

By the Committee on Children, Families, and Elder Affairs; and
Senator Flores

586-03529-14

20141440c1

1 A bill to be entitled
2 An act relating to human trafficking; amending s.
3 450.021, F.S.; prohibiting the employment of minors in
4 adult theaters; amending s. 450.045, F.S.; requiring
5 adult theaters to verify the ages of employees and
6 independent contractors and maintain specified
7 documentation; amending s. 775.15, F.S.; eliminating
8 the statute of limitations for prosecutions under a
9 specified human trafficking provision; providing
10 applicability; amending s. 787.06, F.S.; revising and
11 providing penalties for various human trafficking
12 offenses against minors and adults; amending s.
13 775.082, F.S.; providing a life sentence for a
14 specified felony; creating s. 796.001, F.S.; providing
15 legislative intent concerning prosecutions of certain
16 offenses by adults involving minors; repealing ss.
17 796.03, 796.035, and 796.036, F.S., relating to
18 procuring a person under the age of 18 for
19 prostitution, selling or buying of minors into
20 prostitution, and reclassification of certain
21 violations involving minors, respectively; amending
22 ss. 796.05 and 796.07, F.S.; revising and providing
23 penalties for various prostitution offenses; amending
24 s. 943.0583, F.S.; providing for expunction of
25 criminal history records of certain criminal charges
26 against victims of human trafficking that did not
27 result in convictions; requiring destruction of
28 investigative records related to such expunged
29 records; amending s. 921.0022, F.S.; conforming

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30 provisions of the offense severity ranking chart of
31 the Criminal Punishment Code to changes made by the
32 act; amending ss. 39.01, 90.404, 772.102, 775.0877,
33 775.21, 787.01, 787.02, 794.056, 856.022, 895.02,
34 938.085, 938.10, 943.0435, 943.0585, 943.059, 944.606,
35 944.607, 948.013, and 948.32, F.S.; conforming cross-
36 references; providing an effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Subsection (5) is added to section 450.021,
41 Florida Statutes, to read:

42 450.021 Minimum age; general.—

43 (5) In order to better ensure the elimination of minors
44 being exploited and becoming victims of human trafficking, a
45 person under the age of 18, whether or not such person's
46 disabilities of nonage have been removed by marriage or
47 otherwise, may not be employed, permitted, or suffered to work
48 in an adult theater, as defined in s. 847.001(2)(b).

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

51 450.045 Proof of identity and age; posting of notices.—

52 (3)(a) In order to provide the department and law
53 enforcement agencies the means to more effectively identify,
54 investigate, and arrest persons engaging in human trafficking,
55 an adult theater, as defined in s. 847.001(2)(b), shall obtain
56 proof of the identity and age of each of its employees or
57 independent contractors, and shall verify the validity of the
58 identification and age verification document with the issuer,

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59 before his or her employment or provision of services as an
60 independent contractor.

61 (b) The adult theater shall obtain and keep on record a
62 photocopy of the person's driver license or state or federal
63 government-issued photo identification card, along with a record
64 of the verification of the validity of the identification and
65 age verification document with the issuer, during the entire
66 period of employment or business relationship with the
67 independent contractor and for at least 3 years after the
68 employee or independent contractor ceases employment or the
69 provision of services.

70 (c) The department and its agents have the authority to
71 enter during operating hours, unannounced and without prior
72 notice, and inspect at any time a place or establishment covered
73 by this subsection and to have access to age verification
74 documents kept on file by the adult theater and such other
75 records as may aid in the enforcement of this subsection.

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

78 775.15 Time limitations; general time limitations;
79 exceptions.—

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

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

87 787.06 Human trafficking.—

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88 (3) Any person who knowingly, or in reckless disregard of
89 the facts, engages in human trafficking, or attempts to engage
90 in human trafficking, or benefits financially by receiving
91 anything of value from participation in a venture that has
92 subjected a person to human trafficking:

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

96 2. Using coercion for labor or services of an adult commits
97 a felony of the first degree, punishable as provided in s.
98 775.082, s. 775.083, or s. 775.084.

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

102 (c) 1. Using coercion For labor or services of any child
103 under the age of 18 ~~individual~~ who is an unauthorized alien
104 commits a felony of the first degree, punishable as provided in
105 s. 775.082, s. 775.083, or s. 775.084.

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

109 (d) Using coercion for commercial sexual activity of an
110 adult ~~any individual~~ who is an unauthorized alien commits a
111 felony of the first degree, punishable as provided in s.
112 775.082, s. 775.083, or s. 775.084.

113 (e) 1. Using coercion For labor or services who does so by
114 the transfer or transport of any child under the age of 18
115 ~~individual~~ from outside this state to within the state commits a
116 felony of the first degree, punishable as provided in s.

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117 775.082, s. 775.083, or s. 775.084.

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

122 (f) 1. Using coercion For commercial sexual activity who
123 does so by the transfer or transport of any child under the age
124 of 18 individual from outside this state to within the state
125 commits a felony of the first degree, punishable by imprisonment
126 for a term of years not exceeding life, or as provided in s.
127 775.082, s. 775.083, or s. 775.084.

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

132 (g) For commercial sexual activity in which any child under
133 the age of 18, or in which any person who is mentally defective
134 or mentally incapacitated as those terms are defined in s.
135 794.011(1), is involved commits a life felony of the first
136 degree, punishable by imprisonment for a term of years not
137 exceeding life, or as provided in s. 775.082(3)(a)5. 775.082, s.
138 775.083, or s. 775.084. In a prosecution under this paragraph in
139 which the defendant had a reasonable opportunity to observe the
140 person who was subject to human trafficking, the state need not
141 prove that the defendant knew that the person had not attained
142 the age of 18 years.

143 (h) ~~For commercial sexual activity in which any child under~~
144 ~~the age of 15 is involved commits a life felony, punishable as~~
145 ~~provided in s. 775.082, s. 775.083, or s. 775.084. In a~~

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146 ~~prosecution under this paragraph in which the defendant had a~~
147 ~~reasonable opportunity to observe the person who was subject to~~
148 ~~human trafficking, the state need not prove that the defendant~~
149 ~~knew that the person had not attained the age of 15 years.~~

150
151 For each instance of human trafficking of any individual under
152 this subsection, a separate crime is committed and a separate
153 punishment is authorized.

154 (4) (a) Any parent, legal guardian, or other person having
155 custody or control of a minor who sells or otherwise transfers
156 custody or control of such minor, or offers to sell or otherwise
157 transfer custody of such minor, with knowledge or in reckless
158 disregard of the fact that, as a consequence of the sale or
159 transfer, the minor will be subject to human trafficking commits
160 a life first-degree felony, punishable as provided in s.
161 775.082, s. 775.083, or s. 775.084.

162 (b) Any person who permanently brands, or directs to be
163 branded, a victim of an offense under this section commits a
164 second degree felony, punishable as provided in s. 775.082, s.
165 775.083, or s. 775.084. For purposes of this subsection, the
166 term "permanently branded" means a mark on the individual's body
167 that, if it can be removed or repaired at all, can only be
168 removed or repaired by surgical means, laser treatment, or other
169 medical procedure.

170 (8) In a prosecution under this section, the defendant's
171 ignorance of the victim's age, the victim's misrepresentation of
172 his or her age, or the defendant's bona fide belief of the
173 victim's age cannot be raised as a defense.

174 Section 5. Paragraph (a) of subsection (3) of section

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175 775.082, Florida Statutes, is amended to read:

176 775.082 Penalties; applicability of sentencing structures;
177 mandatory minimum sentences for certain reoffenders previously
178 released from prison.—

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

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

184 2. For a life felony committed on or after October 1, 1983,
185 by a term of imprisonment for life or by a term of imprisonment
186 not exceeding 40 years.

187 3. Except as provided in subparagraph 4., for a life felony
188 committed on or after July 1, 1995, by a term of imprisonment
189 for life or by imprisonment for a term of years not exceeding
190 life imprisonment.

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

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

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

199 b. For a life felony committed on or after July 1, 2008,
200 which is a person's second or subsequent violation of s.
201 800.04(5)(b), by a term of imprisonment for life.

202 5. For a life felony committed on or after October 1, 2014,
203 which is a violation of s. 787.06(3)(g), by a term of

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204 imprisonment for life.

205 Section 6. Section 796.001, Florida Statutes, is created to
206 read:

207 796.001 Offenses by adults involving minors; intent.—It is
208 the intent of the Legislature that adults who involve minors in
209 any behavior prohibited under this chapter be prosecuted under
210 other laws of this state, such as, but not limited to, s.
211 787.06, chapter 794, chapter 800, s. 810.145, chapter 827, and
212 chapter 847. The Legislature finds that prosecution of such
213 adults under this chapter is inappropriate since a minor is
214 unable to consent to such behavior.

215 Section 7. Sections 796.03, 796.035, and 796.036, Florida
216 Statutes, are repealed.

217 Section 8. Section 796.05, Florida Statutes, is amended to
218 read:

219 796.05 Deriving support from the proceeds of prostitution.—

220 (1) It shall be unlawful for any person with reasonable
221 belief or knowing another person is engaged in prostitution to
222 live or derive support or maintenance in whole or in part from
223 what is believed to be the earnings or proceeds of such person's
224 prostitution.

225 (2) Anyone violating this section commits:

226 (a) For a first offense, a felony of the second ~~third~~
227 degree, punishable as provided in s. 775.082, s. 775.083, or s.
228 775.084.

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

231 (c) For a third or subsequent offense, a felony of the
232 first degree punishable as provided in s. 775.082, s. 775.083,

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233 or s. 775.084, with a mandatory minimum term of imprisonment of
234 10 years.

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

237 796.07 Prohibiting prostitution and related acts.—

238 (2) It is unlawful:

239 (a) To own, establish, maintain, or operate any place,
240 structure, building, or conveyance for the purpose of lewdness,
241 assignation, or prostitution.

242 (b) To offer, or to offer or agree to secure, another for
243 the purpose of prostitution or for any other lewd or indecent
244 act.

245 (c) To receive, or to offer or agree to receive, any person
246 into any place, structure, building, or conveyance for the
247 purpose of prostitution, lewdness, or assignation, or to permit
248 any person to remain there for such purpose.

249 (d) To direct, take, or transport, or to offer or agree to
250 direct, take, or transport, any person to any place, structure,
251 or building, or to any other person, with knowledge or
252 reasonable cause to believe that the purpose of such directing,
253 taking, or transporting is prostitution, lewdness, or
254 assignation.

255 (e) To offer to commit, or to commit, or to engage in,
256 prostitution, lewdness, or assignation.

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

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

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

264 (i) To purchase the services of any person engaged in
265 prostitution.

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

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

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

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

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

277 1. For a first offense, a felony of the third degree,
278 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

281 3. For a third or subsequent offense, a felony of the first
282 degree, punishable as provided in s. 775.082, s. 775.083, or s.

