

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
 ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
 ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
 FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
 WITHDRAWN \_\_\_\_\_ (Y/N)  
 OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee  
 3 Representative Porter offered the following:

**Amendment (with title amendment)**

Remove lines 106-376 and insert:

Section 3. Paragraphs (g), (h), and (i) of subsection (3)  
 of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity  
 ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death,

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15			failure to stop; leaving scene.
16	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
17	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.
18	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
19	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
20	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.

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21	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
22	456.065 (2)	3rd	Practicing a health care profession without a license.
23	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
24	458.327 (1)	3rd	Practicing medicine without a license.
25	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
26	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
27	461.012 (1)	3rd	Practicing podiatric medicine without a license.
	462.17	3rd	Practicing naturopathy without a license.

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33  
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35  
36

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

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37	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
38	484.053	3rd	Dispensing hearing aids without a license.
39	494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
40	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.
41	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but

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42			less than \$20,000 by financial institution.
43	775.21(10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
44	775.21(10) (b)	3rd	Sexual predator working where children regularly congregate.
45	775.21(10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
46	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
46	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another



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54	784.048 (7)	3rd	Aggravated stalking; violation of court order.
55	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
56	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
57	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
58	784.081 (1)	1st	Aggravated battery on specified official or employee.
59	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
60	784.083 (1)	1st	Aggravated battery on code inspector.
	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.

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61	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
62	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
63	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
64	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
65	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
66	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

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67	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
68	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
69	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.
70	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
71	796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
72	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;

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73	800.04 (5) (c) 2.	2nd	victim younger than 12 years of age; offender younger than 18 years of age.
74	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
75	806.01 (2)	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
76	810.02 (3) (a)	2nd	Maliciously damage structure by fire or explosive.
77	810.02 (3) (b)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
			Burglary of unoccupied dwelling; unarmed; no assault or battery.

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78	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
79	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
80	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.
81	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
82	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
83	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from

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			authorized emergency vehicle.
84			
	812.0145(2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
85			
	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
86			
	812.131(2) (a)	2nd	Robbery by sudden snatching.
87			
	812.133(2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
88			
	817.034(4) (a)1.	1st	Communications fraud, value greater than \$50,000.
89			
	817.234(8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
90			
	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
91			

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92	817.234(11) (c)	1st	Insurance fraud; property value \$100,000 or more.
	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
93			
94	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
95	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
96	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability,

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or disfigurement.

97

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

98

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

99

838.015 2nd Bribery.

100

838.016 2nd Unlawful compensation or reward  
for official behavior.

101

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

102

838.22 2nd Bid tampering.

103

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

104

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

105

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106	843.0855(4)	3rd	Intimidation of a public officer or employee.
107	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
108	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
109	872.06	2nd	Abuse of a dead human body.
110	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
111	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d),

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(2) (a), (2) (b), or (2) (c) 4.)  
 within 1,000 feet of a child  
 care facility, school, or  
 state, county, or municipal  
 park or publicly owned  
 recreational facility or  
 community center.

112

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.

113

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).

114

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

115

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116	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
117	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
118	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
119	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
120	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
121	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
	<u>893.135 (1) (d) 1.a.</u> <del>893.135 (1) (d) 1.</del>	1st	Trafficking in phencyclidine, more than 28 grams, less than

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200 grams.

122

893.135(1)(e)1.a.  
~~893.135(1)(e)1.~~

1st

Trafficking in methaqualone,  
more than 200 grams, less than  
5 kilograms.

123

893.135(1)(f)1.a.  
~~893.135(1)(f)1.~~

1st

Trafficking in amphetamine,  
more than 14 grams, less than  
28 grams.

124

893.135  
(1)(g)1.a.

1st

Trafficking in flunitrazepam, 4  
grams or more, less than 14  
grams.

125

893.135  
(1)(h)1.a.

1st

Trafficking in gamma-  
hydroxybutyric acid (GHB), 1  
kilogram or more, less than 5  
kilograms.

126

893.135  
(1)(i)1.a.

1st

Trafficking in gamma-  
butyrolactone (GBL), 1 kilogram  
or more, less than 5 kilograms.

127

893.135  
(1)(j)1.a.

1st

Trafficking in 1,4-Butanediol,  
1 kilogram or more, less than 5  
kilograms.

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128	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
129	<u>893.135</u> <u>(1) (l) 1.a.</u>	<u>1st</u>	<u>Trafficking in LSD, 1 gram or</u> <u>more, less than 5 grams.</u>
130	<u>893.135</u> <u>(1) (m) 1.a.</u>	<u>1st</u>	<u>Trafficking in synthetic drugs,</u> <u>250 grams or more, less than</u> <u>500 grams.</u>
131			
132	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
133	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
134	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but

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less than \$20,000.

135

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

136

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

137

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

138

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

139

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

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140

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

141

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

142

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

143

944.607(13) 3rd Sexual offender; failure to  
report and reregister; failure  
to respond to address  
verification; providing false  
registration information.

144

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

145

985.4815(12) 3rd Failure to report or providing  
false information about a

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sexual offender; harbor or  
conceal a sexual offender.

146

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

147

148            (h)    LEVEL 8

149

Florida	Felony	Description
Statute	Degree	

150

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

151

316.1935(4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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152

327.35(3) (c) 3.	2nd	Vessel BUI manslaughter.
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153

499.0051(7)	1st	Knowing trafficking in contraband prescription drugs.
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154

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155	499.0051(8)	1st	Knowing forgery of prescription labels or prescription drug labels.
156	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.
157	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.
158	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
159	777.03(2)(a)	1st	Accessory after the fact, capital felony.
	782.04(4)	2nd	Killing of human without design

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when engaged in act or attempt  
of any felony other than arson,  
sexual battery, robbery,  
burglary, kidnapping,  
aggravated fleeing or eluding  
with serious bodily injury or  
death, aircraft piracy, or  
unlawfully discharging bomb.

160

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

161

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

162

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

163

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

164

787.06(3)(b) 1st Human trafficking using

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coercion for commercial sexual  
activity of an adult.

165

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

166

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.

167

787.06(3)(f)2.           1st    Human trafficking using  
coercion for commercial sexual  
activity by the transfer or  
transport of any adult from  
outside Florida to within the  
state.

168

790.161(3)                1st    Discharging a destructive  
device which results in bodily  
harm or property damage.

169

794.011(5)(a)            1st    Sexual battery; victim 12 years  
of age or older but younger

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than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.

170

794.011(5)(b)            2nd    Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.

171

794.011(5)(c)            2nd    Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.

172

794.011(5)(d)            1st    Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.

173

794.08(3)                2nd    Female genital mutilation, removal of a victim younger

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than 18 years of age from this  
state.

174

800.04(4)(b) 2nd Lewd or lascivious battery.

175

800.04(4)(c) 1st Lewd or lascivious battery;  
offender 18 years of age or  
older; prior conviction for  
specified sex offense.

176

806.01(1) 1st Maliciously damage dwelling or  
structure by fire or explosive,  
believing person in structure.

177

810.02(2)(a) 1st,PBL Burglary with assault or  
battery.

178

810.02(2)(b) 1st,PBL Burglary; armed with explosives  
or dangerous weapon.

179

810.02(2)(c) 1st Burglary of a dwelling or  
structure causing structural  
damage or \$1,000 or more  
property damage.

180

812.014(2)(a)2. 1st Property stolen; cargo valued

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at \$50,000 or more, grand theft  
in 1st degree.

181

812.13(2)(b) 1st Robbery with a weapon.

182

812.135(2)(c) 1st Home-invasion robbery, no  
firearm, deadly weapon, or  
other weapon.

183

817.535(2)(b) 2nd Filing false lien or other  
unauthorized document; second  
or subsequent offense.

184

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

185

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

186

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



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capital felony.

193

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

194

860.16 1st Aircraft piracy.

195

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).

196

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

197

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

198

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

199

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200	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
201	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
202	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, 50 grams or more, less than 200 grams.
203	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
204	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
205	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

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200 grams.

206

893.135 1st Trafficking in flunitrazepam,  
 (1) (g) 1.b. 14 grams or more, less than 28  
 grams.

207

893.135 1st Trafficking in gamma-  
 (1) (h) 1.b. hydroxybutyric acid (GHB), 5  
 kilograms or more, less than 10  
 kilograms.

208

893.135 1st Trafficking in gamma-  
(1) (i) 1.b. butyrolactone (GBL), 5  
kilograms or more, less than 10  
kilograms.

209

893.135 1st Trafficking in 1,4-Butanediol,  
 (1) (j) 1.b. 5 kilograms or more, less than  
 10 kilograms.

210

893.135 1st Trafficking in Phenethylamines,  
 (1) (k) 2.b. 200 grams or more, less than  
 400 grams.

211

893.135 1st Trafficking in LSD, 5 grams or  
(1) (l) 1.b. more, less than 7 grams.

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212	<u>893.135</u> <u>(1) (m) 1.b.</u>	<u>1st</u>	<u>Trafficking in synthetic drugs,</u> <u>500 grams or more, less than</u> <u>1,000 grams.</u>
213	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
214	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
215	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
216	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
217	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less

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than \$100,000.

218

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.

219

220            (i)    LEVEL 9

221

Florida	Felony	Description
Statute	Degree	

222

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

223

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

224

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

225

499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
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226

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

227

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

228

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

229

775.0844 1st Aggravated white collar crime.

230

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

231

782.04(3) 1st,PBL Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or

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death, and other specified  
felonies.

232

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

233

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

234

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

235

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

236

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

237

787.02(3)(a) 1st,PBL False imprisonment; child under

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age 13; perpetrator also  
 commits aggravated child abuse,  
 sexual battery, or lewd or  
 lascivious battery,  
 molestation, conduct, or  
 exhibition.

238

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

239

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

240

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.

241

790.161                    1st    Attempted capital destructive  
 device offense.

242

790.166(2)              1st,PBL    Possessing, selling, using, or

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attempting to use a weapon of  
mass destruction.

