the Department of Education,
1673 the Agency for Health Care Administration, the Agency for
1674 Persons with Disabilities, the Department of Health, the
1675 Department of Elderly Affairs, or the Department of Juvenile
1676 Justice or to be employed or used by such contractor or licensee
1677 in a sensitive position having direct contact with children, the
1678 disabled, or the elderly;

1679 6. Is seeking to be employed or licensed by the Department
1680 of Education, any district school board, any university
1681 laboratory school, any charter school, any private or parochial
1682 school, or any local governmental entity that licenses child
1683 care facilities; or

1684 7. Is attempting to purchase a firearm from a licensed
1685 importer, licensed manufacturer, or licensed dealer and is
1686 subject to a criminal history check under state or federal law.

1687 (b) Subject to the exceptions in paragraph (a), a person
1688 who has been granted a sealing under this section, former s.
1689 893.14, former s. 901.33, or former s. 943.058 may not be held
1690 under any provision of law of this state to commit perjury or to
1691 be otherwise liable for giving a false statement by reason of
1692 such person's failure to recite or acknowledge a sealed criminal
1693 history record.

1694 (c) Information relating to the existence of a sealed
1695 criminal record provided in accordance with the provisions of
1696 paragraph (a) is confidential and exempt from the provisions of
1697 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
1698 except that the department shall disclose the sealed criminal



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1699 history record to the entities set forth in subparagraphs (a)1.,
1700 4., 5., 6., and 8. for their respective licensing, access
1701 authorization, and employment purposes. It is unlawful for any
1702 employee of an entity set forth in subparagraph (a)1.,
1703 subparagraph (a)4., subparagraph (a)5., subparagraph (a)6., or
1704 subparagraph (a)8. to disclose information relating to the
1705 existence of a sealed criminal history record of a person
1706 seeking employment, access authorization, or licensure with such
1707 entity or contractor, except to the person to whom the criminal
1708 history record relates or to persons having direct
1709 responsibility for employment, access authorization, or
1710 licensure decisions. Any person who violates the provisions of
1711 this paragraph commits a misdemeanor of the first degree,
1712 punishable as provided in s. 775.082 or s. 775.083.

1713 (5) STATUTORY REFERENCES.—Any reference to any other
1714 chapter, section, or subdivision of the Florida Statutes in this
1715 section constitutes a general reference under the doctrine of
1716 incorporation by reference.

1717 Section 27. Paragraph (b) of subsection (1) of section
1718 944.606, Florida Statutes, is amended to read:

1719 944.606 Sexual offenders; notification upon release.—

1720 (1) As used in this section:

1721 (b) "Sexual offender" means a person who has been convicted
1722 of committing, or attempting, soliciting, or conspiring to
1723 commit, any of the criminal offenses proscribed in the following
1724 statutes in this state or similar offenses in another
1725 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where
1726 the victim is a minor and the defendant is not the victim's
1727 parent or guardian; s. 787.06(3)(b), (d), (f), or (g), ~~or~~ (h);



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1728 s. 794.011, excluding s. 794.011(10); s. 794.05; ~~s. 796.03; s.~~
1729 ~~796.035;~~ s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s.
1730 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
1731 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense
1732 committed in this state which has been redesignated from a
1733 former statute number to one of those listed in this subsection,
1734 when the department has received verified information regarding
1735 such conviction; an offender's computerized criminal history
1736 record is not, in and of itself, verified information.

1737 Section 28. Paragraph (a) of subsection (1) of section
1738 944.607, Florida Statutes, is amended to read:

1739 944.607 Notification to Department of Law Enforcement of
1740 information on sexual offenders.—

1741 (1) As used in this section, the term:

1742 (a) "Sexual offender" means a person who is in the custody
1743 or control of, or under the supervision of, the department or is
1744 in the custody of a private correctional facility:

1745 1. On or after October 1, 1997, as a result of a conviction
1746 for committing, or attempting, soliciting, or conspiring to
1747 commit, any of the criminal offenses proscribed in the following
1748 statutes in this state or similar offenses in another
1749 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where
1750 the victim is a minor and the defendant is not the victim's
1751 parent or guardian; s. 787.06(3)(b), (d), (f), or (g), ~~or (h)~~;
1752 s. 794.011, excluding s. 794.011(10); s. 794.05; ~~s. 796.03; s.~~
1753 ~~796.035;~~ s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s.
1754 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
1755 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense
1756 committed in this state which has been redesignated from a