283 775.084. A person who is charged with a third or subsequent

284 ~~violation of this section shall be offered admission to a~~

285 ~~pretrial intervention program or a substance abuse treatment~~
286 ~~program as provided in s. 948.08.~~

287 (6) A person who violates paragraphs (2)(a), (b), (c), (d),
288 (f), (h), or (i) ~~paragraph (2)(f)~~ shall be assessed a criminal

289 ~~civil~~ penalty of \$5,000 if the violation results in any judicial
290 disposition other than acquittal or dismissal. Of the proceeds

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291 from each penalty assessed under this subsection, the first \$500
292 shall be paid to the circuit court administrator for the sole
293 purpose of paying the administrative costs of treatment-based
294 drug court programs provided under s. 397.334. The remainder of
295 the penalty assessed shall be deposited in the Operations and
296 Maintenance Trust Fund of the Department of Children and Family
297 Services for the sole purpose of funding safe houses and short-
298 term safe houses as provided in s. 409.1678.

299 Section 10. Subsection (3), paragraph (a) of subsection
300 (8), and paragraph (a) of subsection (10) of section 943.0583,
301 Florida Statutes, are amended to read:

302 943.0583 Human trafficking victim expunction.—

303 (3) A person who is a victim of human trafficking may
304 petition for the expunction of a criminal history record
305 resulting from the arrest or filing of charges ~~any conviction~~
306 ~~for an offense committed~~ or reported to have been committed
307 while the person ~~he or she~~ was a victim of human trafficking,
308 which offense was committed or reported to have been committed
309 as a part of the human trafficking scheme of which the person ~~he~~
310 ~~or she~~ was a victim or at the direction of an operator of the
311 scheme, including, but not limited to, violations under chapters
312 796 and 847, without regard to the disposition of the arrest or
313 of any charges. However, this section does not apply to any
314 offense listed in s. 775.084(1)(b)1. Determination of the
315 petition under this section should be by a preponderance of the
316 evidence. A conviction expunged under this section is deemed to
317 have been vacated due to a substantive defect in the underlying
318 criminal proceedings. If a person is adjudicated not guilty by
319 reason of insanity or is found to be incompetent to stand trial

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320 for any such charge, the expunction of the criminal history
321 record may not prevent the entry of the judgment or finding in
322 state and national databases for use in determining eligibility
323 to purchase or possess a firearm or to carry a concealed
324 firearm, as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s.
325 922(t), nor shall it prevent any governmental agency that is
326 authorized by state or federal law to determine eligibility to
327 purchase or possess a firearm or to carry a concealed firearm
328 from accessing or using the record of the judgment or finding in
329 the course of such agency's official duties.

330 (8) (a) Any criminal history record of a minor or an adult
331 that is ordered expunged by the court of original jurisdiction
332 over the charges ~~crime~~ sought to be expunged pursuant to this
333 section must be physically destroyed or obliterated by any
334 criminal justice agency having custody of such record, except
335 that any criminal history record in the custody of the
336 department must be retained in all cases.

337 (10) (a) A criminal history record ordered expunged under
338 this section that is retained by the department is confidential
339 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
340 Constitution, except that the record shall be made available to
341 criminal justice agencies for their respective criminal justice
342 purposes and to any governmental agency that is authorized by
343 state or federal law to determine eligibility to purchase or
344 possess a firearm or to carry a concealed firearm for use in the
345 course of such agency's official duties. Otherwise, such record
346 shall not be disclosed to any person or entity except upon order
347 of a court of competent jurisdiction. A criminal justice agency
348 may retain a notation indicating compliance with an order to

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349 expunge.

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

353 921.0022 Criminal Punishment Code; offense severity ranking
 354 chart.—

355 (3) OFFENSE SEVERITY RANKING CHART

356 (c) LEVEL 3

357
 358

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification

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number plate removed.

364

319.33(1)(a)

3rd

Alter or forge any certificate of title to a motor vehicle or mobile home.

365

319.33(1)(c)

3rd

Procure or pass title on stolen vehicle.

366

319.33(4)

3rd

With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

367

327.35(2)(b)

3rd

Felony BUI.

368

328.05(2)

3rd

Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

369

328.07(4)

3rd

Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

370

376.302(5)

3rd

Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

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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.

372

379.2431 3rd Soliciting to commit or
 (1) (e) 6. conspiring to commit a
 violation of the Marine Turtle
 Protection Act.

373

400.9935 (4) 3rd Operating a clinic without a
 license or filing false license
 application or other required
 information.

374

440.1051 (3) 3rd False report of workers'
 compensation fraud or
 retaliation for making such a
 report.

375

501.001 (2) (b) 2nd Tampers with a consumer product
 or the container using
 materially false/misleading
 information.

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624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
796.05 (1)	3rd	Live on earnings of a prostitute.
806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.

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385 810.09(2)(c) 3rd Trespass on property other than
structure or conveyance armed
with firearm or dangerous
weapon.

386 812.014(2)(c)2. 3rd Grand theft; \$5,000 or more but
less than \$10,000.

387 812.0145(2)(c) 3rd Theft from person 65 years of
age or older; \$300 or more but
less than \$10,000.

388 815.04(4)(b) 2nd Computer offense devised to
defraud or obtain property.

389 817.034(4)(a)3. 3rd Engages in scheme to defraud
(Florida Communications Fraud
Act), property valued at less
than \$20,000.

390 817.233 3rd Burning to defraud insurer.

391 817.234 3rd Unlawful solicitation of
(8)(b)-(c) persons involved in motor
vehicle accidents.

392 817.234(11)(a) 3rd Insurance fraud; property value
less than \$20,000.

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393	817.236	3rd	Filing a false motor vehicle insurance application.
394	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
395	817.413 (2)	3rd	Sale of used goods as new.
396	817.505 (4)	3rd	Patient brokering.
397	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
398	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
399	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.

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within 1,000 feet of public housing facility.

406

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

407

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

408

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

409

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

410

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

411

893.13(8)(a)1. 3rd Knowingly assist a patient, other person, or owner of an animal in obtaining a

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controlled substance through
deceptive, untrue, or
fraudulent representations in
or related to the
practitioner's practice.

412

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.

413

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

414

893.13 (8) (a) 4. 3rd Write a prescription for a
controlled substance for a
patient, other person, or an
animal if the sole purpose of
writing the prescription is a
monetary benefit for the
practitioner.

415

918.13 (1) (a) 3rd Alter, destroy, or conceal
investigation evidence.

416

944.47 3rd Introduce contraband to

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(1) (a) 1.-2. correctional facility.

417

944.47 (1) (c) 2nd Possess contraband while upon
the grounds of a correctional
institution.

418

985.721 3rd Escapes from a juvenile
facility (secure detention or
residential commitment
facility).

419

(e) LEVEL 5

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421

422

Florida	Felony	Description
Statute	Degree	

423

316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
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424

316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
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425

322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
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327.30 (5)	3rd	Vessel accidents involving
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personal injury; leaving scene.

427

379.367(4)

3rd

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

428

379.3671
(2)(c)3.

3rd

Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.

429

381.0041(11)(b)

3rd

Donate blood, plasma, or organs knowing HIV positive.

430

440.10(1)(g)

2nd

Failure to obtain workers' compensation coverage.

431

440.105(5)

2nd

Unlawful solicitation for the purpose of making workers' compensation claims.

432

440.381(2)

2nd

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

433

624.401(4)(b)2.

2nd

Transacting insurance without a

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certificate or authority;
 premium collected \$20,000 or
 more but less than \$100,000.

434

626.902 (1) (c) 2nd Representing an unauthorized
 insurer; repeat offender.

435

790.01 (2) 3rd Carrying a concealed firearm.

436

790.162 2nd Threat to throw or discharge
 destructive device.

437

790.163 (1) 2nd False report of deadly
 explosive or weapon of mass
 destruction.

438

790.221 (1) 2nd Possession of short-barreled
 shotgun or machine gun.

439

790.23 2nd Felons in possession of
 firearms, ammunition, or
 electronic weapons or devices.

440

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

441

800.04 (6) (c) 3rd Lewd or lascivious conduct;
 offender less than 18 years.

442

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443

800.04 (7) (b) 2nd Lewd or lascivious exhibition;
offender 18 years or older.

444

806.111 (1) 3rd Possess, manufacture, or
dispense fire bomb with intent
to damage any structure or
property.

445

812.0145 (2) (b) 2nd Theft from person 65 years of
age or older; \$10,000 or more
but less than \$50,000.

446

812.015 (8) 3rd Retail theft; property stolen
is valued at \$300 or more and
one or more specified acts.

447

812.019 (1) 2nd Stolen property; dealing in or
trafficking in.

448

812.131 (2) (b) 3rd Robbery by sudden snatching.

449

812.16 (2) 3rd Owning, operating, or
conducting a chop shop.

450

817.034 (4) (a) 2. 2nd Communications fraud, value
\$20,000 to \$50,000.

817.234 (11) (b) 2nd Insurance fraud; property value
\$20,000 or more but less than

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\$100,000.

451

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.

452

817.568(2) (b)

2nd

Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.

453

817.625(2) (b)

2nd

Second or subsequent fraudulent use of scanning device or reencoder.

454

825.1025(4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

455

827.071(4)

2nd

Possess with intent to promote any photographic material,

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motion picture, etc., which includes sexual conduct by a child.

456

827.071 (5)

3rd

Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

457

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.

458

843.01

3rd

Resist officer with violence to person; resist arrest with violence.

459

847.0135 (5) (b)

2nd

Lewd or lascivious exhibition using computer; offender 18 years or older.

460

847.0137
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

461

847.0138
(2) & (3)

3rd

Transmission of material harmful to minors to a minor by

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electronic device or equipment.

462

874.05 (1) (b) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

463

874.05 (2) (a) 2nd Encouraging or recruiting person under 13 to join a criminal gang.

464

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).

465

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.

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466

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.

467

893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

468

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.

469

893.13(4)(b) 2nd Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3.,

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(2) (c) 5., (2) (c) 6., (2) (c) 7.,
 (2) (c) 8., (2) (c) 9., (3), or (4)
 drugs).

470

893.1351 (1) 3rd Ownership, lease, or rental for
 trafficking in or manufacturing
 of controlled substance.

471

472 (g) LEVEL 7

473

474

Florida Statute	Felony Degree	Description
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475

316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
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476

316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
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477

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.
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478

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479

327.35 (3) (c) 2. 3rd Vessel BUI resulting in serious
bodily injury.

480

402.319 (2) 2nd Misrepresentation and
negligence or intentional act
resulting in great bodily harm,
permanent disfiguration,
permanent disability, or death.

481

409.920 3rd Medicaid provider fraud;
(2) (b) 1.a. \$10,000 or less.

482

409.920 2nd Medicaid provider fraud; more
(2) (b) 1.b. than \$10,000, but less than
\$50,000.

483

456.065 (2) 3rd Practicing a health care
profession without a license.

484

456.065 (2) 2nd Practicing a health care
profession without a license
which results in serious bodily
injury.

485

458.327 (1) 3rd Practicing medicine without a
license.

459.013 (1) 3rd Practicing osteopathic medicine
without a license.

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486
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495

460.411 (1)	3rd	Practicing chiropractic medicine without a license.
461.012 (1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.
465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828 (1)	3rd	Practicing as clinical

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laboratory personnel without a license.

496

483.901(9) 3rd Practicing medical physics without a license.

497

484.013(1)(c) 3rd Preparing or dispensing optical devices without a prescription.

498

484.053 3rd Dispensing hearing aids without a license.

499

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.

500

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.