243

794.011(2) 1st Attempted sexual battery;  
victim less than 12 years of  
age.

244

794.011(2) Life Sexual battery; offender  
younger than 18 years and  
commits sexual battery on a  
person less than 12 years.

245

794.011(4)(a) 1st,PBL Sexual battery, certain  
circumstances; victim 12 years  
of age or older but younger  
than 18 years; offender 18  
years or older.

246

794.011(4)(b) 1st Sexual battery, certain  
circumstances; victim and  
offender 18 years of age or  
older.

247

794.011(4)(c) 1st Sexual battery, certain  
circumstances; victim 12 years  
of age or older; offender

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younger than 18 years.

248

794.011(4)(d) 1st,PBL Sexual battery, certain  
circumstances; victim 12 years  
of age or older; prior  
conviction for specified sex  
offenses.

249

794.011(8)(b) 1st,PBL Sexual battery; engage in  
sexual conduct with minor 12 to  
18 years by person in familial  
or custodial authority.

250

794.08(2) 1st Female genital mutilation;  
victim younger than 18 years of  
age.

251

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

252

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

253

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

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254

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

255

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

256

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

257

817.535 (5) (b) 1st Filing false lien or other  
unauthorized document; second  
or subsequent offense; owner of  
the property incurs financial  
loss as a result of the false  
instrument.

258

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

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guardian, or person exercising  
custodial authority.

259

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

260

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

261

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

262

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

263

893.135 1st Attempted capital trafficking  
offense.

264

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

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265	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
266	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
267	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.
268	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
269	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
270	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
271	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
272			

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273	<u>893.135</u> <u>(1) (g) 1.c.</u>	<u>1st</u>	<u>Trafficking in flunitrazepam,</u> <u>28 grams or more but less than</u> <u>30 grams.</u>
274	893.135 (1) (h) 1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.
275	<u>893.135</u> <u>(1) (i) 1.c.</u>	<u>1st</u>	<u>Trafficking in gamma-</u> <u>butyrolactone (GBL), 10</u> <u>kilograms or more.</u>
276	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
277	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
278	<u>893.135</u> <u>(1) (l) 1.c.</u>	<u>1st</u>	<u>Trafficking in LSD, 7 grams or</u> <u>more.</u>
279	<u>893.135</u> <u>(1) (m) 1.c.</u>	<u>1st</u>	<u>Trafficking in synthetic drugs,</u> <u>1,000 grams or more, less than</u> <u>30 kilograms.</u>
	896.101 (5) (c)	1st	Money laundering, financial

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instruments totaling or  
exceeding \$100,000.

280

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

281

282 Section 4. For the purpose of incorporating the amendment  
283 made by this act to section 893.135, Florida Statutes, in a  
284 reference thereto, paragraph (c) of subsection (3) of section  
285 373.6055, Florida Statutes, is reenacted to read:

286 373.6055 Criminal history checks for certain water  
287 management district employees and others.—

288 (3)

289 (c) In addition to other requirements for employment or  
290 access established by any water management district pursuant to  
291 its water management district's security plan for buildings,  
292 facilities, and structures, each water management district's  
293 security plan shall provide that:

294 1. Any person who has within the past 7 years been  
295 convicted, regardless of whether adjudication was withheld, for  
296 a forcible felony as defined in s. 776.08; an act of terrorism  
297 as defined in s. 775.30; planting of a hoax bomb as provided in  
298 s. 790.165; any violation involving the manufacture, possession,

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299 sale, delivery, display, use, or attempted or threatened use of  
300 a weapon of mass destruction or hoax weapon of mass destruction  
301 as provided in s. 790.166; dealing in stolen property; any  
302 violation of s. 893.135; any violation involving the sale,  
303 manufacturing, delivery, or possession with intent to sell,  
304 manufacture, or deliver a controlled substance; burglary;  
305 robbery; any felony violation of s. 812.014; any violation of s.  
306 790.07; any crime an element of which includes use or possession  
307 of a firearm; any conviction for any similar offenses under the  
308 laws of another jurisdiction; or conviction for conspiracy to  
309 commit any of the listed offenses may not be qualified for  
310 initial employment within or authorized regular access to  
311 buildings, facilities, or structures defined in the water  
312 management district's security plan as restricted access areas.

313 2. Any person who has at any time been convicted of any of  
314 the offenses listed in subparagraph 1. may not be qualified for  
315 initial employment within or authorized regular access to  
316 buildings, facilities, or structures defined in the water  
317 management district's security plan as restricted access areas  
318 unless, after release from incarceration and any supervision  
319 imposed as a sentence, the person remained free from a  
320 subsequent conviction, regardless of whether adjudication was  
321 withheld, for any of the listed offenses for a period of at  
322 least 7 years prior to the employment or access date under  
323 consideration.

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324 Section 5. For the purpose of incorporating the amendment  
325 made by this act to section 893.135, Florida Statutes, in a  
326 reference thereto, Subsection (6) of section 397.451, Florida  
327 Statutes, is reenacted to read:

328 397.451 Background checks of service provider personnel.—

329 (6) DISQUALIFICATION FROM RECEIVING STATE FUNDS.—State  
330 funds may not be disseminated to any service provider owned or  
331 operated by an owner, director, or chief financial officer who  
332 has been convicted of, has entered a plea of guilty or nolo  
333 contendere to, or has had adjudication withheld for, a violation  
334 of s. 893.135 pertaining to trafficking in controlled  
335 substances, or a violation of the law of another state, the  
336 District of Columbia, the United States or any possession or  
337 territory thereof, or any foreign jurisdiction which is  
338 substantially similar in elements and penalties to a trafficking  
339 offense in this state, unless the owner's or director's civil  
340 rights have been restored.

341 Section 6. For the purpose of incorporating the amendment  
342 made by this act to section 893.135, Florida Statutes, in a  
343 reference thereto, subsection (1) of section 414.095, Florida  
344 Statutes, is reenacted to read:

345 414.095 Determining eligibility for temporary cash  
346 assistance.—

347 (1) ELIGIBILITY.—An applicant must meet eligibility  
348 requirements of this section before receiving services or  
349 temporary cash assistance under this chapter, except that an

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350 applicant shall be required to register for work and engage in  
351 work activities in accordance with s. 445.024, as designated by  
352 the regional workforce board, and may receive support services  
353 or child care assistance in conjunction with such requirement.  
354 The department shall make a determination of eligibility based  
355 on the criteria listed in this chapter. The department shall  
356 monitor continued eligibility for temporary cash assistance  
357 through periodic reviews consistent with the food assistance  
358 eligibility process. Benefits shall not be denied to an  
359 individual solely based on a felony drug conviction, unless the  
360 conviction is for trafficking pursuant to s. 893.135. To be  
361 eligible under this section, an individual convicted of a drug  
362 felony must be satisfactorily meeting the requirements of the  
363 temporary cash assistance program, including all substance abuse  
364 treatment requirements. Within the limits specified in this  
365 chapter, the state opts out of the provision of Pub. L. No. 104-  
366 193, s. 115, that eliminates eligibility for temporary cash  
367 assistance and food assistance for any individual convicted of a  
368 controlled substance felony.

369 Section 7. For the purpose of incorporating the amendment  
370 made by this act to section 893.135, Florida Statutes, in a  
371 reference thereto, paragraph (a) of subsection (2) of section  
372 772.12, Florida Statutes, is reenacted to read:

373 772.12 Drug Dealer Liability Act.—

374 (2) A person, including any governmental entity, has a  
375 cause of action for threefold the actual damages sustained and

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376 is entitled to minimum damages in the amount of \$1,000 and  
377 reasonable attorney's fees and court costs in the trial and  
378 appellate courts, if the person proves by the greater weight of  
379 the evidence that:

380 (a) The person was injured because of the defendant's  
381 actions that resulted in the defendant's conviction for:

382 1. A violation of s. 893.13, except for a violation of s.  
383 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or

384 2. A violation of s. 893.135; and

385 Section 8. For the purpose of incorporating the amendment  
386 made by this act to section 893.135, Florida Statutes, in a  
387 reference thereto, paragraph (a) of subsection (2) and paragraph  
388 (a) of subsection (3) of section 775.087, Florida Statutes, are  
389 reenacted to read:

390 775.087 Possession or use of weapon; aggravated battery;  
391 felony reclassification; minimum sentence.—

392 (2)(a)1. Any person who is convicted of a felony or an  
393 attempt to commit a felony, regardless of whether the use of a  
394 weapon is an element of the felony, and the conviction was for:

- 395 a. Murder;  
396 b. Sexual battery;  
397 c. Robbery;  
398 d. Burglary;  
399 e. Arson;  
400 f. Aggravated assault;  
401 g. Aggravated battery;

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- 402 h. Kidnapping;
- 403 i. Escape;
- 404 j. Aircraft piracy;
- 405 k. Aggravated child abuse;
- 406 l. Aggravated abuse of an elderly person or disabled  
407 adult;
- 408 m. Unlawful throwing, placing, or discharging of a  
409 destructive device or bomb;
- 410 n. Carjacking;
- 411 o. Home-invasion robbery;
- 412 p. Aggravated stalking;
- 413 q. Trafficking in cannabis, trafficking in cocaine,  
414 capital importation of cocaine, trafficking in illegal drugs,  
415 capital importation of illegal drugs, trafficking in  
416 phencyclidine, capital importation of phencyclidine, trafficking  
417 in methaqualone, capital importation of methaqualone,  
418 trafficking in amphetamine, capital importation of amphetamine,  
419 trafficking in flunitrazepam, trafficking in gamma-  
420 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,  
421 trafficking in Phenethylamines, or other violation of s.  
422 893.135(1); or
- 423 r. Possession of a firearm by a felon  
424
- 425 and during the commission of the offense, such person actually  
426 possessed a "firearm" or "destructive device" as those terms are  
427 defined in s. 790.001, shall be sentenced to a minimum term of

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428 imprisonment of 10 years, except that a person who is convicted  
429 for aggravated assault, possession of a firearm by a felon, or  
430 burglary of a conveyance shall be sentenced to a minimum term of  
431 imprisonment of 3 years if such person possessed a "firearm" or  
432 "destructive device" during the commission of the offense.  
433 However, if an offender who is convicted of the offense of  
434 possession of a firearm by a felon has a previous conviction of  
435 committing or attempting to commit a felony listed in s.  
436 775.084(1)(b)1. and actually possessed a firearm or destructive  
437 device during the commission of the prior felony, the offender  
438 shall be sentenced to a minimum term of imprisonment of 10  
439 years.