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1757 former statute number to one of those listed in this paragraph;
1758 or

1759 2. Who establishes or maintains a residence in this state
1760 and who has not been designated as a sexual predator by a court
1761 of this state but who has been designated as a sexual predator,
1762 as a sexually violent predator, or by another sexual offender
1763 designation in another state or jurisdiction and was, as a
1764 result of such designation, subjected to registration or
1765 community or public notification, or both, or would be if the
1766 person were a resident of that state or jurisdiction, without
1767 regard as to whether the person otherwise meets the criteria for
1768 registration as a sexual offender.

1769 Section 29. Subsection (2) of section 948.013, Florida
1770 Statutes, is amended to read:

1771 948.013 Administrative probation.—

1772 (2) Effective for an offense committed on or after July 1,
1773 1998, a person is ineligible for placement on administrative
1774 probation if the person is sentenced to or is serving a term of
1775 probation or community control, regardless of the conviction or
1776 adjudication, for committing, or attempting, conspiring, or
1777 soliciting to commit, any of the felony offenses described in s.
1778 787.01 or s. 787.02, where the victim is a minor and the
1779 defendant is not the victim's parent; s. 787.025; chapter 794;
1780 ~~s. 796.03~~; s. 800.04; s. 825.1025(2)(b); s. 827.071; s.
1781 847.0133; s. 847.0135; or s. 847.0145.

1782 Section 30. Subsection (1) of section 948.32, Florida
1783 Statutes, is amended to read:

1784 948.32 Requirements of law enforcement agency upon arrest
1785 of persons for certain sex offenses.—



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1786 (1) When any state or local law enforcement agency
1787 investigates or arrests a person for committing, or attempting,
1788 soliciting, or conspiring to commit, a violation of s.
1789 787.025(2)(c), chapter 794, ~~s. 796.03~~, s. 800.04, s. 827.071, s.
1790 847.0133, s. 847.0135, or s. 847.0145, the law enforcement
1791 agency shall contact the Department of Corrections to verify
1792 whether the person under investigation or under arrest is on
1793 probation, community control, parole, conditional release, or
1794 control release.

1795 Section 31. This act shall take effect October 1, 2014.

1796
1797 ===== T I T L E A M E N D M E N T =====

1798 And the title is amended as follows:

1799 Delete everything before the enacting clause
1800 and insert:

1801 A bill to be entitled
1802 An act relating to human trafficking; amending s.
1803 450.021, F.S.; prohibiting the employment of minors in
1804 adult theaters; amending s. 450.045, F.S.; requiring
1805 adult theaters to verify the ages of employees and
1806 independent contractors and maintain specified
1807 documentation; amending s. 775.15, F.S.; eliminating
1808 the statute of limitations for prosecutions under a
1809 specified human trafficking provision; providing
1810 applicability; amending s. 787.06, F.S.; revising and
1811 providing penalties for various human trafficking
1812 offenses against minors and adults; amending s.
1813 775.082, F.S.; providing a life sentence for a
1814 specified felony; creating s. 796.001, F.S.; providing



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1815 legislative intent concerning prosecutions of certain
1816 offenses by adults involving minors; repealing ss.
1817 796.03, 796.035, and 796.036, F.S., relating to
1818 procuring a person under the age of 18 for
1819 prostitution, selling or buying of minors into
1820 prostitution, and reclassification of certain
1821 violations involving minors, respectively; amending
1822 ss. 796.05 and 796.07, F.S.; revising and providing
1823 penalties for various prostitution offenses; amending
1824 s. 943.0583, F.S.; providing for expunction of
1825 criminal history records of certain criminal charges
1826 against victims of human trafficking that did not
1827 result in convictions; requiring destruction of
1828 investigative records related to such expunged
1829 records; amending s. 921.0022, F.S.; conforming
1830 provisions of the offense severity ranking chart of
1831 the Criminal Punishment Code to changes made by the
1832 act; amending ss. 39.01, 90.404, 772.102, 775.0877,
1833 775.21, 787.01, 787.02, 794.056, 856.022, 895.02,
1834 938.085, 938.10, 943.0435, 943.0585, 943.059, 944.606,
1835 944.607, 948.013, and 948.32, F.S.; conforming cross-
1836 references; providing an effective date.