501

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

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502

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

503

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

504

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

505

775.21(10)(g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

506

782.051(3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

507

782.07(1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another

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(manslaughter).

508

782.071

2nd

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

509

782.072

2nd

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

510

784.045 (1) (a) 1.

2nd

Aggravated battery; intentionally causing great bodily harm or disfigurement.

511

784.045 (1) (a) 2.

2nd

Aggravated battery; using deadly weapon.

512

784.045 (1) (b)

2nd

Aggravated battery; perpetrator aware victim pregnant.

513

784.048 (4)

3rd

Aggravated stalking; violation of injunction or court order.

514

784.048 (7)

3rd

Aggravated stalking; violation of court order.

515

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516

784.07(2)(d) 1st Aggravated battery on law enforcement officer.

517

784.074(1)(a) 1st Aggravated battery on sexually violent predators facility staff.

518

784.08(2)(a) 1st Aggravated battery on a person 65 years of age or older.

519

784.081(1) 1st Aggravated battery on specified official or employee.

520

784.082(1) 1st Aggravated battery by detained person on visitor or other detainee.

521

784.083(1) 1st Aggravated battery on code inspector.

522

787.06(3)(a)2. 1st Human trafficking using coercion for labor and services of an adult.

787.06(3)(e)2. 1st Human trafficking using coercion for labor and services by the transfer or transport of an adult ~~any individual~~ from outside Florida to within the

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state.

523

790.07(4) 1st Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

524

790.16(1) 1st Discharge of a machine gun under specified circumstances.

525

790.165(2) 2nd Manufacture, sell, possess, or deliver hoax bomb.

526

790.165(3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

527

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

528

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

529

790.23 1st,PBL Possession of a firearm by a

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person who qualifies for the
penalty enhancements provided
for in s. 874.04.

530

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.

531

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

532

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

533

796.05(1) 1st Live on earnings of a
prostitute; 3rd and subsequent
offense.

534

800.04(5)(c)1. 2nd Lewd or lascivious molestation;
victim less than 12 years of
age; offender less than 18
years.

535

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.

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536

806.01 (2) 2nd Maliciously damage structure by
fire or explosive.

537

810.02 (3) (a) 2nd Burglary of occupied dwelling;
unarmed; no assault or battery.

538

810.02 (3) (b) 2nd Burglary of unoccupied
dwelling; unarmed; no assault
or battery.

539

810.02 (3) (d) 2nd Burglary of occupied
conveyance; unarmed; no assault
or battery.

540

810.02 (3) (e) 2nd Burglary of authorized
emergency vehicle.

541

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.

542

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

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552 817.234 (9) 2nd Organizing, planning, or
participating in an intentional
motor vehicle collision.

553 817.234 (11) (c) 1st Insurance fraud; property value
\$100,000 or more.

554 817.2341 1st Making false entries of
(2) (b) & (3) (b) material fact or false
statements regarding property
values relating to the solvency
of an insuring entity which are
a significant cause of the
insolvency of that entity.

555 817.535 (2) (a) 3rd Filing false lien or other
unauthorized document.

556 825.102 (3) (b) 2nd Neglecting an elderly person or
disabled adult causing great
bodily harm, disability, or
disfigurement.

557 825.103 (2) (b) 2nd Exploiting an elderly person or
disabled adult and property is
valued at \$20,000 or more, but
less than \$100,000.

827.03 (2) (b) 2nd Neglect of a child causing

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great bodily harm, disability,
or disfigurement.

558

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

559

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

560

838.015 2nd Bribery.

561

838.016 2nd Unlawful compensation or reward
for official behavior.

562

838.021 (3) (a) 2nd Unlawful harm to a public
servant.

563

838.22 2nd Bid tampering.

564

843.0855 (2) 3rd Impersonation of a public
officer or employee.

565

843.0855 (3) 3rd Unlawful simulation of legal
process.

566

843.0855 (4) 3rd Intimidation of a public
officer or employee.

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567

847.0135 (3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

568

847.0135 (4) 2nd Traveling to meet a minor to commit an unlawful sex act.

569

872.06 2nd Abuse of a dead human body.

570

874.05 (2) (b) 1st Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

571

874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

572

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

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recreational facility or
community center.

573

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.

574

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).

575

893.135(1)(a)1. 1st Trafficking in cannabis, more
than 25 lbs., less than 2,000
lbs.

576

893.135 1st Trafficking in cocaine, more
(1)(b)1.a. than 28 grams, less than 200
grams.

577

893.135 1st Trafficking in illegal drugs,
(1)(c)1.a. more than 4 grams, less than 14
grams.

578

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579
580
581
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585

- 893.135(1)(d)1. 1st Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
- 893.135(1)(e)1. 1st Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
- 893.135(1)(f)1. 1st Trafficking in amphetamine, more than 14 grams, less than 28 grams.
- 893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
- 893.135(1)(h)1.a. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
- 893.135(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
- 893.135(1)(k)2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

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586

893.1351 (2) 2nd Possession of place for
trafficking in or manufacturing
of controlled substance.

587

896.101 (5) (a) 3rd Money laundering, financial
transactions exceeding \$300 but
less than \$20,000.

588

896.104 (4) (a) 1. 3rd Structuring transactions to
evade reporting or registration
requirements, financial
transactions exceeding \$300 but
less than \$20,000.

589

943.0435 (4) (c) 2nd Sexual offender vacating
permanent residence; failure to
comply with reporting
requirements.

590

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

591

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

943.0435 (13) 3rd Failure to report or providing

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

592

943.0435 (14)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification.

593

944.607 (9)

3rd

Sexual offender; failure to comply with reporting requirements.

594

944.607 (10) (a)

3rd

Sexual offender; failure to submit to the taking of a digitized photograph.

595

944.607 (12)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

596

944.607 (13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification.

597

985.4815 (10)

3rd

Sexual offender; failure to submit to the taking of a

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digitized photograph.

598

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

599

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

600

601 (h) LEVEL 8

602

603

Florida Statute	Felony Degree	Description
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604

316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
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605

316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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606

327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
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607

499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
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608

499.0051(8) 1st Knowing forgery of prescription labels or prescription drug labels.

609

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.

610

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.

611

655.50(10)(b)2. 2nd Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

612

777.03(2)(a) 1st Accessory after the fact, capital felony.

613

782.04(4) 2nd Killing of human without design when engaged in act or attempt of any felony other than arson,

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sexual battery, robbery,
 burglary, kidnapping,
 aggravated fleeing or eluding
 with serious bodily injury or
 death, aircraft piracy, or
 unlawfully discharging bomb.

614

782.051(2) 1st Attempted felony murder while
 perpetrating or attempting to
 perpetrate a felony not
 enumerated in s. 782.04(3).

615

782.071(1)(b) 1st Committing vehicular homicide
 and failing to render aid or
 give information.

616

782.072(2) 1st Committing vessel homicide and
 failing to render aid or give
 information.

617

787.06(3)(a)1. 1st Human trafficking for labor and
services of a child.

618

787.06(3)(b) 1st Human trafficking using
 coercion for commercial sexual
 activity of an adult.

619

787.06(3)(c)2. 1st Human trafficking using
 coercion for labor and services

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of an unauthorized alien adult.

620

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.

621

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.

622

790.161(3)

1st

Discharging a destructive device which results in bodily harm or property damage.

623

794.011(5)

2nd

Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.

624

794.08(3)

2nd

Female genital mutilation, removal of a victim younger than 18 years of age from this state.

625

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626	800.04 (4)	2nd	Lewd or lascivious battery.
627	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
628	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
629	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
630	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
631	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
632	812.13 (2) (b)	1st	Robbery with a weapon.
633	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second

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or subsequent offense.

634

817.535 (3) (a) 2nd Filing false lien or other
unauthorized document; property
owner is a public officer or
employee.

635

817.535 (4) (a) 1. 2nd Filing false lien or other
unauthorized document;
defendant is incarcerated or
under supervision.

636

817.535 (5) (a) 2nd Filing false lien or other
unauthorized document; owner of
the property incurs financial
loss as a result of the false
instrument.

637

817.568 (6) 2nd Fraudulent use of personal
identification information of
an individual under the age of
18.

638

825.102 (2) 1st Aggravated abuse of an elderly
person or disabled adult.

639

825.1025 (2) 2nd Lewd or lascivious battery upon
an elderly person or disabled
adult.

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640

825.103(2)(a) 1st Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.

641

837.02(2) 2nd Perjury in official proceedings relating to prosecution of a capital felony.

642

837.021(2) 2nd Making contradictory statements in official proceedings relating to prosecution of a capital felony.

643

860.121(2)(c) 1st Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

644

860.16 1st Aircraft piracy.

645

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).

646

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

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647
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649
650
651
652
653
654

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

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

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

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

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

893.135(1)(e)1.b. 1st Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.

893.135(1)(f)1.b. 1st Trafficking in amphetamine, more than 28 grams, less than 200 grams.

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655	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
656	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
657	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
658	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
659	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
660	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any

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enterprise or real property.

661

895.03(3) 1st Conduct or participate in any enterprise through pattern of racketeering activity.

662

896.101(5)(b) 2nd Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

663

896.104(4)(a)2. 2nd Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

664

665 (i) LEVEL 9

666

667

Florida	Felony	Description
Statute	Degree	

668

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

669

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

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670

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

671

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

672

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

673

560.125 (5) (c) 1st Money transmitter business by
 unauthorized person, currency,
 or payment instruments totaling
 or exceeding \$100,000.

674

655.50 (10) (b) 3. 1st Failure to report financial
 transactions totaling or
 exceeding \$100,000 by financial
 institution.

675

775.0844 1st Aggravated white collar crime.

676

782.04 (1) 1st Attempt, conspire, or solicit
 to commit premeditated murder.

677

782.04 (3) 1st,PBL Accomplice to murder in

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connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.

678

782.051(1) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).

679

782.07(2) 1st Aggravated manslaughter of an elderly person or disabled adult.

680

787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward or as a shield or hostage.

681

787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or facilitate commission of any felony.

682

787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere with performance of any governmental or political function.

683

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684 787.02 (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.

685 787.06 (3) (c) 1. 1st Human trafficking for labor and
services of an unauthorized
alien child.

686 787.06 (3) (d) 1st Human trafficking using
coercion for commercial sexual
activity of an unauthorized
adult alien.

687 787.06 (3) (f) 1. 1st, PBL Human trafficking for
commercial sexual activity by
the transfer or transport of
any child from outside Florida
to within the state.

688 ~~787.06 (3) (g)~~ ~~1st, PBL~~ ~~Human trafficking for~~
~~commercial sexual activity of a~~
~~child under the age of 18.~~

688 ~~787.06 (4)~~ 1st ~~Selling or buying of minors~~
~~into human trafficking.~~

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689
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691
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695

790.161	1st	Attempted capital destructive device offense.
790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.

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696

~~796.035~~ 1st ~~Selling or buying of minors
into prostitution.~~

697

800.04 (5) (b) Life Lewd or lascivious molestation;
victim less than 12 years;
offender 18 years or older.

698

812.13 (2) (a) 1st, PBL Robbery with firearm or other
deadly weapon.

699

812.133 (2) (a) 1st, PBL Carjacking; firearm or other
deadly weapon.