440 2. Any person who is convicted of a felony or an attempt  
441 to commit a felony listed in sub-subparagraphs (a)1.a.-q.,  
442 regardless of whether the use of a weapon is an element of the  
443 felony, and during the course of the commission of the felony  
444 such person discharged a "firearm" or "destructive device" as  
445 defined in s. 790.001 shall be sentenced to a minimum term of  
446 imprisonment of 20 years.

447 3. Any person who is convicted of a felony or an attempt  
448 to commit a felony listed in sub-subparagraphs (a)1.a.-q.,  
449 regardless of whether the use of a weapon is an element of the  
450 felony, and during the course of the commission of the felony  
451 such person discharged a "firearm" or "destructive device" as  
452 defined in s. 790.001 and, as the result of the discharge, death  
453 or great bodily harm was inflicted upon any person, the

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454 convicted person shall be sentenced to a minimum term of  
455 imprisonment of not less than 25 years and not more than a term  
456 of imprisonment of life in prison.

457 (3) (a) 1. Any person who is convicted of a felony or an  
458 attempt to commit a felony, regardless of whether the use of a  
459 firearm is an element of the felony, and the conviction was for:

- 460 a. Murder;
- 461 b. Sexual battery;
- 462 c. Robbery;
- 463 d. Burglary;
- 464 e. Arson;
- 465 f. Aggravated assault;
- 466 g. Aggravated battery;
- 467 h. Kidnapping;
- 468 i. Escape;
- 469 j. Sale, manufacture, delivery, or intent to sell,  
470 manufacture, or deliver any controlled substance;
- 471 k. Aircraft piracy;
- 472 l. Aggravated child abuse;
- 473 m. Aggravated abuse of an elderly person or disabled  
474 adult;
- 475 n. Unlawful throwing, placing, or discharging of a  
476 destructive device or bomb;
- 477 o. Carjacking;
- 478 p. Home-invasion robbery;
- 479 q. Aggravated stalking; or

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480 r. Trafficking in cannabis, trafficking in cocaine,  
481 capital importation of cocaine, trafficking in illegal drugs,  
482 capital importation of illegal drugs, trafficking in  
483 phencyclidine, capital importation of phencyclidine, trafficking  
484 in methaqualone, capital importation of methaqualone,  
485 trafficking in amphetamine, capital importation of amphetamine,  
486 trafficking in flunitrazepam, trafficking in gamma-  
487 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,  
488 trafficking in Phenethylamines, or other violation of s.  
489 893.135(1);

490

491 and during the commission of the offense, such person possessed  
492 a semiautomatic firearm and its high-capacity detachable box  
493 magazine or a machine gun as defined in s. 790.001, shall be  
494 sentenced to a minimum term of imprisonment of 15 years.

495 2. Any person who is convicted of a felony or an attempt  
496 to commit a felony listed in subparagraph (a)1., regardless of  
497 whether the use of a weapon is an element of the felony, and  
498 during the course of the commission of the felony such person  
499 discharged a semiautomatic firearm and its high-capacity box  
500 magazine or a "machine gun" as defined in s. 790.001 shall be  
501 sentenced to a minimum term of imprisonment of 20 years.

502 3. Any person who is convicted of a felony or an attempt  
503 to commit a felony listed in subparagraph (a)1., regardless of  
504 whether the use of a weapon is an element of the felony, and  
505 during the course of the commission of the felony such person

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506 discharged a semiautomatic firearm and its high-capacity box  
507 magazine or a "machine gun" as defined in s. 790.001 and, as the  
508 result of the discharge, death or great bodily harm was  
509 inflicted upon any person, the convicted person shall be  
510 sentenced to a minimum term of imprisonment of not less than 25  
511 years and not more than a term of imprisonment of life in  
512 prison.

513 Section 9. For the purpose of incorporating the amendment  
514 made by this act to section 893.135, Florida Statutes, in a  
515 reference thereto, paragraph (a) of subsection (1), paragraph  
516 (a) of subsection (3), and paragraph (a) of subsection (4) of  
517 section 782.04, Florida Statutes, are reenacted to read:

518 782.04 Murder.—

519 (1)(a) The unlawful killing of a human being:

520 1. When perpetrated from a premeditated design to effect  
521 the death of the person killed or any human being;

522 2. When committed by a person engaged in the perpetration  
523 of, or in the attempt to perpetrate, any:

524 a. Trafficking offense prohibited by s. 893.135(1),

525 b. Arson,

526 c. Sexual battery,

527 d. Robbery,

528 e. Burglary,

529 f. Kidnapping,

530 g. Escape,

531 h. Aggravated child abuse,

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- 532 i. Aggravated abuse of an elderly person or disabled  
533 adult,
- 534 j. Aircraft piracy,
- 535 k. Unlawful throwing, placing, or discharging of a  
536 destructive device or bomb,
- 537 l. Carjacking,
- 538 m. Home-invasion robbery,
- 539 n. Aggravated stalking,
- 540 o. Murder of another human being,
- 541 p. Resisting an officer with violence to his or her  
542 person,
- 543 q. Aggravated fleeing or eluding with serious bodily  
544 injury or death,
- 545 r. Felony that is an act of terrorism or is in furtherance  
546 of an act of terrorism; or
- 547 3. Which resulted from the unlawful distribution of any  
548 substance controlled under s. 893.03(1), cocaine as described in  
549 s. 893.03(2)(a)4., opium or any synthetic or natural salt,  
550 compound, derivative, or preparation of opium, or methadone by a  
551 person 18 years of age or older, when such drug is proven to be  
552 the proximate cause of the death of the user,  
553  
554 is murder in the first degree and constitutes a capital felony,  
555 punishable as provided in s. 775.082.
- 556 (3) When a human being is killed during the perpetration  
557 of, or during the attempt to perpetrate, any:

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558 (a) Trafficking offense prohibited by s. 893.135(1),  
559  
560 by a person other than the person engaged in the perpetration of  
561 or in the attempt to perpetrate such felony, the person  
562 perpetrating or attempting to perpetrate such felony commits  
563 murder in the second degree, which constitutes a felony of the  
564 first degree, punishable by imprisonment for a term of years not  
565 exceeding life or as provided in s. 775.082, s. 775.083, or s.  
566 775.084.

567 (4) The unlawful killing of a human being, when  
568 perpetrated without any design to effect death, by a person  
569 engaged in the perpetration of, or in the attempt to perpetrate,  
570 any felony other than any:

571 (a) Trafficking offense prohibited by s. 893.135(1),  
572  
573 is murder in the third degree and constitutes a felony of the  
574 second degree, punishable as provided in s. 775.082, s. 775.083,  
575 or s. 775.084.

576 Section 10. For the purpose of incorporating the amendment  
577 made by this act to section 893.135, Florida Statutes, in a  
578 reference thereto, paragraph (f) of subsection (3) of section  
579 810.02, Florida Statutes, is reenacted to read:

580 810.02 Burglary.—

581 (3) Burglary is a felony of the second degree, punishable  
582 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the  
583 course of committing the offense, the offender does not make an

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584 assault or battery and is not and does not become armed with a  
585 dangerous weapon or explosive, and the offender enters or  
586 remains in a:

587 (f) Structure or conveyance when the offense intended to  
588 be committed therein is theft of a controlled substance as  
589 defined in s. 893.02. Notwithstanding any other law, separate  
590 judgments and sentences for burglary with the intent to commit  
591 theft of a controlled substance under this paragraph and for any  
592 applicable possession of controlled substance offense under s.  
593 893.13 or trafficking in controlled substance offense under s.  
594 893.135 may be imposed when all such offenses involve the same  
595 amount or amounts of a controlled substance.

596

597 However, if the burglary is committed within a county that is  
598 subject to a state of emergency declared by the Governor under  
599 chapter 252 after the declaration of emergency is made and the  
600 perpetration of the burglary is facilitated by conditions  
601 arising from the emergency, the burglary is a felony of the  
602 first degree, punishable as provided in s. 775.082, s. 775.083,  
603 or s. 775.084. As used in this subsection, the term "conditions  
604 arising from the emergency" means civil unrest, power outages,  
605 curfews, voluntary or mandatory evacuations, or a reduction in  
606 the presence of or response time for first responders or  
607 homeland security personnel. A person arrested for committing a  
608 burglary within a county that is subject to such a state of  
609 emergency may not be released until the person appears before a

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610 committing magistrate at a first appearance hearing. For  
611 purposes of sentencing under chapter 921, a felony offense that  
612 is reclassified under this subsection is ranked one level above  
613 the ranking under s. 921.0022 or s. 921.0023 of the offense  
614 committed.

615 Section 11. For the purpose of incorporating the amendment  
616 made by this act to section 893.135, Florida Statutes, in a  
617 reference thereto, paragraph (c) of subsection (2) of section  
618 812.014, Florida Statutes, is reenacted to read:

619 812.014 Theft.—

620 (2)

621 (c) It is grand theft of the third degree and a felony of  
622 the third degree, punishable as provided in s. 775.082, s.  
623 775.083, or s. 775.084, if the property stolen is:

- 624 1. Valued at \$300 or more, but less than \$5,000.
- 625 2. Valued at \$5,000 or more, but less than \$10,000.
- 626 3. Valued at \$10,000 or more, but less than \$20,000.
- 627 4. A will, codicil, or other testamentary instrument.
- 628 5. A firearm.
- 629 6. A motor vehicle, except as provided in paragraph (a).
- 630 7. Any commercially farmed animal, including any animal of  
631 the equine, bovine, or swine class or other grazing animal; a  
632 bee colony of a registered beekeeper; and aquaculture species  
633 raised at a certified aquaculture facility. If the property  
634 stolen is aquaculture species raised at a certified aquaculture  
635 facility, then a \$10,000 fine shall be imposed.

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- 636 8. Any fire extinguisher.
- 637 9. Any amount of citrus fruit consisting of 2,000 or more  
638 individual pieces of fruit.
- 639 10. Taken from a designated construction site identified  
640 by the posting of a sign as provided for in s. 810.09(2)(d).
- 641 11. Any stop sign.
- 642 12. Anhydrous ammonia.
- 643 13. Any amount of a controlled substance as defined in s.  
644 893.02. Notwithstanding any other law, separate judgments and  
645 sentences for theft of a controlled substance under this  
646 subparagraph and for any applicable possession of controlled  
647 substance offense under s. 893.13 or trafficking in controlled  
648 substance offense under s. 893.135 may be imposed when all such  
649 offenses involve the same amount or amounts of a controlled  
650 substance.
- 651
- 652 However, if the property is stolen within a county that is  
653 subject to a state of emergency declared by the Governor under  
654 chapter 252, the property is stolen after the declaration of  
655 emergency is made, and the perpetration of the theft is  
656 facilitated by conditions arising from the emergency, the  
657 offender commits a felony of the second degree, punishable as  
658 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
659 property is valued at \$5,000 or more, but less than \$10,000, as  
660 provided under subparagraph 2., or if the property is valued at  
661 \$10,000 or more, but less than \$20,000, as provided under

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662 subparagraph 3. As used in this paragraph, the term "conditions  
663 arising from the emergency" means civil unrest, power outages,  
664 curfews, voluntary or mandatory evacuations, or a reduction in  
665 the presence of or the response time for first responders or  
666 homeland security personnel. For purposes of sentencing under  
667 chapter 921, a felony offense that is reclassified under this  
668 paragraph is ranked one level above the ranking under s.  
669 921.0022 or s. 921.0023 of the offense committed.

670 Section 12. For the purpose of incorporating the amendment  
671 made by this act to section 893.135, Florida Statutes, in a  
672 reference thereto, subsections (1) and (2) of section 893.1351,  
673 Florida Statutes, are reenacted to read:

674 893.1351 Ownership, lease, rental, or possession for  
675 trafficking in or manufacturing a controlled substance.—

676 (1) A person may not own, lease, or rent any place,  
677 structure, or part thereof, trailer, or other conveyance with  
678 the knowledge that the place, structure, trailer, or conveyance  
679 will be used for the purpose of trafficking in a controlled  
680 substance, as provided in s. 893.135; for the sale of a  
681 controlled substance, as provided in s. 893.13; or for the  
682 manufacture of a controlled substance intended for sale or  
683 distribution to another. A person who violates this subsection  
684 commits a felony of the third degree, punishable as provided in  
685 s. 775.082, s. 775.083, or s. 775.084.

686 (2) A person may not knowingly be in actual or  
687 constructive possession of any place, structure, or part

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688 thereof, trailer, or other conveyance with the knowledge that  
689 the place, structure, or part thereof, trailer, or conveyance  
690 will be used for the purpose of trafficking in a controlled  
691 substance, as provided in s. 893.135; for the sale of a  
692 controlled substance, as provided in s. 893.13; or for the  
693 manufacture of a controlled substance intended for sale or  
694 distribution to another. A person who violates this subsection  
695 commits a felony of the second degree, punishable as provided in  
696 s. 775.082, s. 775.083, or s. 775.084.

697 Section 13. For the purpose of incorporating the amendment  
698 made by this act to section 893.135, Florida Statutes, in a  
699 reference thereto, section 903.133, Florida Statutes, is  
700 reenacted to read:

701 903.133 Bail on appeal; prohibited for certain felony  
702 convictions.—Notwithstanding the provisions of s. 903.132, no  
703 person adjudged guilty of a felony of the first degree for a  
704 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.  
705 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a  
706 violation of s. 794.011(2) or (3), shall be admitted to bail  
707 pending review either by posttrial motion or appeal.

708 Section 14. For the purpose of incorporating the amendment  
709 made by this act to section 893.135, Florida Statutes, in a  
710 reference thereto, paragraph (c) of subsection (4) of section  
711 907.041, Florida Statutes, is reenacted to read:

712 907.041 Pretrial detention and release.—

713 (4) PRETRIAL DETENTION.—

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714 (c) The court may order pretrial detention if it finds a  
715 substantial probability, based on a defendant's past and present  
716 patterns of behavior, the criteria in s. 903.046, and any other  
717 relevant facts, that any of the following circumstances exist:

718 1. The defendant has previously violated conditions of  
719 release and that no further conditions of release are reasonably  
720 likely to assure the defendant's appearance at subsequent  
721 proceedings;

722 2. The defendant, with the intent to obstruct the judicial  
723 process, has threatened, intimidated, or injured any victim,  
724 potential witness, juror, or judicial officer, or has attempted  
725 or conspired to do so, and that no condition of release will  
726 reasonably prevent the obstruction of the judicial process;

727 3. The defendant is charged with trafficking in controlled  
728 substances as defined by s. 893.135, that there is a substantial  
729 probability that the defendant has committed the offense, and  
730 that no conditions of release will reasonably assure the  
731 defendant's appearance at subsequent criminal proceedings;

732 4. The defendant is charged with DUI manslaughter, as  
733 defined by s. 316.193, and that there is a substantial  
734 probability that the defendant committed the crime and that the  
735 defendant poses a threat of harm to the community; conditions  
736 that would support a finding by the court pursuant to this  
737 subparagraph that the defendant poses a threat of harm to the  
738 community include, but are not limited to, any of the following:

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739 a. The defendant has previously been convicted of any  
740 crime under s. 316.193, or of any crime in any other state or  
741 territory of the United States that is substantially similar to  
742 any crime under s. 316.193;

743 b. The defendant was driving with a suspended driver  
744 license when the charged crime was committed; or

745 c. The defendant has previously been found guilty of, or  
746 has had adjudication of guilt withheld for, driving while the  
747 defendant's driver license was suspended or revoked in violation  
748 of s. 322.34;

749 5. The defendant poses the threat of harm to the  
750 community. The court may so conclude, if it finds that the  
751 defendant is presently charged with a dangerous crime, that  
752 there is a substantial probability that the defendant committed  
753 such crime, that the factual circumstances of the crime indicate  
754 a disregard for the safety of the community, and that there are  
755 no conditions of release reasonably sufficient to protect the  
756 community from the risk of physical harm to persons;

757 6. The defendant was on probation, parole, or other  
758 release pending completion of sentence or on pretrial release  
759 for a dangerous crime at the time the current offense was  
760 committed;

761 7. The defendant has violated one or more conditions of  
762 pretrial release or bond for the offense currently before the  
763 court and the violation, in the discretion of the court,  
764 supports a finding that no conditions of release can reasonably

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765 protect the community from risk of physical harm to persons or  
766 assure the presence of the accused at trial; or

767 8.a. The defendant has ever been sentenced pursuant to s.  
768 775.082(9) or s. 775.084 as a prison releasee reoffender,  
769 habitual violent felony offender, three-time violent felony  
770 offender, or violent career criminal, or the state attorney  
771 files a notice seeking that the defendant be sentenced pursuant  
772 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,  
773 habitual violent felony offender, three-time violent felony  
774 offender, or violent career criminal;

775 b. There is a substantial probability that the defendant  
776 committed the offense; and

777 c. There are no conditions of release that can reasonably  
778 protect the community from risk of physical harm or ensure the  
779 presence of the accused at trial.

780 Section 15. For the purpose of incorporating the amendment  
781 made by this act to section 893.135, Florida Statutes, in a  
782 reference thereto, paragraph (b) of subsection (1) of section  
783 921.0024, Florida Statutes, is reenacted to read:

784 921.0024 Criminal Punishment Code; worksheet computations;  
785 scoresheets.—

786 (1)

787 (b) WORKSHEET KEY:

788 Legal status points are assessed when any form of legal status  
789 existed at the time the offender committed an offense before the

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790 court for sentencing. Four (4) sentence points are assessed for  
791 an offender's legal status.  
792 Community sanction violation points are assessed when a  
793 community sanction violation is before the court for sentencing.  
794 Six (6) sentence points are assessed for each community sanction  
795 violation and each successive community sanction violation,  
796 unless any of the following apply:

797 1. If the community sanction violation includes a new  
798 felony conviction before the sentencing court, twelve (12)  
799 community sanction violation points are assessed for the  
800 violation, and for each successive community sanction violation  
801 involving a new felony conviction.

802 2. If the community sanction violation is committed by a  
803 violent felony offender of special concern as defined in s.  
804 948.06:

805 a. Twelve (12) community sanction violation points are  
806 assessed for the violation and for each successive violation of  
807 felony probation or community control where:

808 I. The violation does not include a new felony conviction;  
809 and

810 II. The community sanction violation is not based solely  
811 on the probationer or offender's failure to pay costs or fines  
812 or make restitution payments.

813 b. Twenty-four (24) community sanction violation points  
814 are assessed for the violation and for each successive violation

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815 of felony probation or community control where the violation  
816 includes a new felony conviction.

817 Multiple counts of community sanction violations before the  
818 sentencing court shall not be a basis for multiplying the  
819 assessment of community sanction violation points.

820 Prior serious felony points: If the offender has a primary  
821 offense or any additional offense ranked in level 8, level 9, or  
822 level 10, and one or more prior serious felonies, a single  
823 assessment of thirty (30) points shall be added. For purposes of  
824 this section, a prior serious felony is an offense in the  
825 offender's prior record that is ranked in level 8, level 9, or  
826 level 10 under s. 921.0022 or s. 921.0023 and for which the  
827 offender is serving a sentence of confinement, supervision, or  
828 other sanction or for which the offender's date of release from  
829 confinement, supervision, or other sanction, whichever is later,  
830 is within 3 years before the date the primary offense or any  
831 additional offense was committed.