700

812.135 (2) (b) 1st Home-invasion robbery with
weapon.

701

817.535 (3) (b) 1st Filing false lien or other
unauthorized document; second
or subsequent offense; property
owner is a public officer or
employee.

702

817.535 (4) (a) 2. 1st Filing false claim or other
unauthorized document;
defendant is incarcerated or
under supervision.

703

817.535 (5) (b) 1st Filing false lien or other

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unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.

704

817.568 (7) 2nd, Fraudulent use of personal
 PBL identification information of
 an individual under the age of
 18 by his or her parent, legal
 guardian, or person exercising
 custodial authority.

705

827.03 (2) (a) 1st Aggravated child abuse.

706

847.0145 (1) 1st Selling, or otherwise
 transferring custody or
 control, of a minor.

707

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

708

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

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person.

709

893.135 1st Attempted capital trafficking offense.

710

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

711

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

712

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

713

893.135 (1) (d) 1.c. 1st Trafficking in phencyclidine, more than 400 grams.

714

893.135 (1) (e) 1.c. 1st Trafficking in methaqualone, more than 25 kilograms.

715

893.135 (1) (f) 1.c. 1st Trafficking in amphetamine, more than 200 grams.

716

893.135 (1) (h) 1.c. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.

717

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718 893.135 1st Trafficking in 1,4-Butanediol,
 (1) (j) 1.c. 10 kilograms or more.

719 893.135 1st Trafficking in Phenethylamines,
 (1) (k) 2.c. 400 grams or more.

720 896.101 (5) (c) 1st Money laundering, financial
 instruments totaling or
 exceeding \$100,000.

721 896.104 (4) (a) 3. 1st Structuring transactions to
 evade reporting or registration
 requirements, financial
 transactions totaling or
 exceeding \$100,000.

722 (j) LEVEL 10

723
 724 Florida Felony Description
 Statute Degree

725 499.0051 (10) 1st Knowing sale or purchase of
 contraband prescription drugs
 resulting in death.

726 782.04 (2) 1st, PBL Unlawful killing of human; act
 is homicide, unpremeditated.

727

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728	782.07(3)	1st	Aggravated manslaughter of a child.
729	787.01(1)(a)3.	1st,PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
730	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.
731	<u>787.06(3)(g)</u> 787.06(3)(h)	Life	Human trafficking for commercial sexual activity of a child under the age of <u>18 or mentally defective or incapacitated person</u> 15 .
732	<u>787.06(4)(a)</u>	<u>Life</u>	<u>Selling or buying of minors into human trafficking.</u>
733	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.
733	812.135(2)(a)	1st,PBL	Home-invasion robbery with

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firearm or other deadly weapon.

734

876.32 1st Treason against the state.

735

736 Section 12. Paragraph (g) of subsection (67) of section
737 39.01, Florida Statutes, is amended to read:

738 39.01 Definitions.—When used in this chapter, unless the
739 context otherwise requires:

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

742 (g) The sexual exploitation of a child, which includes the
743 act of a child offering to engage in or engaging in
744 prostitution, provided that the child is not under arrest or is
745 not being prosecuted in a delinquency or criminal proceeding for
746 a violation of any offense in chapter 796 based on such
747 behavior; or allowing, encouraging, or forcing a child to:

748 1. Solicit for or engage in prostitution;

749 2. Engage in a sexual performance, as defined by chapter
750 827; or

751 3. Participate in the trade of human ~~sex~~ trafficking as
752 provided in s. 787.06(3)(g) ~~796.035~~.

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

755 90.404 Character evidence; when admissible.—

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

757 (b)1. In a criminal case in which the defendant is charged
758 with a crime involving child molestation, evidence of the
759 defendant's commission of other crimes, wrongs, or acts of child
760 molestation is admissible and may be considered for its bearing

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761 on any matter to which it is relevant.

762 2. For the purposes of this paragraph, the term "child
763 molestation" means conduct proscribed by s. 787.025(2)(c), s.
764 787.06(3)(g) ~~and (h)~~, s. 794.011, excluding s. 794.011(10), s.
765 794.05, ~~s. 796.03, s. 796.035~~, s. 800.04, s. 827.071, s.
766 847.0135(5), s. 847.0145, or s. 985.701(1) when committed
767 against a person 16 years of age or younger.

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

773 2. For the purposes of this paragraph, the term "sexual
774 offense" means conduct proscribed by s. 787.025(2)(c), s.
775 787.06(3)(b), (d), (f), or (g), ~~or (h)~~, s. 794.011, excluding s.
776 794.011(10), s. 794.05, ~~s. 796.03, s. 796.035~~, s.
777 825.1025(2)(b), s. 827.071, s. 847.0135(5), s. 847.0145, or s.
778 985.701(1).

779 Section 14. Paragraph (a) of subsection (1) of section
780 772.102, Florida Statutes, is amended to read:

781 772.102 Definitions.—As used in this chapter, the term:

782 (1) "Criminal activity" means to commit, to attempt to
783 commit, to conspire to commit, or to solicit, coerce, or
784 intimidate another person to commit:

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

787 1. Section 210.18, relating to evasion of payment of
788 cigarette taxes.

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

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- 790 3. Section 440.105 or s. 440.106, relating to workers'
791 compensation.
- 792 4. Part IV of chapter 501, relating to telemarketing.
- 793 5. Chapter 517, relating to securities transactions.
- 794 6. Section 550.235 or s. 550.3551, relating to dogracing
795 and horseracing.
- 796 7. Chapter 550, relating to jai alai frontons.
- 797 8. Chapter 552, relating to the manufacture, distribution,
798 and use of explosives.
- 799 9. Chapter 562, relating to beverage law enforcement.
- 800 10. Section 624.401, relating to transacting insurance
801 without a certificate of authority, s. 624.437(4)(c)1., relating
802 to operating an unauthorized multiple-employer welfare
803 arrangement, or s. 626.902(1)(b), relating to representing or
804 aiding an unauthorized insurer.
- 805 11. Chapter 687, relating to interest and usurious
806 practices.
- 807 12. Section 721.08, s. 721.09, or s. 721.13, relating to
808 real estate timeshare plans.
- 809 13. Chapter 782, relating to homicide.
- 810 14. Chapter 784, relating to assault and battery.
- 811 15. Chapter 787, relating to kidnapping or human
812 trafficking.
- 813 16. Chapter 790, relating to weapons and firearms.
- 814 17. Section ~~796.03~~, s. 796.04, s. 796.05, or s. 796.07,
815 relating to prostitution.
- 816 18. Chapter 806, relating to arson.
- 817 19. Section 810.02(2)(c), relating to specified burglary of
818 a dwelling or structure.

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819 20. Chapter 812, relating to theft, robbery, and related
820 crimes.

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

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

824 23. Section 827.071, relating to commercial sexual
825 exploitation of children.

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

827 25. Chapter 832, relating to issuance of worthless checks
828 and drafts.

829 26. Section 836.05, relating to extortion.

830 27. Chapter 837, relating to perjury.

831 28. Chapter 838, relating to bribery and misuse of public
832 office.

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

834 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
835 s. 847.07, relating to obscene literature and profanity.

836 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
837 849.25, relating to gambling.

838 32. Chapter 893, relating to drug abuse prevention and
839 control.

840 33. Section 914.22 or s. 914.23, relating to witnesses,
841 victims, or informants.

842 34. Section 918.12 or s. 918.13, relating to tampering with
843 jurors and evidence.

844 Section 15. Paragraph (m) of subsection (1) of section
845 775.0877, Florida Statutes, is amended to read:

846 775.0877 Criminal transmission of HIV; procedures;
847 penalties.—

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

853 (m) Sections ~~796.03~~, 796.07~~7~~ and 796.08, relating to
854 prostitution; or

855

856 the court shall order the offender to undergo HIV testing, to be
857 performed under the direction of the Department of Health in
858 accordance with s. 381.004, unless the offender has undergone
859 HIV testing voluntarily or pursuant to procedures established in
860 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
861 rule providing for HIV testing of criminal offenders or inmates,
862 subsequent to her or his arrest for an offense enumerated in
863 paragraphs (a)-(n) for which she or he was convicted or to which
864 she or he pled nolo contendere or guilty. The results of an HIV
865 test performed on an offender pursuant to this subsection are
866 not admissible in any criminal proceeding arising out of the
867 alleged offense.

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

871 775.21 The Florida Sexual Predators Act.—

872 (4) SEXUAL PREDATOR CRITERIA.—

873 (a) For a current offense committed on or after October 1,
874 1993, upon conviction, an offender shall be designated as a
875 "sexual predator" under subsection (5), and subject to
876 registration under subsection (6) and community and public

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877 notification under subsection (7) if:

878 1. The felony is:

879 a. A capital, life, or first-degree felony violation, or
880 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
881 is a minor and the defendant is not the victim's parent or
882 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
883 violation of a similar law of another jurisdiction; or

884 b. Any felony violation, or any attempt thereof, of s.
885 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
886 minor and the defendant is not the victim's parent or guardian;
887 s. 787.06(3)(b), (d), (f), or (g), ~~or~~ (h); s. 794.011, excluding
888 s. 794.011(10); s. 794.05; ~~s. 796.03; s. 796.035~~; s. 800.04; s.
889 810.145(8)(b); s. 825.1025(2)(b); s. 827.071; s. 847.0135(5); s.
890 847.0145; or s. 985.701(1); or a violation of a similar law of
891 another jurisdiction, and the offender has previously been
892 convicted of or found to have committed, or has pled nolo
893 contendere or guilty to, regardless of adjudication, any
894 violation of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
895 the victim is a minor and the defendant is not the victim's
896 parent or guardian; s. 787.06(3)(b), (d), (f), or (g), ~~or~~ (h);
897 s. 794.011, excluding s. 794.011(10); s. 794.05; ~~s. 796.03; s.~~
898 ~~796.035~~; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
899 847.0135, excluding s. 847.0135(6); s. 847.0145; or s.
900 985.701(1); or a violation of a similar law of another
901 jurisdiction;

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

905 3. A conviction of a felony or similar law of another

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906 jurisdiction necessary to the operation of this paragraph has
907 not been set aside in any postconviction proceeding.

908 (10) PENALTIES.—

909 (b) A sexual predator who has been convicted of or found to
910 have committed, or has pled nolo contendere or guilty to,
911 regardless of adjudication, any violation, or attempted
912 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
913 the victim is a minor and the defendant is not the victim's
914 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
915 794.05; ~~s. 796.03; s. 796.035~~; s. 800.04; s. 827.071; s.
916 847.0133; s. 847.0135(5); s. 847.0145; or s. 985.701(1); or a
917 violation of a similar law of another jurisdiction when the
918 victim of the offense was a minor, and who works, whether for
919 compensation or as a volunteer, at any business, school, child
920 care facility, park, playground, or other place where children
921 regularly congregate, commits a felony of the third degree,
922 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

923 Section 17. Paragraph (a) of subsection (3) of section
924 787.01, Florida Statutes, is amended to read:

925 787.01 Kidnapping; kidnapping of child under age 13,
926 aggravating circumstances.—

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

- 930 1. Aggravated child abuse, as defined in s. 827.03;
- 931 2. Sexual battery, as defined in chapter 794, against the
932 child;
- 933 3. Lewd or lascivious battery, lewd or lascivious
934 molestation, lewd or lascivious conduct, or lewd or lascivious

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935 exhibition, in violation of s. 800.04 or s. 847.0135(5);

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

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

940

941 commits a life felony, punishable as provided in s. 775.082, s.
942 775.083, or s. 775.084.