832 Prior capital felony points: If the offender has one or more  
833 prior capital felonies in the offender's criminal record, points  
834 shall be added to the subtotal sentence points of the offender  
835 equal to twice the number of points the offender receives for  
836 the primary offense and any additional offense. A prior capital  
837 felony in the offender's criminal record is a previous capital  
838 felony offense for which the offender has entered a plea of nolo  
839 contendere or guilty or has been found guilty; or a felony in  
840 another jurisdiction which is a capital felony in that

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841 jurisdiction, or would be a capital felony if the offense were  
842 committed in this state.

843 Possession of a firearm, semiautomatic firearm, or machine gun:

844 If the offender is convicted of committing or attempting to  
845 commit any felony other than those enumerated in s. 775.087(2)  
846 while having in his or her possession: a firearm as defined in  
847 s. 790.001(6), an additional eighteen (18) sentence points are  
848 assessed; or if the offender is convicted of committing or  
849 attempting to commit any felony other than those enumerated in  
850 s. 775.087(3) while having in his or her possession a  
851 semiautomatic firearm as defined in s. 775.087(3) or a machine  
852 gun as defined in s. 790.001(9), an additional twenty-five (25)  
853 sentence points are assessed.

854 Sentencing multipliers:

855 Drug trafficking: If the primary offense is drug trafficking  
856 under s. 893.135, the subtotal sentence points are multiplied,  
857 at the discretion of the court, for a level 7 or level 8  
858 offense, by 1.5. The state attorney may move the sentencing  
859 court to reduce or suspend the sentence of a person convicted of  
860 a level 7 or level 8 offense, if the offender provides  
861 substantial assistance as described in s. 893.135(4).

862 Law enforcement protection: If the primary offense is a  
863 violation of the Law Enforcement Protection Act under s.  
864 775.0823(2), (3), or (4), the subtotal sentence points are  
865 multiplied by 2.5. If the primary offense is a violation of s.  
866 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points

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867 are multiplied by 2.0. If the primary offense is a violation of  
868 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
869 Protection Act under s. 775.0823(10) or (11), the subtotal  
870 sentence points are multiplied by 1.5.

871 Grand theft of a motor vehicle: If the primary offense is grand  
872 theft of the third degree involving a motor vehicle and in the  
873 offender's prior record, there are three or more grand thefts of  
874 the third degree involving a motor vehicle, the subtotal  
875 sentence points are multiplied by 1.5.

876 Offense related to a criminal gang: If the offender is convicted  
877 of the primary offense and committed that offense for the  
878 purpose of benefiting, promoting, or furthering the interests of  
879 a criminal gang as defined in s. 874.03, the subtotal sentence  
880 points are multiplied by 1.5. If applying the multiplier results  
881 in the lowest permissible sentence exceeding the statutory  
882 maximum sentence for the primary offense under chapter 775, the  
883 court may not apply the multiplier and must sentence the  
884 defendant to the statutory maximum sentence.

885 Domestic violence in the presence of a child: If the offender is  
886 convicted of the primary offense and the primary offense is a  
887 crime of domestic violence, as defined in s. 741.28, which was  
888 committed in the presence of a child under 16 years of age who  
889 is a family or household member as defined in s. 741.28(3) with  
890 the victim or perpetrator, the subtotal sentence points are  
891 multiplied by 1.5.

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892 Adult-on-minor sex offense: If the offender was 18 years of age  
893 or older and the victim was younger than 18 years of age at the  
894 time the offender committed the primary offense, and if the  
895 primary offense was an offense committed on or after October 1,  
896 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the  
897 violation involved a victim who was a minor and, in the course  
898 of committing that violation, the defendant committed a sexual  
899 battery under chapter 794 or a lewd act under s. 800.04 or s.  
900 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.  
901 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
902 800.04; or s. 847.0135(5), the subtotal sentence points are  
903 multiplied by 2.0. If applying the multiplier results in the  
904 lowest permissible sentence exceeding the statutory maximum  
905 sentence for the primary offense under chapter 775, the court  
906 may not apply the multiplier and must sentence the defendant to  
907 the statutory maximum sentence.

908 Section 16. For the purpose of incorporating the amendment  
909 made by this act to section 893.135, Florida Statutes, in a  
910 reference thereto, subsection (8) of section 921.141, Florida  
911 Statutes, is reenacted to read:

912 921.141 Sentence of death or life imprisonment for capital  
913 felonies; further proceedings to determine sentence.—

914 (8) APPLICABILITY.—This section does not apply to a person  
915 convicted or adjudicated guilty of a capital drug trafficking  
916 felony under s. 893.135.

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917 Section 17. For the purpose of incorporating the amendment  
918 made by this act to section 893.135, Florida Statutes, in a  
919 reference thereto, subsection (2) of section 921.142, Florida  
920 Statutes, is reenacted to read:

921 921.142 Sentence of death or life imprisonment for capital  
922 drug trafficking felonies; further proceedings to determine  
923 sentence.—

924 (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon  
925 conviction or adjudication of guilt of a defendant of a capital  
926 felony under s. 893.135, the court shall conduct a separate  
927 sentencing proceeding to determine whether the defendant should  
928 be sentenced to death or life imprisonment as authorized by s.  
929 775.082. The proceeding shall be conducted by the trial judge  
930 before the trial jury as soon as practicable. If, through  
931 impossibility or inability, the trial jury is unable to  
932 reconvene for a hearing on the issue of penalty, having  
933 determined the guilt of the accused, the trial judge may summon  
934 a special juror or jurors as provided in chapter 913 to  
935 determine the issue of the imposition of the penalty. If the  
936 trial jury has been waived, or if the defendant pleaded guilty,  
937 the sentencing proceeding shall be conducted before a jury  
938 impaneled for that purpose, unless waived by the defendant. In  
939 the proceeding, evidence may be presented as to any matter that  
940 the court deems relevant to the nature of the crime and the  
941 character of the defendant and shall include matters relating to  
942 any of the aggravating or mitigating circumstances enumerated in

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943 subsections (6) and (7). Any such evidence which the court deems  
944 to have probative value may be received, regardless of its  
945 admissibility under the exclusionary rules of evidence, provided  
946 the defendant is accorded a fair opportunity to rebut any  
947 hearsay statements. However, this subsection shall not be  
948 construed to authorize the introduction of any evidence secured  
949 in violation of the Constitution of the United States or the  
950 Constitution of the State of Florida. The state and the  
951 defendant or the defendant's counsel shall be permitted to  
952 present argument for or against sentence of death.

953 Section 18. For the purpose of incorporating the amendment  
954 made by this act to section 893.135, Florida Statutes, in a  
955 reference thereto, section 943.0585, Florida Statutes, is  
956 reenacted to read:

957 943.0585 Court-ordered expunction of criminal history  
958 records.—The courts of this state have jurisdiction over their  
959 own procedures, including the maintenance, expunction, and  
960 correction of judicial records containing criminal history  
961 information to the extent such procedures are not inconsistent  
962 with the conditions, responsibilities, and duties established by  
963 this section. Any court of competent jurisdiction may order a  
964 criminal justice agency to expunge the criminal history record  
965 of a minor or an adult who complies with the requirements of  
966 this section. The court shall not order a criminal justice  
967 agency to expunge a criminal history record until the person  
968 seeking to expunge a criminal history record has applied for and

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969 received a certificate of eligibility for expunction pursuant to  
970 subsection (2) or subsection (5). A criminal history record that  
971 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,  
972 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,  
973 s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135,  
974 s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in  
975 s. 907.041, or any violation specified as a predicate offense  
976 for registration as a sexual predator pursuant to s. 775.21,  
977 without regard to whether that offense alone is sufficient to  
978 require such registration, or for registration as a sexual  
979 offender pursuant to s. 943.0435, may not be expunged, without  
980 regard to whether adjudication was withheld, if the defendant  
981 was found guilty of or pled guilty or nolo contendere to the  
982 offense, or if the defendant, as a minor, was found to have  
983 committed, or pled guilty or nolo contendere to committing, the  
984 offense as a delinquent act. The court may only order expunction  
985 of a criminal history record pertaining to one arrest or one  
986 incident of alleged criminal activity, except as provided in  
987 this section. The court may, at its sole discretion, order the  
988 expunction of a criminal history record pertaining to more than  
989 one arrest if the additional arrests directly relate to the  
990 original arrest. If the court intends to order the expunction of  
991 records pertaining to such additional arrests, such intent must  
992 be specified in the order. A criminal justice agency may not  
993 expunge any record pertaining to such additional arrests if the  
994 order to expunge does not articulate the intention of the court

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995 to expunge a record pertaining to more than one arrest. This  
996 section does not prevent the court from ordering the expunction  
997 of only a portion of a criminal history record pertaining to one  
998 arrest or one incident of alleged criminal activity.

999 Notwithstanding any law to the contrary, a criminal justice  
1000 agency may comply with laws, court orders, and official requests  
1001 of other jurisdictions relating to expunction, correction, or  
1002 confidential handling of criminal history records or information  
1003 derived therefrom. This section does not confer any right to the  
1004 expunction of any criminal history record, and any request for  
1005 expunction of a criminal history record may be denied at the  
1006 sole discretion of the court.

1007 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each  
1008 petition to a court to expunge a criminal history record is  
1009 complete only when accompanied by:

1010 (a) A valid certificate of eligibility for expunction  
1011 issued by the department pursuant to subsection (2).

1012 (b) The petitioner's sworn statement attesting that the  
1013 petitioner:

1014 1. Has never, prior to the date on which the petition is  
1015 filed, been adjudicated guilty of a criminal offense or  
1016 comparable ordinance violation, or been adjudicated delinquent  
1017 for committing any felony or a misdemeanor specified in s.  
1018 943.051(3)(b).