943 Section 18. Paragraph (a) of subsection (3) of section
944 787.02, Florida Statutes, is amended to read:

945 787.02 False imprisonment; false imprisonment of child
946 under age 13, aggravating circumstances.—

947 (3) (a) A person who commits the offense of false
948 imprisonment upon a child under the age of 13 and who, in the
949 course of committing the offense, commits any offense enumerated
950 in subparagraphs 1.-5., commits a felony of the first degree,
951 punishable by imprisonment for a term of years not exceeding
952 life or as provided in s. 775.082, s. 775.083, or s. 775.084.

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

954 2. Sexual battery, as defined in chapter 794, against the
955 child;

956 3. Lewd or lascivious battery, lewd or lascivious
957 molestation, lewd or lascivious conduct, or lewd or lascivious
958 exhibition, in violation of s. 800.04 or s. 847.0135(5);

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

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

963 Section 19. Subsection (1) of section 794.056, Florida

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964 Statutes, is amended to read:

965 794.056 Rape Crisis Program Trust Fund.—

966 (1) The Rape Crisis Program Trust Fund is created within
967 the Department of Health for the purpose of providing funds for
968 rape crisis centers in this state. Trust fund moneys shall be
969 used exclusively for the purpose of providing services for
970 victims of sexual assault. Funds credited to the trust fund
971 consist of those funds collected as an additional court
972 assessment in each case in which a defendant pleads guilty or
973 nolo contendere to, or is found guilty of, regardless of
974 adjudication, an offense provided in s. 775.21(6) and (10)(a),
975 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
976 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
977 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
978 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
979 ~~s. 796.03; s. 796.035;~~ s. 796.04; s. 796.05; s. 796.06; s.
980 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
981 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
982 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
983 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
984 (14)(c); or s. 985.701(1). Funds credited to the trust fund also
985 shall include revenues provided by law, moneys appropriated by
986 the Legislature, and grants from public or private entities.

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

989 856.022 Loitering or prowling by certain offenders in close
990 proximity to children; penalty.—

991 (1) Except as provided in subsection (2), this section
992 applies to a person convicted of committing, or attempting,

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993 soliciting, or conspiring to commit, any of the criminal
994 offenses proscribed in the following statutes in this state or
995 similar offenses in another jurisdiction against a victim who
996 was under 18 years of age at the time of the offense: s. 787.01,
997 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
998 the offender was not the victim's parent or guardian; s.
999 794.011, excluding s. 794.011(10); s. 794.05; ~~s. 796.03; s.~~
1000 ~~796.035~~; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
1001 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
1002 847.0145; s. 985.701(1); or any similar offense committed in
1003 this state which has been redesignated from a former statute
1004 number to one of those listed in this subsection, if the person
1005 has not received a pardon for any felony or similar law of
1006 another jurisdiction necessary for the operation of this
1007 subsection and a conviction of a felony or similar law of
1008 another jurisdiction necessary for the operation of this
1009 subsection has not been set aside in any postconviction
1010 proceeding.

1011 Section 21. Paragraph (a) of subsection (1) of section
1012 895.02, Florida Statutes, is amended to read:

1013 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

1014 (1) "Racketeering activity" means to commit, to attempt to
1015 commit, to conspire to commit, or to solicit, coerce, or
1016 intimidate another person to commit:

1017 (a) Any crime that is chargeable by petition, indictment,
1018 or information under the following provisions of the Florida
1019 Statutes:

1020 1. Section 210.18, relating to evasion of payment of
1021 cigarette taxes.

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- 1022 2. Section 316.1935, relating to fleeing or attempting to
1023 elude a law enforcement officer and aggravated fleeing or
1024 eluding.
- 1025 3. Section 403.727(3)(b), relating to environmental
1026 control.
- 1027 4. Section 409.920 or s. 409.9201, relating to Medicaid
1028 fraud.
- 1029 5. Section 414.39, relating to public assistance fraud.
- 1030 6. Section 440.105 or s. 440.106, relating to workers'
1031 compensation.
- 1032 7. Section 443.071(4), relating to creation of a fictitious
1033 employer scheme to commit reemployment assistance fraud.
- 1034 8. Section 465.0161, relating to distribution of medicinal
1035 drugs without a permit as an Internet pharmacy.
- 1036 9. Section 499.0051, relating to crimes involving
1037 contraband and adulterated drugs.
- 1038 10. Part IV of chapter 501, relating to telemarketing.
- 1039 11. Chapter 517, relating to sale of securities and
1040 investor protection.
- 1041 12. Section 550.235 or s. 550.3551, relating to dogracing
1042 and horseracing.
- 1043 13. Chapter 550, relating to jai alai frontons.
- 1044 14. Section 551.109, relating to slot machine gaming.
- 1045 15. Chapter 552, relating to the manufacture, distribution,
1046 and use of explosives.
- 1047 16. Chapter 560, relating to money transmitters, if the
1048 violation is punishable as a felony.
- 1049 17. Chapter 562, relating to beverage law enforcement.
- 1050 18. Section 624.401, relating to transacting insurance

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1051 without a certificate of authority, s. 624.437(4)(c)1., relating
1052 to operating an unauthorized multiple-employer welfare
1053 arrangement, or s. 626.902(1)(b), relating to representing or
1054 aiding an unauthorized insurer.

1055 19. Section 655.50, relating to reports of currency
1056 transactions, when such violation is punishable as a felony.

1057 20. Chapter 687, relating to interest and usurious
1058 practices.

1059 21. Section 721.08, s. 721.09, or s. 721.13, relating to
1060 real estate timeshare plans.

1061 22. Section 775.13(5)(b), relating to registration of
1062 persons found to have committed any offense for the purpose of
1063 benefiting, promoting, or furthering the interests of a criminal
1064 gang.

1065 23. Section 777.03, relating to commission of crimes by
1066 accessories after the fact.

1067 24. Chapter 782, relating to homicide.

1068 25. Chapter 784, relating to assault and battery.

1069 26. Chapter 787, relating to kidnapping or human
1070 trafficking.

1071 27. Chapter 790, relating to weapons and firearms.

1072 28. Chapter 794, relating to sexual battery, but only if
1073 such crime was committed with the intent to benefit, promote, or
1074 further the interests of a criminal gang, or for the purpose of
1075 increasing a criminal gang member's own standing or position
1076 within a criminal gang.

1077 29. Section ~~796.03, s. 796.035, s.~~ 796.04, s. 796.05, or s.
1078 796.07, relating to prostitution and sex trafficking.

1079 30. Chapter 806, relating to arson and criminal mischief.

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- 1080 31. Chapter 810, relating to burglary and trespass.
- 1081 32. Chapter 812, relating to theft, robbery, and related
1082 crimes.
- 1083 33. Chapter 815, relating to computer-related crimes.
- 1084 34. Chapter 817, relating to fraudulent practices, false
1085 pretenses, fraud generally, and credit card crimes.
- 1086 35. Chapter 825, relating to abuse, neglect, or
1087 exploitation of an elderly person or disabled adult.
- 1088 36. Section 827.071, relating to commercial sexual
1089 exploitation of children.
- 1090 37. Section 828.122, relating to fighting or baiting
1091 animals.
- 1092 38. Chapter 831, relating to forgery and counterfeiting.
- 1093 39. Chapter 832, relating to issuance of worthless checks
1094 and drafts.
- 1095 40. Section 836.05, relating to extortion.
- 1096 41. Chapter 837, relating to perjury.
- 1097 42. Chapter 838, relating to bribery and misuse of public
1098 office.
- 1099 43. Chapter 843, relating to obstruction of justice.
- 1100 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
1101 s. 847.07, relating to obscene literature and profanity.
- 1102 45. Chapter 849, relating to gambling, lottery, gambling or
1103 gaming devices, slot machines, or any of the provisions within
1104 that chapter.
- 1105 46. Chapter 874, relating to criminal gangs.
- 1106 47. Chapter 893, relating to drug abuse prevention and
1107 control.
- 1108 48. Chapter 896, relating to offenses related to financial

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1109 transactions.

1110 49. Sections 914.22 and 914.23, relating to tampering with
1111 or harassing a witness, victim, or informant, and retaliation
1112 against a witness, victim, or informant.

1113 50. Sections 918.12 and 918.13, relating to tampering with
1114 jurors and evidence.

1115 Section 22. Section 938.085, Florida Statutes, is amended
1116 to read:

1117 938.085 Additional cost to fund rape crisis centers.—In
1118 addition to any sanction imposed when a person pleads guilty or
1119 nolo contendere to, or is found guilty of, regardless of
1120 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
1121 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
1122 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
1123 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
1124 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; ~~s. 796.03;~~
1125 ~~s. 796.035;~~ s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d)
1126 and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s.
1127 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s.
1128 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145;
1129 s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s.
1130 985.701(1), the court shall impose a surcharge of \$151. Payment
1131 of the surcharge shall be a condition of probation, community
1132 control, or any other court-ordered supervision. The sum of \$150
1133 of the surcharge shall be deposited into the Rape Crisis Program
1134 Trust Fund established within the Department of Health by
1135 chapter 2003-140, Laws of Florida. The clerk of the court shall
1136 retain \$1 of each surcharge that the clerk of the court collects
1137 as a service charge of the clerk's office.

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1138 Section 23. Subsection (1) of section 938.10, Florida
1139 Statutes, is amended to read:

1140 938.10 Additional court cost imposed in cases of certain
1141 crimes.—

1142 (1) If a person pleads guilty or nolo contendere to, or is
1143 found guilty of, regardless of adjudication, any offense against
1144 a minor in violation of s. 784.085, chapter 787, chapter 794, ~~s.~~
1145 ~~796.03, s. 796.035,~~ s. 800.04, chapter 827, s. 847.012, s.
1146 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145, s.
1147 893.147(3), or s. 985.701, or any offense in violation of s.
1148 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
1149 court shall impose a court cost of \$151 against the offender in
1150 addition to any other cost or penalty required by law.

1151 Section 24. Paragraph (a) of subsection (1) of section
1152 943.0435, Florida Statutes, is amended to read:

1153 943.0435 Sexual offenders required to register with the
1154 department; penalty.—

1155 (1) As used in this section, the term:

1156 (a)1. "Sexual offender" means a person who meets the
1157 criteria in sub-subparagraph a., sub-subparagraph b., sub-
1158 subparagraph c., or sub-subparagraph d., as follows:

1159 a.(I) Has been convicted of committing, or attempting,
1160 soliciting, or conspiring to commit, any of the criminal
1161 offenses proscribed in the following statutes in this state or
1162 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
1163 or s. 787.025(2)(c), where the victim is a minor and the
1164 defendant is not the victim's parent or guardian; s.
1165 787.06(3)(b), (d), (f), or (g), ~~or (h)~~; s. 794.011, excluding s.
1166 794.011(10); s. 794.05; ~~s. 796.03; s. 796.035;~~ s. 800.04; s.

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1167 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
1168 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
1169 or s. 985.701(1); or any similar offense committed in this state
1170 which has been redesignated from a former statute number to one
1171 of those listed in this sub-sub-subparagraph; and

1172 (II) Has been released on or after October 1, 1997, from
1173 the sanction imposed for any conviction of an offense described
1174 in sub-sub-subparagraph (I). For purposes of sub-sub-
1175 subparagraph (I), a sanction imposed in this state or in any
1176 other jurisdiction includes, but is not limited to, a fine,
1177 probation, community control, parole, conditional release,
1178 control release, or incarceration in a state prison, federal
1179 prison, private correctional facility, or local detention
1180 facility;

1181 b. Establishes or maintains a residence in this state and
1182 who has not been designated as a sexual predator by a court of
1183 this state but who has been designated as a sexual predator, as
1184 a sexually violent predator, or by another sexual offender
1185 designation in another state or jurisdiction and was, as a
1186 result of such designation, subjected to registration or
1187 community or public notification, or both, or would be if the
1188 person were a resident of that state or jurisdiction, without
1189 regard to whether the person otherwise meets the criteria for
1190 registration as a sexual offender;

1191 c. Establishes or maintains a residence in this state who
1192 is in the custody or control of, or under the supervision of,
1193 any other state or jurisdiction as a result of a conviction for
1194 committing, or attempting, soliciting, or conspiring to commit,
1195 any of the criminal offenses proscribed in the following

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1196 statutes or similar offense in another jurisdiction: s. 787.01,
1197 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
1198 the defendant is not the victim's parent or guardian; s.
1199 787.06(3)(b), (d), (f), or (g), ~~or (h)~~; s. 794.011, excluding s.
1200 794.011(10); s. 794.05; ~~s. 796.03; s. 796.035~~; s. 800.04; s.
1201 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
1202 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
1203 or s. 985.701(1); or any similar offense committed in this state
1204 which has been redesignated from a former statute number to one
1205 of those listed in this sub-subparagraph; or

1206 d. On or after July 1, 2007, has been adjudicated
1207 delinquent for committing, or attempting, soliciting, or
1208 conspiring to commit, any of the criminal offenses proscribed in
1209 the following statutes in this state or similar offenses in
1210 another jurisdiction when the juvenile was 14 years of age or
1211 older at the time of the offense:

1212 (I) Section 794.011, excluding s. 794.011(10);

1213 (II) Section 800.04(4)(b) where the victim is under 12
1214 years of age or where the court finds sexual activity by the use
1215 of force or coercion;

1216 (III) Section 800.04(5)(c)1. where the court finds
1217 molestation involving unclothed genitals; or

1218 (IV) Section 800.04(5)(d) where the court finds the use of
1219 force or coercion and unclothed genitals.

1220 2. For all qualifying offenses listed in sub-subparagraph
1221 (1)(a)1.d., the court shall make a written finding of the age of
1222 the offender at the time of the offense.

1223

1224 For each violation of a qualifying offense listed in this

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1225 subsection, the court shall make a written finding of the age of
1226 the victim at the time of the offense. For a violation of s.
1227 800.04(4), the court shall additionally make a written finding
1228 indicating that the offense did or did not involve sexual
1229 activity and indicating that the offense did or did not involve
1230 force or coercion. For a violation of s. 800.04(5), the court
1231 shall additionally make a written finding that the offense did
1232 or did not involve unclothed genitals or genital area and that
1233 the offense did or did not involve the use of force or coercion.

1234 Section 25. Section 943.0585, Florida Statutes, is amended
1235 to read:

1236 943.0585 Court-ordered expunction of criminal history
1237 records.—The courts of this state have jurisdiction over their
1238 own procedures, including the maintenance, expunction, and
1239 correction of judicial records containing criminal history
1240 information to the extent such procedures are not inconsistent
1241 with the conditions, responsibilities, and duties established by
1242 this section. Any court of competent jurisdiction may order a
1243 criminal justice agency to expunge the criminal history record
1244 of a minor or an adult who complies with the requirements of
1245 this section. The court shall not order a criminal justice
1246 agency to expunge a criminal history record until the person
1247 seeking to expunge a criminal history record has applied for and
1248 received a certificate of eligibility for expunction pursuant to
1249 subsection (2). A criminal history record that relates to a
1250 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
1251 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
1252 s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,
1253 s. 893.135, s. 916.1075, a violation enumerated in s. 907.041,

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1254 or any violation specified as a predicate offense for
1255 registration as a sexual predator pursuant to s. 775.21, without
1256 regard to whether that offense alone is sufficient to require
1257 such registration, or for registration as a sexual offender
1258 pursuant to s. 943.0435, may not be expunged, without regard to
1259 whether adjudication was withheld, if the defendant was found
1260 guilty of or pled guilty or nolo contendere to the offense, or
1261 if the defendant, as a minor, was found to have committed, or
1262 pled guilty or nolo contendere to committing, the offense as a
1263 delinquent act. The court may only order expunction of a
1264 criminal history record pertaining to one arrest or one incident
1265 of alleged criminal activity, except as provided in this
1266 section. The court may, at its sole discretion, order the
1267 expunction of a criminal history record pertaining to more than
1268 one arrest if the additional arrests directly relate to the
1269 original arrest. If the court intends to order the expunction of
1270 records pertaining to such additional arrests, such intent must
1271 be specified in the order. A criminal justice agency may not
1272 expunge any record pertaining to such additional arrests if the
1273 order to expunge does not articulate the intention of the court
1274 to expunge a record pertaining to more than one arrest. This
1275 section does not prevent the court from ordering the expunction
1276 of only a portion of a criminal history record pertaining to one
1277 arrest or one incident of alleged criminal activity.
1278 Notwithstanding any law to the contrary, a criminal justice
1279 agency may comply with laws, court orders, and official requests
1280 of other jurisdictions relating to expunction, correction, or
1281 confidential handling of criminal history records or information
1282 derived therefrom. This section does not confer any right to the

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1283 expunction of any criminal history record, and any request for
1284 expunction of a criminal history record may be denied at the
1285 sole discretion of the court.

1286 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each
1287 petition to a court to expunge a criminal history record is
1288 complete only when accompanied by:

1289 (a) A valid certificate of eligibility for expunction
1290 issued by the department pursuant to subsection (2).

1291 (b) The petitioner's sworn statement attesting that the
1292 petitioner:

1293 1. Has never, prior to the date on which the petition is
1294 filed, been adjudicated guilty of a criminal offense or
1295 comparable ordinance violation, or been adjudicated delinquent
1296 for committing any felony or a misdemeanor specified in s.
1297 943.051(3)(b).

1298 2. Has not been adjudicated guilty of, or adjudicated
1299 delinquent for committing, any of the acts stemming from the
1300 arrest or alleged criminal activity to which the petition
1301 pertains.

1302 3. Has never secured a prior sealing or expunction of a
1303 criminal history record under this section, s. 943.059, former
1304 s. 893.14, former s. 901.33, or former s. 943.058, unless
1305 expunction is sought of a criminal history record previously
1306 sealed for 10 years pursuant to paragraph (2)(h) and the record
1307 is otherwise eligible for expunction.

1308 4. Is eligible for such an expunction to the best of his or
1309 her knowledge or belief and does not have any other petition to
1310 expunge or any petition to seal pending before any court.

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1312 Any person who knowingly provides false information on such
1313 sworn statement to the court commits a felony of the third
1314 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1315 775.084.

1316 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to
1317 petitioning the court to expunge a criminal history record, a
1318 person seeking to expunge a criminal history record shall apply
1319 to the department for a certificate of eligibility for
1320 expunction. The department shall, by rule adopted pursuant to
1321 chapter 120, establish procedures pertaining to the application
1322 for and issuance of certificates of eligibility for expunction.
1323 A certificate of eligibility for expunction is valid for 12
1324 months after the date stamped on the certificate when issued by
1325 the department. After that time, the petitioner must reapply to
1326 the department for a new certificate of eligibility. Eligibility
1327 for a renewed certification of eligibility must be based on the
1328 status of the applicant and the law in effect at the time of the
1329 renewal application. The department shall issue a certificate of
1330 eligibility for expunction to a person who is the subject of a
1331 criminal history record if that person:

1332 (a) Has obtained, and submitted to the department, a
1333 written, certified statement from the appropriate state attorney
1334 or statewide prosecutor which indicates:

1335 1. That an indictment, information, or other charging
1336 document was not filed or issued in the case.

1337 2. That an indictment, information, or other charging
1338 document, if filed or issued in the case, was dismissed or nolle
1339 prosequi by the state attorney or statewide prosecutor, or was
1340 dismissed by a court of competent jurisdiction, and that none of

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1341 the charges related to the arrest or alleged criminal activity
1342 to which the petition to expunge pertains resulted in a trial,
1343 without regard to whether the outcome of the trial was other
1344 than an adjudication of guilt.

1345 3. That the criminal history record does not relate to a
1346 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
1347 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
1348 s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,
1349 s. 893.135, s. 916.1075, a violation enumerated in s. 907.041,
1350 or any violation specified as a predicate offense for
1351 registration as a sexual predator pursuant to s. 775.21, without
1352 regard to whether that offense alone is sufficient to require
1353 such registration, or for registration as a sexual offender
1354 pursuant to s. 943.0435, where the defendant was found guilty
1355 of, or pled guilty or nolo contendere to any such offense, or
1356 that the defendant, as a minor, was found to have committed, or
1357 pled guilty or nolo contendere to committing, such an offense as
1358 a delinquent act, without regard to whether adjudication was
1359 withheld.

1360 (b) Remits a \$75 processing fee to the department for
1361 placement in the Department of Law Enforcement Operating Trust
1362 Fund, unless such fee is waived by the executive director.

1363 (c) Has submitted to the department a certified copy of the
1364 disposition of the charge to which the petition to expunge
1365 pertains.

1366 (d) Has never, prior to the date on which the application
1367 for a certificate of eligibility is filed, been adjudicated
1368 guilty of a criminal offense or comparable ordinance violation,
1369 or been adjudicated delinquent for committing any felony or a

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1370 misdemeanor specified in s. 943.051(3)(b).

1371 (e) Has not been adjudicated guilty of, or adjudicated
1372 delinquent for committing, any of the acts stemming from the
1373 arrest or alleged criminal activity to which the petition to
1374 expunge pertains.

1375 (f) Has never secured a prior sealing or expunction of a
1376 criminal history record under this section, s. 943.059, former
1377 s. 893.14, former s. 901.33, or former s. 943.058, unless
1378 expunction is sought of a criminal history record previously
1379 sealed for 10 years pursuant to paragraph (h) and the record is
1380 otherwise eligible for expunction.

1381 (g) Is no longer under court supervision applicable to the
1382 disposition of the arrest or alleged criminal activity to which
1383 the petition to expunge pertains.

1384 (h) Has previously obtained a court order sealing the
1385 record under this section, former s. 893.14, former s. 901.33,
1386 or former s. 943.058 for a minimum of 10 years because
1387 adjudication was withheld or because all charges related to the
1388 arrest or alleged criminal activity to which the petition to
1389 expunge pertains were not dismissed prior to trial, without
1390 regard to whether the outcome of the trial was other than an
1391 adjudication of guilt. The requirement for the record to have
1392 previously been sealed for a minimum of 10 years does not apply
1393 when a plea was not entered or all charges related to the arrest
1394 or alleged criminal activity to which the petition to expunge
1395 pertains were dismissed prior to trial.