1019 2. Has not been adjudicated guilty of, or adjudicated  
1020 delinquent for committing, any of the acts stemming from the

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1021 arrest or alleged criminal activity to which the petition  
1022 pertains.

1023 3. Has never secured a prior sealing or expunction of a  
1024 criminal history record under this section, s. 943.059, former  
1025 s. 893.14, former s. 901.33, or former s. 943.058, unless  
1026 expunction is sought of a criminal history record previously  
1027 sealed for 10 years pursuant to paragraph (2)(h) and the record  
1028 is otherwise eligible for expunction.

1029 4. Is eligible for such an expunction to the best of his  
1030 or her knowledge or belief and does not have any other petition  
1031 to expunge or any petition to seal pending before any court.

1032  
1033 Any person who knowingly provides false information on such  
1034 sworn statement to the court commits a felony of the third  
1035 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1036 775.084.

1037 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to  
1038 petitioning the court to expunge a criminal history record, a  
1039 person seeking to expunge a criminal history record shall apply  
1040 to the department for a certificate of eligibility for  
1041 expunction. The department shall, by rule adopted pursuant to  
1042 chapter 120, establish procedures pertaining to the application  
1043 for and issuance of certificates of eligibility for expunction.  
1044 A certificate of eligibility for expunction is valid for 12  
1045 months after the date stamped on the certificate when issued by  
1046 the department. After that time, the petitioner must reapply to

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1047 the department for a new certificate of eligibility. Eligibility  
1048 for a renewed certification of eligibility must be based on the  
1049 status of the applicant and the law in effect at the time of the  
1050 renewal application. The department shall issue a certificate of  
1051 eligibility for expunction to a person who is the subject of a  
1052 criminal history record if that person:

1053 (a) Has obtained, and submitted to the department, a  
1054 written, certified statement from the appropriate state attorney  
1055 or statewide prosecutor which indicates:

1056 1. That an indictment, information, or other charging  
1057 document was not filed or issued in the case.

1058 2. That an indictment, information, or other charging  
1059 document, if filed or issued in the case, was dismissed or nolle  
1060 prosequi by the state attorney or statewide prosecutor, or was  
1061 dismissed by a court of competent jurisdiction, and that none of  
1062 the charges related to the arrest or alleged criminal activity  
1063 to which the petition to expunge pertains resulted in a trial,  
1064 without regard to whether the outcome of the trial was other  
1065 than an adjudication of guilt.

1066 3. That the criminal history record does not relate to a  
1067 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
1068 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,  
1069 s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,  
1070 s. 893.135, s. 916.1075, a violation enumerated in s. 907.041,  
1071 or any violation specified as a predicate offense for  
1072 registration as a sexual predator pursuant to s. 775.21, without

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1073 regard to whether that offense alone is sufficient to require  
1074 such registration, or for registration as a sexual offender  
1075 pursuant to s. 943.0435, where the defendant was found guilty  
1076 of, or pled guilty or nolo contendere to any such offense, or  
1077 that the defendant, as a minor, was found to have committed, or  
1078 pled guilty or nolo contendere to committing, such an offense as  
1079 a delinquent act, without regard to whether adjudication was  
1080 withheld.

1081 (b) Remits a \$75 processing fee to the department for  
1082 placement in the Department of Law Enforcement Operating Trust  
1083 Fund, unless such fee is waived by the executive director.

1084 (c) Has submitted to the department a certified copy of  
1085 the disposition of the charge to which the petition to expunge  
1086 pertains.

1087 (d) Has never, prior to the date on which the application  
1088 for a certificate of eligibility is filed, been adjudicated  
1089 guilty of a criminal offense or comparable ordinance violation,  
1090 or been adjudicated delinquent for committing any felony or a  
1091 misdemeanor specified in s. 943.051(3)(b).

1092 (e) Has not been adjudicated guilty of, or adjudicated  
1093 delinquent for committing, any of the acts stemming from the  
1094 arrest or alleged criminal activity to which the petition to  
1095 expunge pertains.

1096 (f) Has never secured a prior sealing or expunction of a  
1097 criminal history record under this section, s. 943.059, former  
1098 s. 893.14, former s. 901.33, or former s. 943.058, unless

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1099 expunction is sought of a criminal history record previously  
1100 sealed for 10 years pursuant to paragraph (h) and the record is  
1101 otherwise eligible for expunction.

1102 (g) Is no longer under court supervision applicable to the  
1103 disposition of the arrest or alleged criminal activity to which  
1104 the petition to expunge pertains.

1105 (h) Has previously obtained a court order sealing the  
1106 record under this section, former s. 893.14, former s. 901.33,  
1107 or former s. 943.058 for a minimum of 10 years because  
1108 adjudication was withheld or because all charges related to the  
1109 arrest or alleged criminal activity to which the petition to  
1110 expunge pertains were not dismissed prior to trial, without  
1111 regard to whether the outcome of the trial was other than an  
1112 adjudication of guilt. The requirement for the record to have  
1113 previously been sealed for a minimum of 10 years does not apply  
1114 when a plea was not entered or all charges related to the arrest  
1115 or alleged criminal activity to which the petition to expunge  
1116 pertains were dismissed prior to trial.

1117 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

1118 (a) In judicial proceedings under this section, a copy of  
1119 the completed petition to expunge shall be served upon the  
1120 appropriate state attorney or the statewide prosecutor and upon  
1121 the arresting agency; however, it is not necessary to make any  
1122 agency other than the state a party. The appropriate state  
1123 attorney or the statewide prosecutor and the arresting agency

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1124 may respond to the court regarding the completed petition to  
1125 expunge.

1126 (b) If relief is granted by the court, the clerk of the  
1127 court shall certify copies of the order to the appropriate state  
1128 attorney or the statewide prosecutor and the arresting agency.  
1129 The arresting agency is responsible for forwarding the order to  
1130 any other agency to which the arresting agency disseminated the  
1131 criminal history record information to which the order pertains.  
1132 The department shall forward the order to expunge to the Federal  
1133 Bureau of Investigation. The clerk of the court shall certify a  
1134 copy of the order to any other agency which the records of the  
1135 court reflect has received the criminal history record from the  
1136 court.

1137 (c) For an order to expunge entered by a court prior to  
1138 July 1, 1992, the department shall notify the appropriate state  
1139 attorney or statewide prosecutor of an order to expunge which is  
1140 contrary to law because the person who is the subject of the  
1141 record has previously been convicted of a crime or comparable  
1142 ordinance violation or has had a prior criminal history record  
1143 sealed or expunged. Upon receipt of such notice, the appropriate  
1144 state attorney or statewide prosecutor shall take action, within  
1145 60 days, to correct the record and petition the court to void  
1146 the order to expunge. The department shall seal the record until  
1147 such time as the order is voided by the court.

1148 (d) On or after July 1, 1992, the department or any other  
1149 criminal justice agency is not required to act on an order to

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1150 expunge entered by a court when such order does not comply with  
1151 the requirements of this section. Upon receipt of such an order,  
1152 the department must notify the issuing court, the appropriate  
1153 state attorney or statewide prosecutor, the petitioner or the  
1154 petitioner's attorney, and the arresting agency of the reason  
1155 for noncompliance. The appropriate state attorney or statewide  
1156 prosecutor shall take action within 60 days to correct the  
1157 record and petition the court to void the order. No cause of  
1158 action, including contempt of court, shall arise against any  
1159 criminal justice agency for failure to comply with an order to  
1160 expunge when the petitioner for such order failed to obtain the  
1161 certificate of eligibility as required by this section or such  
1162 order does not otherwise comply with the requirements of this  
1163 section.

1164 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any  
1165 criminal history record of a minor or an adult which is ordered  
1166 expunged by a court of competent jurisdiction pursuant to this  
1167 section must be physically destroyed or obliterated by any  
1168 criminal justice agency having custody of such record; except  
1169 that any criminal history record in the custody of the  
1170 department must be retained in all cases. A criminal history  
1171 record ordered expunged that is retained by the department is  
1172 confidential and exempt from the provisions of s. 119.07(1) and  
1173 s. 24(a), Art. I of the State Constitution and not available to  
1174 any person or entity except upon order of a court of competent

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1175 jurisdiction. A criminal justice agency may retain a notation  
1176 indicating compliance with an order to expunge.

1177 (a) The person who is the subject of a criminal history  
1178 record that is expunged under this section or under other  
1179 provisions of law, including former s. 893.14, former s. 901.33,  
1180 and former s. 943.058, may lawfully deny or fail to acknowledge  
1181 the arrests covered by the expunged record, except when the  
1182 subject of the record:

1183 1. Is a candidate for employment with a criminal justice  
1184 agency;

1185 2. Is a defendant in a criminal prosecution;

1186 3. Concurrently or subsequently petitions for relief under  
1187 this section, s. 943.0583, or s. 943.059;

1188 4. Is a candidate for admission to The Florida Bar;

1189 5. Is seeking to be employed or licensed by or to contract  
1190 with the Department of Children and Families, the Division of  
1191 Vocational Rehabilitation within the Department of Education,  
1192 the Agency for Health Care Administration, the Agency for  
1193 Persons with Disabilities, the Department of Health, the  
1194 Department of Elderly Affairs, or the Department of Juvenile  
1195 Justice or to be employed or used by such contractor or licensee  
1196 in a sensitive position having direct contact with children, the  
1197 disabled, or the elderly;

1198 6. Is seeking to be employed or licensed by the Department  
1199 of Education, any district school board, any university  
1200 laboratory school, any charter school, any private or parochial

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1201 school, or any local governmental entity that licenses child  
1202 care facilities;

1203 7. Is seeking to be licensed by the Division of Insurance  
1204 Agent and Agency Services within the Department of Financial  
1205 Services; or

1206 8. Is seeking to be appointed as a guardian pursuant to s.  
1207 744.3125.

1208 (b) Subject to the exceptions in paragraph (a), a person  
1209 who has been granted an expunction under this section, former s.  
1210 893.14, former s. 901.33, or former s. 943.058 may not be held  
1211 under any provision of law of this state to commit perjury or to  
1212 be otherwise liable for giving a false statement by reason of  
1213 such person's failure to recite or acknowledge an expunged  
1214 criminal history record.