1396 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

1397 (a) In judicial proceedings under this section, a copy of
1398 the completed petition to expunge shall be served upon the

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1399 appropriate state attorney or the statewide prosecutor and upon
1400 the arresting agency; however, it is not necessary to make any
1401 agency other than the state a party. The appropriate state
1402 attorney or the statewide prosecutor and the arresting agency
1403 may respond to the court regarding the completed petition to
1404 expunge.

1405 (b) If relief is granted by the court, the clerk of the
1406 court shall certify copies of the order to the appropriate state
1407 attorney or the statewide prosecutor and the arresting agency.
1408 The arresting agency is responsible for forwarding the order to
1409 any other agency to which the arresting agency disseminated the
1410 criminal history record information to which the order pertains.
1411 The department shall forward the order to expunge to the Federal
1412 Bureau of Investigation. The clerk of the court shall certify a
1413 copy of the order to any other agency which the records of the
1414 court reflect has received the criminal history record from the
1415 court.

1416 (c) For an order to expunge entered by a court prior to
1417 July 1, 1992, the department shall notify the appropriate state
1418 attorney or statewide prosecutor of an order to expunge which is
1419 contrary to law because the person who is the subject of the
1420 record has previously been convicted of a crime or comparable
1421 ordinance violation or has had a prior criminal history record
1422 sealed or expunged. Upon receipt of such notice, the appropriate
1423 state attorney or statewide prosecutor shall take action, within
1424 60 days, to correct the record and petition the court to void
1425 the order to expunge. The department shall seal the record until
1426 such time as the order is voided by the court.

1427 (d) On or after July 1, 1992, the department or any other

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1428 criminal justice agency is not required to act on an order to
1429 expunge entered by a court when such order does not comply with
1430 the requirements of this section. Upon receipt of such an order,
1431 the department must notify the issuing court, the appropriate
1432 state attorney or statewide prosecutor, the petitioner or the
1433 petitioner's attorney, and the arresting agency of the reason
1434 for noncompliance. The appropriate state attorney or statewide
1435 prosecutor shall take action within 60 days to correct the
1436 record and petition the court to void the order. No cause of
1437 action, including contempt of court, shall arise against any
1438 criminal justice agency for failure to comply with an order to
1439 expunge when the petitioner for such order failed to obtain the
1440 certificate of eligibility as required by this section or such
1441 order does not otherwise comply with the requirements of this
1442 section.

1443 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
1444 criminal history record of a minor or an adult which is ordered
1445 expunged by a court of competent jurisdiction pursuant to this
1446 section must be physically destroyed or obliterated by any
1447 criminal justice agency having custody of such record; except
1448 that any criminal history record in the custody of the
1449 department must be retained in all cases. A criminal history
1450 record ordered expunged that is retained by the department is
1451 confidential and exempt from the provisions of s. 119.07(1) and
1452 s. 24(a), Art. I of the State Constitution and not available to
1453 any person or entity except upon order of a court of competent
1454 jurisdiction. A criminal justice agency may retain a notation
1455 indicating compliance with an order to expunge.

1456 (a) The person who is the subject of a criminal history

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1457 record that is expunged under this section or under other
1458 provisions of law, including former s. 893.14, former s. 901.33,
1459 and former s. 943.058, may lawfully deny or fail to acknowledge
1460 the arrests covered by the expunged record, except when the
1461 subject of the record:

- 1462 1. Is a candidate for employment with a criminal justice
1463 agency;
- 1464 2. Is a defendant in a criminal prosecution;
- 1465 3. Concurrently or subsequently petitions for relief under
1466 this section, s. 943.0583, or s. 943.059;
- 1467 4. Is a candidate for admission to The Florida Bar;
- 1468 5. Is seeking to be employed or licensed by or to contract
1469 with the Department of Children and Families, the Division of
1470 Vocational Rehabilitation within the Department of Education,
1471 the Agency for Health Care Administration, the Agency for
1472 Persons with Disabilities, the Department of Health, the
1473 Department of Elderly Affairs, or the Department of Juvenile
1474 Justice or to be employed or used by such contractor or licensee
1475 in a sensitive position having direct contact with children, the
1476 disabled, or the elderly; or
- 1477 6. Is seeking to be employed or licensed by the Department
1478 of Education, any district school board, any university
1479 laboratory school, any charter school, any private or parochial
1480 school, or any local governmental entity that licenses child
1481 care facilities.

1482 (b) Subject to the exceptions in paragraph (a), a person
1483 who has been granted an expunction under this section, former s.
1484 893.14, former s. 901.33, or former s. 943.058 may not be held
1485 under any provision of law of this state to commit perjury or to

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1486 be otherwise liable for giving a false statement by reason of
1487 such person's failure to recite or acknowledge an expunged
1488 criminal history record.

1489 (c) Information relating to the existence of an expunged
1490 criminal history record which is provided in accordance with
1491 paragraph (a) is confidential and exempt from the provisions of
1492 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
1493 except that the department shall disclose the existence of a
1494 criminal history record ordered expunged to the entities set
1495 forth in subparagraphs (a)1., 4., 5., 6., and 7. for their
1496 respective licensing, access authorization, and employment
1497 purposes, and to criminal justice agencies for their respective
1498 criminal justice purposes. It is unlawful for any employee of an
1499 entity set forth in subparagraph (a)1., subparagraph (a)4.,
1500 subparagraph (a)5., subparagraph (a)6., or subparagraph (a)7. to
1501 disclose information relating to the existence of an expunged
1502 criminal history record of a person seeking employment, access
1503 authorization, or licensure with such entity or contractor,
1504 except to the person to whom the criminal history record relates
1505 or to persons having direct responsibility for employment,
1506 access authorization, or licensure decisions. Any person who
1507 violates this paragraph commits a misdemeanor of the first
1508 degree, punishable as provided in s. 775.082 or s. 775.083.

1509 (5) STATUTORY REFERENCES.—Any reference to any other
1510 chapter, section, or subdivision of the Florida Statutes in this
1511 section constitutes a general reference under the doctrine of
1512 incorporation by reference.

1513 Section 26. Section 943.059, Florida Statutes, is amended
1514 to read:

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1515 943.059 Court-ordered sealing of criminal history records.-
1516 The courts of this state shall continue to have jurisdiction
1517 over their own procedures, including the maintenance, sealing,
1518 and correction of judicial records containing criminal history
1519 information to the extent such procedures are not inconsistent
1520 with the conditions, responsibilities, and duties established by
1521 this section. Any court of competent jurisdiction may order a
1522 criminal justice agency to seal the criminal history record of a
1523 minor or an adult who complies with the requirements of this
1524 section. The court shall not order a criminal justice agency to
1525 seal a criminal history record until the person seeking to seal
1526 a criminal history record has applied for and received a
1527 certificate of eligibility for sealing pursuant to subsection
1528 (2). A criminal history record that relates to a violation of s.
1529 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
1530 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071,
1531 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135,
1532 s. 916.1075, a violation enumerated in s. 907.041, or any
1533 violation specified as a predicate offense for registration as a
1534 sexual predator pursuant to s. 775.21, without regard to whether
1535 that offense alone is sufficient to require such registration,
1536 or for registration as a sexual offender pursuant to s.
1537 943.0435, may not be sealed, without regard to whether
1538 adjudication was withheld, if the defendant was found guilty of
1539 or pled guilty or nolo contendere to the offense, or if the
1540 defendant, as a minor, was found to have committed or pled
1541 guilty or nolo contendere to committing the offense as a
1542 delinquent act. The court may only order sealing of a criminal
1543 history record pertaining to one arrest or one incident of

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1544 alleged criminal activity, except as provided in this section.
1545 The court may, at its sole discretion, order the sealing of a
1546 criminal history record pertaining to more than one arrest if
1547 the additional arrests directly relate to the original arrest.
1548 If the court intends to order the sealing of records pertaining
1549 to such additional arrests, such intent must be specified in the
1550 order. A criminal justice agency may not seal any record
1551 pertaining to such additional arrests if the order to seal does
1552 not articulate the intention of the court to seal records
1553 pertaining to more than one arrest. This section does not
1554 prevent the court from ordering the sealing of only a portion of
1555 a criminal history record pertaining to one arrest or one
1556 incident of alleged criminal activity. Notwithstanding any law
1557 to the contrary, a criminal justice agency may comply with laws,
1558 court orders, and official requests of other jurisdictions
1559 relating to sealing, correction, or confidential handling of
1560 criminal history records or information derived therefrom. This
1561 section does not confer any right to the sealing of any criminal
1562 history record, and any request for sealing a criminal history
1563 record may be denied at the sole discretion of the court.

1564 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
1565 petition to a court to seal a criminal history record is
1566 complete only when accompanied by:

1567 (a) A valid certificate of eligibility for sealing issued
1568 by the department pursuant to subsection (2).

1569 (b) The petitioner's sworn statement attesting that the
1570 petitioner:

1571 1. Has never, prior to the date on which the petition is
1572 filed, been adjudicated guilty of a criminal offense or

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1573 comparable ordinance violation, or been adjudicated delinquent
1574 for committing any felony or a misdemeanor specified in s.
1575 943.051(3)(b).

1576 2. Has not been adjudicated guilty of or adjudicated
1577 delinquent for committing any of the acts stemming from the
1578 arrest or alleged criminal activity to which the petition to
1579 seal pertains.

1580 3. Has never secured a prior sealing or expunction of a
1581 criminal history record under this section, s. 943.0585, former
1582 s. 893.14, former s. 901.33, or former s. 943.058.

1583 4. Is eligible for such a sealing to the best of his or her
1584 knowledge or belief and does not have any other petition to seal
1585 or any petition to expunge pending before any court.

1586
1587 Any person who knowingly provides false information on such
1588 sworn statement to the court commits a felony of the third
1589 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1590 775.084.

1591 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to
1592 petitioning the court to seal a criminal history record, a
1593 person seeking to seal a criminal history record shall apply to
1594 the department for a certificate of eligibility for sealing. The
1595 department shall, by rule adopted pursuant to chapter 120,
1596 establish procedures pertaining to the application for and
1597 issuance of certificates of eligibility for sealing. A
1598 certificate of eligibility for sealing is valid for 12 months
1599 after the date stamped on the certificate when issued by the
1600 department. After that time, the petitioner must reapply to the
1601 department for a new certificate of eligibility. Eligibility for

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1602 a renewed certification of eligibility must be based on the
1603 status of the applicant and the law in effect at the time of the
1604 renewal application. The department shall issue a certificate of
1605 eligibility for sealing to a person who is the subject of a
1606 criminal history record provided that such person:

1607 (a) Has submitted to the department a certified copy of the
1608 disposition of the charge to which the petition to seal
1609 pertains.

1610 (b) Remits a \$75 processing fee to the department for
1611 placement in the Department of Law Enforcement Operating Trust
1612 Fund, unless such fee is waived by the executive director.