1215 (c) Information relating to the existence of an expunged  
1216 criminal history record which is provided in accordance with  
1217 paragraph (a) is confidential and exempt from the provisions of  
1218 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
1219 except that the department shall disclose the existence of a  
1220 criminal history record ordered expunged to the entities set  
1221 forth in subparagraphs (a)1., 4., 5., 6., 7., and 8. for their  
1222 respective licensing, access authorization, and employment  
1223 purposes, and to criminal justice agencies for their respective  
1224 criminal justice purposes. It is unlawful for any employee of an  
1225 entity set forth in subparagraph (a)1., subparagraph (a)4.,  
1226 subparagraph (a)5., subparagraph (a)6., subparagraph (a)7., or

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1227 subparagraph (a)8. to disclose information relating to the  
1228 existence of an expunged criminal history record of a person  
1229 seeking employment, access authorization, or licensure with such  
1230 entity or contractor, except to the person to whom the criminal  
1231 history record relates or to persons having direct  
1232 responsibility for employment, access authorization, or  
1233 licensure decisions. Any person who violates this paragraph  
1234 commits a misdemeanor of the first degree, punishable as  
1235 provided in s. 775.082 or s. 775.083.

1236 (5) EXCEPTION FOR LAWFUL SELF-DEFENSE.—Notwithstanding the  
1237 eligibility requirements prescribed in paragraph (1)(b) and  
1238 subsection (2), the department shall issue a certificate of  
1239 eligibility for expunction under this subsection to a person who  
1240 is the subject of a criminal history record if that person:

1241 (a) Has obtained, and submitted to the department, on a  
1242 form provided by the department, a written, certified statement  
1243 from the appropriate state attorney or statewide prosecutor  
1244 which states whether an information, indictment, or other  
1245 charging document was not filed or was dismissed by the state  
1246 attorney, or dismissed by the court, because it was found that  
1247 the person acted in lawful self-defense pursuant to the  
1248 provisions related to justifiable use of force in chapter 776.

1249 (b) Each petition to a court to expunge a criminal history  
1250 record pursuant to this subsection is complete only when  
1251 accompanied by:

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1252 1. A valid certificate of eligibility for expunction  
1253 issued by the department pursuant to this subsection.

1254 2. The petitioner's sworn statement attesting that the  
1255 petitioner is eligible for such an expunction to the best of his  
1256 or her knowledge or belief.

1257  
1258 Any person who knowingly provides false information on such  
1259 sworn statement to the court commits a felony of the third  
1260 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1261 775.084.

1262 (c) This subsection does not confer any right to the  
1263 expunction of a criminal history record, and any request for  
1264 expunction of a criminal history record may be denied at the  
1265 discretion of the court.

1266 (d) Subsections (3) and (4) shall apply to expunction  
1267 ordered under this subsection.

1268 (e) The department shall, by rule adopted pursuant to  
1269 chapter 120, establish procedures pertaining to the application  
1270 for and issuance of certificates of eligibility for expunction  
1271 under this subsection.

1272 (6) STATUTORY REFERENCES.—Any reference to any other  
1273 chapter, section, or subdivision of the Florida Statutes in this  
1274 section constitutes a general reference under the doctrine of  
1275 incorporation by reference.

1276 Section 19. For the purpose of incorporating the amendment  
1277 made by this act to section 893.135, Florida Statutes, in a

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1278 reference thereto, section 943.059, Florida Statutes, is  
1279 reenacted to read:

1280       943.059 Court-ordered sealing of criminal history  
1281 records.—The courts of this state shall continue to have  
1282 jurisdiction over their own procedures, including the  
1283 maintenance, sealing, and correction of judicial records  
1284 containing criminal history information to the extent such  
1285 procedures are not inconsistent with the conditions,  
1286 responsibilities, and duties established by this section. Any  
1287 court of competent jurisdiction may order a criminal justice  
1288 agency to seal the criminal history record of a minor or an  
1289 adult who complies with the requirements of this section. The  
1290 court shall not order a criminal justice agency to seal a  
1291 criminal history record until the person seeking to seal a  
1292 criminal history record has applied for and received a  
1293 certificate of eligibility for sealing pursuant to subsection  
1294 (2). A criminal history record that relates to a violation of s.  
1295 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,  
1296 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071,  
1297 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135,  
1298 s. 916.1075, a violation enumerated in s. 907.041, or any  
1299 violation specified as a predicate offense for registration as a  
1300 sexual predator pursuant to s. 775.21, without regard to whether  
1301 that offense alone is sufficient to require such registration,  
1302 or for registration as a sexual offender pursuant to s.  
1303 943.0435, may not be sealed, without regard to whether

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1304 adjudication was withheld, if the defendant was found guilty of  
1305 or pled guilty or nolo contendere to the offense, or if the  
1306 defendant, as a minor, was found to have committed or pled  
1307 guilty or nolo contendere to committing the offense as a  
1308 delinquent act. The court may only order sealing of a criminal  
1309 history record pertaining to one arrest or one incident of  
1310 alleged criminal activity, except as provided in this section.  
1311 The court may, at its sole discretion, order the sealing of a  
1312 criminal history record pertaining to more than one arrest if  
1313 the additional arrests directly relate to the original arrest.  
1314 If the court intends to order the sealing of records pertaining  
1315 to such additional arrests, such intent must be specified in the  
1316 order. A criminal justice agency may not seal any record  
1317 pertaining to such additional arrests if the order to seal does  
1318 not articulate the intention of the court to seal records  
1319 pertaining to more than one arrest. This section does not  
1320 prevent the court from ordering the sealing of only a portion of  
1321 a criminal history record pertaining to one arrest or one  
1322 incident of alleged criminal activity. Notwithstanding any law  
1323 to the contrary, a criminal justice agency may comply with laws,  
1324 court orders, and official requests of other jurisdictions  
1325 relating to sealing, correction, or confidential handling of  
1326 criminal history records or information derived therefrom. This  
1327 section does not confer any right to the sealing of any criminal  
1328 history record, and any request for sealing a criminal history  
1329 record may be denied at the sole discretion of the court.

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1330 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each  
1331 petition to a court to seal a criminal history record is  
1332 complete only when accompanied by:

1333 (a) A valid certificate of eligibility for sealing issued  
1334 by the department pursuant to subsection (2).

1335 (b) The petitioner's sworn statement attesting that the  
1336 petitioner:

1337 1. Has never, prior to the date on which the petition is  
1338 filed, been adjudicated guilty of a criminal offense or  
1339 comparable ordinance violation, or been adjudicated delinquent  
1340 for committing any felony or a misdemeanor specified in s.  
1341 943.051(3)(b).

1342 2. Has not been adjudicated guilty of or adjudicated  
1343 delinquent for committing any of the acts stemming from the  
1344 arrest or alleged criminal activity to which the petition to  
1345 seal pertains.

1346 3. Has never secured a prior sealing or expunction of a  
1347 criminal history record under this section, s. 943.0585, former  
1348 s. 893.14, former s. 901.33, or former s. 943.058.

1349 4. Is eligible for such a sealing to the best of his or  
1350 her knowledge or belief and does not have any other petition to  
1351 seal or any petition to expunge pending before any court.

1352  
1353 Any person who knowingly provides false information on such  
1354 sworn statement to the court commits a felony of the third

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1355 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1356 775.084.

1357 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to  
1358 petitioning the court to seal a criminal history record, a  
1359 person seeking to seal a criminal history record shall apply to  
1360 the department for a certificate of eligibility for sealing. The  
1361 department shall, by rule adopted pursuant to chapter 120,  
1362 establish procedures pertaining to the application for and  
1363 issuance of certificates of eligibility for sealing. A  
1364 certificate of eligibility for sealing is valid for 12 months  
1365 after the date stamped on the certificate when issued by the  
1366 department. After that time, the petitioner must reapply to the  
1367 department for a new certificate of eligibility. Eligibility for  
1368 a renewed certification of eligibility must be based on the  
1369 status of the applicant and the law in effect at the time of the  
1370 renewal application. The department shall issue a certificate of  
1371 eligibility for sealing to a person who is the subject of a  
1372 criminal history record provided that such person:

1373 (a) Has submitted to the department a certified copy of  
1374 the disposition of the charge to which the petition to seal  
1375 pertains.

1376 (b) Remits a \$75 processing fee to the department for  
1377 placement in the Department of Law Enforcement Operating Trust  
1378 Fund, unless such fee is waived by the executive director.

1379 (c) Has never, prior to the date on which the application  
1380 for a certificate of eligibility is filed, been adjudicated

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1381 guilty of a criminal offense or comparable ordinance violation,  
1382 or been adjudicated delinquent for committing any felony or a  
1383 misdemeanor specified in s. 943.051(3)(b).

1384 (d) Has not been adjudicated guilty of or adjudicated  
1385 delinquent for committing any of the acts stemming from the  
1386 arrest or alleged criminal activity to which the petition to  
1387 seal pertains.

1388 (e) Has never secured a prior sealing or expunction of a  
1389 criminal history record under this section, s. 943.0585, former  
1390 s. 893.14, former s. 901.33, or former s. 943.058.

1391 (f) Is no longer under court supervision applicable to the  
1392 disposition of the arrest or alleged criminal activity to which  
1393 the petition to seal pertains.

1394 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

1395 (a) In judicial proceedings under this section, a copy of  
1396 the completed petition to seal shall be served upon the  
1397 appropriate state attorney or the statewide prosecutor and upon  
1398 the arresting agency; however, it is not necessary to make any  
1399 agency other than the state a party. The appropriate state  
1400 attorney or the statewide prosecutor and the arresting agency  
1401 may respond to the court regarding the completed petition to  
1402 seal.

1403 (b) If relief is granted by the court, the clerk of the  
1404 court shall certify copies of the order to the appropriate state  
1405 attorney or the statewide prosecutor and to the arresting  
1406 agency. The arresting agency is responsible for forwarding the

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1407 order to any other agency to which the arresting agency  
1408 disseminated the criminal history record information to which  
1409 the order pertains. The department shall forward the order to  
1410 seal to the Federal Bureau of Investigation. The clerk of the  
1411 court shall certify a copy of the order to any other agency  
1412 which the records of the court reflect has received the criminal  
1413 history record from the court.

1414 (c) For an order to seal entered by a court prior to July  
1415 1, 1992, the department shall notify the appropriate state  
1416 attorney or statewide prosecutor of any order to seal which is  
1417 contrary to law because the person who is the subject of the  
1418 record has previously been convicted of a crime or comparable  
1419 ordinance violation or has had a prior criminal history record  
1420 sealed or expunged. Upon receipt of such notice, the appropriate  
1421 state attorney or statewide prosecutor shall take action, within  
1422 60 days, to correct the record and petition the court to void  
1423 the order to seal. The department shall seal the record until  
1424 such time as the order is voided by the court.

1425 (d) On or after July 1, 1992, the department or any other  
1426 criminal justice agency is not required to act on an order to  
1427 seal entered by a court when such order does not comply with the  
1428 requirements of this section. Upon receipt of such an order, the  
1429 department must notify the issuing court, the appropriate state  
1430 attorney or statewide prosecutor, the petitioner or the  
1431 petitioner's attorney, and the arresting agency of the reason  
1432 for noncompliance. The appropriate state attorney or statewide

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1433 prosecutor shall take action within 60 days to correct the  
1434 record and petition the court to void the order. No cause of  
1435 action, including contempt of court, shall arise against any  
1436 criminal justice agency for failure to comply with an order to  
1437 seal when the petitioner for such order failed to obtain the  
1438 certificate of eligibility as required by this section or when  
1439 such order does not comply with the requirements of this  
1440 section.

1441 (e) An order sealing a criminal history record pursuant to  
1442 this section does not require that such record be surrendered to  
1443 the court, and such record shall continue to be maintained by  
1444 the department and other criminal justice agencies.

1445 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
1446 history record of a minor or an adult which is ordered sealed by  
1447 a court pursuant to this section is confidential and exempt from  
1448 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
1449 Constitution and is available only to the person who is the  
1450 subject of the record, to the subject's attorney, to criminal  
1451 justice agencies for their respective criminal justice purposes,  
1452 which include conducting a criminal history background check for  
1453 approval of firearms purchases or transfers as authorized by  
1454 state or federal law, to judges in the state courts system for  
1455 the purpose of assisting them in their case-related  
1456 decisionmaking responsibilities, as set forth in s. 943.053(5),  
1457 or to those entities set forth in subparagraphs (a)1., 4., 5.,

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1458 6., 8., 9., and 10. for their respective licensing, access  
1459 authorization, and employment purposes.

1460 (a) The subject of a criminal history record sealed under  
1461 this section or under other provisions of law, including former  
1462 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
1463 deny or fail to acknowledge the arrests covered by the sealed  
1464 record, except when the subject of the record:

1465 1. Is a candidate for employment with a criminal justice  
1466 agency;

1467 2. Is a defendant in a criminal prosecution;

1468 3. Concurrently or subsequently petitions for relief under  
1469 this section, s. 943.0583, or s. 943.0585;

1470 4. Is a candidate for admission to The Florida Bar;

1471 5. Is seeking to be employed or licensed by or to contract  
1472 with the Department of Children and Families, the Division of  
1473 Vocational Rehabilitation within the Department of Education,  
1474 the Agency for Health Care Administration, the Agency for  
1475 Persons with Disabilities, the Department of Health, the  
1476 Department of Elderly Affairs, or the Department of Juvenile  
1477 Justice or to be employed or used by such contractor or licensee  
1478 in a sensitive position having direct contact with children, the  
1479 disabled, or the elderly;

1480 6. Is seeking to be employed or licensed by the Department  
1481 of Education, a district school board, a university laboratory  
1482 school, a charter school, a private or parochial school, or a  
1483 local governmental entity that licenses child care facilities;

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1484 7. Is attempting to purchase a firearm from a licensed  
1485 importer, licensed manufacturer, or licensed dealer and is  
1486 subject to a criminal history check under state or federal law;

1487 8. Is seeking to be licensed by the Division of Insurance  
1488 Agent and Agency Services within the Department of Financial  
1489 Services;

1490 9. Is seeking to be appointed as a guardian pursuant to s.  
1491 744.3125; or

1492 10. Is seeking to be licensed by the Bureau of License  
1493 Issuance of the Division of Licensing within the Department of  
1494 Agriculture and Consumer Services to carry a concealed weapon or  
1495 concealed firearm. This subparagraph applies only in the  
1496 determination of an applicant's eligibility under s. 790.06.

1497 (b) Subject to the exceptions in paragraph (a), a person  
1498 who has been granted a sealing under this section, former s.  
1499 893.14, former s. 901.33, or former s. 943.058 may not be held  
1500 under any provision of law of this state to commit perjury or to  
1501 be otherwise liable for giving a false statement by reason of  
1502 such person's failure to recite or acknowledge a sealed criminal  
1503 history record.

1504 (c) Information relating to the existence of a sealed  
1505 criminal record provided in accordance with the provisions of  
1506 paragraph (a) is confidential and exempt from the provisions of  
1507 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
1508 except that the department shall disclose the sealed criminal  
1509 history record to the entities set forth in subparagraphs (a)1.,

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1510 4., 5., 6., 8., 9., and 10. for their respective licensing,  
1511 access authorization, and employment purposes. An employee of an  
1512 entity set forth in subparagraph (a)1., subparagraph (a)4.,  
1513 subparagraph (a)5., subparagraph (a)6., subparagraph (a)8.,  
1514 subparagraph (a)9., or subparagraph (a)10. may not disclose  
1515 information relating to the existence of a sealed criminal  
1516 history record of a person seeking employment, access  
1517 authorization, or licensure with such entity or contractor,  
1518 except to the person to whom the criminal history record relates  
1519 or to persons having direct responsibility for employment,  
1520 access authorization, or licensure decisions. A person who  
1521 violates the provisions of this paragraph commits a misdemeanor  
1522 of the first degree, punishable as provided in s. 775.082 or s.  
1523 775.083.

1524 (5) STATUTORY REFERENCES.—Any reference to any other  
1525 chapter, section, or subdivision of the Florida Statutes in this  
1526 section constitutes a general reference under the doctrine of  
1527 incorporation by reference.

1528

1529

1530

-----  
**T I T L E A M E N D M E N T**

1531

Remove line 14 and insert:

1532

Punishment Code; reenacting s. 373.6055(3)(c), F.S., relating to  
1533 criminal history checks for certain water management district  
1534 employees and others, to incorporate the amendment made by the  
1535 act to s. 893.135, F.S., in a reference thereto; reenacting s.

## COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 385 (2016)

Amendment No. 2

1536 397.451(6), F.S., relating to background checks of service  
1537 provider personnel, to incorporate the amendment made by the act  
1538 to s. 893.135, F.S., in a reference thereto; reenacting s.  
1539 414.095(1), F.S., relating to determining eligibility for  
1540 temporary cash assistance, to incorporate the amendment made by  
1541 the act to s. 893.135, F.S., in a reference thereto; reenacting  
1542 s. 772.12(2)(a), F.S., relating to Drug Dealer Liability Act, to  
1543 incorporate the amendment made by the act to s. 893.135, F.S.,  
1544 in a reference thereto; reenacting s. 775.087(2)(a) and (3)(a),  
1545 F.S., relating to possession or use of weapon, to incorporate  
1546 the amendment made by the act to s. 893.135, F.S., in a  
1547 reference thereto; reenacting s. 782.04(1)(a), (3)(a) and  
1548 (4)(a), F.S., relating to murder, to incorporate the amendment  
1549 made by the act to s. 893.135, F.S., in a reference thereto;  
1550 reenacting s. 810.02(3)(f), F.S., relating to burglary, to  
1551 incorporate the amendment made by the act to s. 893.135, F.S.,  
1552 in a reference thereto; reenacting s. 812.014(2)(c), F.S.,  
1553 relating to theft, to incorporate the amendment made by the act  
1554 to s. 893.135, F.S., in a reference thereto; reenacting s.  
1555 893.1351(1) and (2), F.S., relating to ownership, lease, rental,  
1556 or possession for trafficking in or manufacturing a controlled  
1557 substance, to incorporate the amendment made by the act to s.  
1558 893.135, F.S., in a reference thereto; reenacting s. 903.133,  
1559 F.S., relating to bail on appeal, to incorporate the amendment  
1560 made by the act to s. 893.135, F.S., in a reference thereto;  
1561 reenacting s. 907.041(4)(c), F.S., relating to pretrial

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1562 detention and release, to incorporate the amendment made by the  
1563 act to s. 893.135, F.S., in a reference thereto; reenacting s.  
1564 921.0024(1)(b), F.S., relating to Criminal Punishment Code, to  
1565 incorporate the amendment made by the act to s. 893.135, F.S.,  
1566 in a reference thereto; reenacting s. 921.141(8), F.S., relating  
1567 to sentence of death or life imprisonment for capital felonies,  
1568 to incorporate the amendment made by the act to s. 893.135,  
1569 F.S., in a reference thereto; reenacting s. 921.142(2), F.S.,  
1570 relating to sentence of death or life imprisonment for capital  
1571 drug trafficking felonies, to incorporate the amendment made by  
1572 the act to s. 893.135, F.S., in a reference thereto; reenacting  
1573 s. 943.0585, F.S., relating to court-ordered expunction of  
1574 criminal history records, to incorporate the amendment made by  
1575 the act to s. 893.135, F.S., in a reference thereto; reenacting  
1576 s. 943.059, F.S., relating to court-ordered sealing of criminal  
1577 history records, to incorporate the amendment made by the act to  
1578 s. 893.135, F.S., in a reference thereto; providing an effective  
1579 date.