1613 (c) Has never, prior to the date on which the application
1614 for a certificate of eligibility is filed, been adjudicated
1615 guilty of a criminal offense or comparable ordinance violation,
1616 or been adjudicated delinquent for committing any felony or a
1617 misdemeanor specified in s. 943.051(3)(b).

1618 (d) Has not been adjudicated guilty of or adjudicated
1619 delinquent for committing any of the acts stemming from the
1620 arrest or alleged criminal activity to which the petition to
1621 seal pertains.

1622 (e) Has never secured a prior sealing or expunction of a
1623 criminal history record under this section, s. 943.0585, former
1624 s. 893.14, former s. 901.33, or former s. 943.058.

1625 (f) Is no longer under court supervision applicable to the
1626 disposition of the arrest or alleged criminal activity to which
1627 the petition to seal pertains.

1628 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

1629 (a) In judicial proceedings under this section, a copy of
1630 the completed petition to seal shall be served upon the

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1631 appropriate state attorney or the statewide prosecutor and upon
1632 the arresting agency; however, it is not necessary to make any
1633 agency other than the state a party. The appropriate state
1634 attorney or the statewide prosecutor and the arresting agency
1635 may respond to the court regarding the completed petition to
1636 seal.

1637 (b) If relief is granted by the court, the clerk of the
1638 court shall certify copies of the order to the appropriate state
1639 attorney or the statewide prosecutor and to the arresting
1640 agency. The arresting agency is responsible for forwarding the
1641 order to any other agency to which the arresting agency
1642 disseminated the criminal history record information to which
1643 the order pertains. The department shall forward the order to
1644 seal to the Federal Bureau of Investigation. The clerk of the
1645 court shall certify a copy of the order to any other agency
1646 which the records of the court reflect has received the criminal
1647 history record from the court.

1648 (c) For an order to seal entered by a court prior to July
1649 1, 1992, the department shall notify the appropriate state
1650 attorney or statewide prosecutor of any order to seal which is
1651 contrary to law because the person who is the subject of the
1652 record has previously been convicted of a crime or comparable
1653 ordinance violation or has had a prior criminal history record
1654 sealed or expunged. Upon receipt of such notice, the appropriate
1655 state attorney or statewide prosecutor shall take action, within
1656 60 days, to correct the record and petition the court to void
1657 the order to seal. The department shall seal the record until
1658 such time as the order is voided by the court.

1659 (d) On or after July 1, 1992, the department or any other

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1660 criminal justice agency is not required to act on an order to
1661 seal entered by a court when such order does not comply with the
1662 requirements of this section. Upon receipt of such an order, the
1663 department must notify the issuing court, the appropriate state
1664 attorney or statewide prosecutor, the petitioner or the
1665 petitioner's attorney, and the arresting agency of the reason
1666 for noncompliance. The appropriate state attorney or statewide
1667 prosecutor shall take action within 60 days to correct the
1668 record and petition the court to void the order. No cause of
1669 action, including contempt of court, shall arise against any
1670 criminal justice agency for failure to comply with an order to
1671 seal when the petitioner for such order failed to obtain the
1672 certificate of eligibility as required by this section or when
1673 such order does not comply with the requirements of this
1674 section.

1675 (e) An order sealing a criminal history record pursuant to
1676 this section does not require that such record be surrendered to
1677 the court, and such record shall continue to be maintained by
1678 the department and other criminal justice agencies.

1679 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
1680 history record of a minor or an adult which is ordered sealed by
1681 a court of competent jurisdiction pursuant to this section is
1682 confidential and exempt from the provisions of s. 119.07(1) and
1683 s. 24(a), Art. I of the State Constitution and is available only
1684 to the person who is the subject of the record, to the subject's
1685 attorney, to criminal justice agencies for their respective
1686 criminal justice purposes, which include conducting a criminal
1687 history background check for approval of firearms purchases or
1688 transfers as authorized by state or federal law, to judges in

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1689 the state courts system for the purpose of assisting them in
1690 their case-related decisionmaking responsibilities, as set forth
1691 in s. 943.053(5), or to those entities set forth in
1692 subparagraphs (a)1., 4., 5., 6., and 8. for their respective
1693 licensing, access authorization, and employment purposes.

1694 (a) The subject of a criminal history record sealed under
1695 this section or under other provisions of law, including former
1696 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
1697 deny or fail to acknowledge the arrests covered by the sealed
1698 record, except when the subject of the record:

- 1699 1. Is a candidate for employment with a criminal justice
1700 agency;
- 1701 2. Is a defendant in a criminal prosecution;
- 1702 3. Concurrently or subsequently petitions for relief under
1703 this section, s. 943.0583, or s. 943.0585;
- 1704 4. Is a candidate for admission to The Florida Bar;
- 1705 5. Is seeking to be employed or licensed by or to contract
1706 with the Department of Children and Families, the Division of
1707 Vocational Rehabilitation within the Department of Education,
1708 the Agency for Health Care Administration, the Agency for
1709 Persons with Disabilities, the Department of Health, the
1710 Department of Elderly Affairs, or the Department of Juvenile
1711 Justice or to be employed or used by such contractor or licensee
1712 in a sensitive position having direct contact with children, the
1713 disabled, or the elderly;
- 1714 6. Is seeking to be employed or licensed by the Department
1715 of Education, any district school board, any university
1716 laboratory school, any charter school, any private or parochial
1717 school, or any local governmental entity that licenses child

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1718 care facilities; or

1719 7. Is attempting to purchase a firearm from a licensed
1720 importer, licensed manufacturer, or licensed dealer and is
1721 subject to a criminal history check under state or federal law.

1722 (b) Subject to the exceptions in paragraph (a), a person
1723 who has been granted a sealing under this section, former s.
1724 893.14, former s. 901.33, or former s. 943.058 may not be held
1725 under any provision of law of this state to commit perjury or to
1726 be otherwise liable for giving a false statement by reason of
1727 such person's failure to recite or acknowledge a sealed criminal
1728 history record.

1729 (c) Information relating to the existence of a sealed
1730 criminal record provided in accordance with the provisions of
1731 paragraph (a) is confidential and exempt from the provisions of
1732 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
1733 except that the department shall disclose the sealed criminal
1734 history record to the entities set forth in subparagraphs (a)1.,
1735 4., 5., 6., and 8. for their respective licensing, access
1736 authorization, and employment purposes. It is unlawful for any
1737 employee of an entity set forth in subparagraph (a)1.,
1738 subparagraph (a)4., subparagraph (a)5., subparagraph (a)6., or
1739 subparagraph (a)8. to disclose information relating to the
1740 existence of a sealed criminal history record of a person
1741 seeking employment, access authorization, or licensure with such
1742 entity or contractor, except to the person to whom the criminal
1743 history record relates or to persons having direct
1744 responsibility for employment, access authorization, or
1745 licensure decisions. Any person who violates the provisions of
1746 this paragraph commits a misdemeanor of the first degree,

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1747 punishable as provided in s. 775.082 or s. 775.083.

1748 (5) STATUTORY REFERENCES.—Any reference to any other
1749 chapter, section, or subdivision of the Florida Statutes in this
1750 section constitutes a general reference under the doctrine of
1751 incorporation by reference.

1752 Section 27. Paragraph (b) of subsection (1) of section
1753 944.606, Florida Statutes, is amended to read:

1754 944.606 Sexual offenders; notification upon release.—

1755 (1) As used in this section:

1756 (b) "Sexual offender" means a person who has been convicted
1757 of committing, or attempting, soliciting, or conspiring to
1758 commit, any of the criminal offenses proscribed in the following
1759 statutes in this state or similar offenses in another
1760 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where
1761 the victim is a minor and the defendant is not the victim's
1762 parent or guardian; s. 787.06(3)(b), (d), (f), or (g), ~~or (h)~~;
1763 s. 794.011, excluding s. 794.011(10); s. 794.05; ~~s. 796.03; s.~~
1764 ~~796.035~~; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s.
1765 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
1766 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense
1767 committed in this state which has been redesignated from a
1768 former statute number to one of those listed in this subsection,
1769 when the department has received verified information regarding
1770 such conviction; an offender's computerized criminal history
1771 record is not, in and of itself, verified information.

1772 Section 28. Paragraph (a) of subsection (1) of section
1773 944.607, Florida Statutes, is amended to read:

1774 944.607 Notification to Department of Law Enforcement of
1775 information on sexual offenders.—

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1776 (1) As used in this section, the term:

1777 (a) "Sexual offender" means a person who is in the custody
1778 or control of, or under the supervision of, the department or is
1779 in the custody of a private correctional facility:

1780 1. On or after October 1, 1997, as a result of a conviction
1781 for committing, or attempting, soliciting, or conspiring to
1782 commit, any of the criminal offenses proscribed in the following
1783 statutes in this state or similar offenses in another
1784 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where
1785 the victim is a minor and the defendant is not the victim's
1786 parent or guardian; s. 787.06(3)(b), (d), (f), or (g), ~~or (h)~~;
1787 s. 794.011, excluding s. 794.011(10); s. 794.05; ~~s. 796.03; s.~~
1788 ~~796.035~~; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s.
1789 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
1790 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense
1791 committed in this state which has been redesignated from a
1792 former statute number to one of those listed in this paragraph;
1793 or

1794 2. Who establishes or maintains a residence in this state
1795 and who has not been designated as a sexual predator by a court
1796 of this state but who has been designated as a sexual predator,
1797 as a sexually violent predator, or by another sexual offender
1798 designation in another state or jurisdiction and was, as a
1799 result of such designation, subjected to registration or
1800 community or public notification, or both, or would be if the
1801 person were a resident of that state or jurisdiction, without
1802 regard as to whether the person otherwise meets the criteria for
1803 registration as a sexual offender.

1804 Section 29. Subsection (2) of section 948.013, Florida

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1805 Statutes, is amended to read:

1806 948.013 Administrative probation.—

1807 (2) Effective for an offense committed on or after July 1,
1808 1998, a person is ineligible for placement on administrative
1809 probation if the person is sentenced to or is serving a term of
1810 probation or community control, regardless of the conviction or
1811 adjudication, for committing, or attempting, conspiring, or
1812 soliciting to commit, any of the felony offenses described in s.
1813 787.01 or s. 787.02, where the victim is a minor and the
1814 defendant is not the victim's parent; s. 787.025; chapter 794;
1815 ~~s. 796.03~~; s. 800.04; s. 825.1025(2) (b); s. 827.071; s.
1816 847.0133; s. 847.0135; or s. 847.0145.

1817 Section 30. Subsection (1) of section 948.32, Florida
1818 Statutes, is amended to read:

1819 948.32 Requirements of law enforcement agency upon arrest
1820 of persons for certain sex offenses.—

1821 (1) When any state or local law enforcement agency
1822 investigates or arrests a person for committing, or attempting,
1823 soliciting, or conspiring to commit, a violation of s.
1824 787.025(2) (c), chapter 794, ~~s. 796.03~~, s. 800.04, s. 827.071, s.
1825 847.0133, s. 847.0135, or s. 847.0145, the law enforcement
1826 agency shall contact the Department of Corrections to verify
1827 whether the person under investigation or under arrest is on
1828 probation, community control, parole, conditional release, or
1829 control release.

1830 Section 31. This act shall take effect October 1, 2014.