

1 A bill to be entitled
2 An act relating to child exploitation; amending s.
3 16.56, F.S.; revising the offenses that may be
4 investigated and prosecuted by the Office of Statewide
5 Prosecution; amending s. 39.01, F.S.; conforming
6 provisions to changes made by the act; amending s.
7 39.0132, F.S.; revising the types of offenses
8 committed by a child in the custody of the Department
9 of Children and Families that require the department
10 to provide notice to the school superintendent;
11 conforming provisions to changes made by the act;
12 amending s. 39.0139, F.S.; revising the type of
13 offenses that create a rebuttable presumption of
14 detriment for judicial determinations related to
15 contact between a parent or caregiver and certain
16 child victims; conforming provisions to changes made
17 by the act; amending s. 39.301, F.S.; conforming
18 provisions to changes made by the act; amending s.
19 39.509, F.S.; revising the offenses that may be
20 considered in determining whether grandparental
21 visitation is in the child's best interest; conforming
22 provisions to changes made by the act; amending s.
23 90.404, F.S.; conforming provisions to changes made by
24 the act; amending s. 92.56, F.S.; revising the
25 offenses for which a criminal defendant may seek an

26 | order of disclosure for certain confidential and
27 | exempt court records, for which the state may use a
28 | pseudonym instead of the victim's name, and for which
29 | a publication or broadcast of trial testimony may not
30 | include certain victim identifying information;
31 | conforming provisions to changes made by the act;
32 | amending ss. 92.561, 92.565, and 435.04, F.S.;
33 | conforming provisions to changes made by the act;
34 | amending s. 435.07, F.S.; revising the offenses that
35 | disqualify certain child care personnel from specified
36 | employment; conforming provisions to changes made by
37 | the act; amending s. 456.074, F.S.; revising the
38 | offenses for which the licenses of massage therapists
39 | and massage establishments must be suspended;
40 | conforming provisions to changes made by the act;
41 | amending ss. 480.041 and 480.043, F.S.; revising the
42 | offenses for which applications for licensure as a
43 | massage therapist or massage establishment must be
44 | denied; conforming provisions to changes made by the
45 | act; amending s. 743.067, F.S.; revising the offenses
46 | for which an unaccompanied homeless youth may consent
47 | to specified treatment, care, and examination;
48 | conforming provisions to changes made by the act;
49 | amending ss. 772.102 and 775.082, F.S.; conforming
50 | provisions to changes made by the act; amending s.

51 775.0847, F.S.; revising definitions; conforming
 52 provisions to changes made by the act; amending ss.
 53 775.0877, 775.21, 775.215, 784.046, and 794.0115,
 54 F.S.; conforming provisions to changes made by the
 55 act; amending s. 794.024, F.S.; revising the offenses
 56 for which certain victim information may not be
 57 disclosed by public employees or officers; providing
 58 penalties; conforming provisions to changes made by
 59 the act; amending ss. 794.056 and 796.001, F.S.;
 60 conforming provisions to changes made by the act;
 61 repealing s. 827.071, F.S., relating to sexual
 62 performance by a child; amending s. 847.001, F.S.;
 63 revising definitions; creating s. 847.003, F.S.;
 64 providing definitions; prohibiting a person from using
 65 a child in a sexual performance or promoting a sexual
 66 performance by a child; providing penalties; amending
 67 s. 847.0135, F.S.; providing for separate offenses of
 68 computer pornography and child exploitation under
 69 certain circumstances; conforming provisions to
 70 changes made by the act; amending s. 847.01357, F.S.;
 71 conforming provisions to changes made by the act;
 72 amending s. 847.0137, F.S.; revising and providing
 73 definitions; prohibiting a person from possessing,
 74 with the intent to promote, child pornography;
 75 prohibiting a person from knowingly possessing,

76 | controlling, or intentionally viewing child
77 | pornography; providing penalties; providing
78 | application and construction; providing for separate
79 | offenses of transmission of child pornography under
80 | certain circumstances; amending ss. 856.022, 895.02,
81 | 905.34, and 934.07, F.S.; conforming provisions to
82 | changes made by the act; amending s. 938.085, F.S.;
83 | revising the offenses for which a surcharge to be
84 | deposited into the Rape Crisis Program Trust Fund
85 | shall be imposed; conforming provisions to changes
86 | made by the act; amending s. 938.10, F.S.; revising
87 | the offenses for which an additional court cost shall
88 | be imposed; conforming provisions to changes made by
89 | the act; amending ss. 943.0435, 943.04354, 943.0585,
90 | 943.059, 944.606, 944.607, 947.1405, 948.013, 948.03,
91 | and 948.04, F.S.; conforming provisions to changes
92 | made by the act; amending s. 948.06, F.S.; revising
93 | the offenses that constitute a qualifying offense for
94 | purposes relating to a violation of probation or
95 | community control; conforming provisions to changes
96 | made by the act; amending ss. 948.062, 948.101,
97 | 948.30, 948.32, 960.03, and 960.197, F.S.; conforming
98 | provisions to changes made by the act; amending s.
99 | 985.04, F.S.; revising the types of offenses committed
100 | by a child in certain custody or supervision of the

101 Department of Juvenile Justice which require the
 102 department to provide notice to the school
 103 superintendent; conforming provisions to changes made
 104 by the act; amending ss. 985.475 and 1012.315, F.S.;
 105 conforming provisions to changes made by the act;
 106 amending s. 921.0022, F.S.; ranking the offense of
 107 solicitation of a child via a computer service while
 108 misrepresenting one's age on the offense severity rank
 109 chart; conforming provisions to changes made by the
 110 act; providing a directive to the Division of Law
 111 Revision and Information; reenacting ss. 39.402(9)(a),
 112 39.506(6), 39.509(6)(b), 39.521(3)(d), 39.524(1),
 113 39.806(1)(d) and (n), 63.089(4)(b), 63.092(3),
 114 68.07(3)(i) and (6), 92.55(1)(b), 92.605(1)(b),
 115 322.141(3), 381.004(2)(h), 384.29(1)(c) and (3),
 116 390.01114(2)(b) and (e), 393.067(4)(h), (7), and (9),
 117 394.495(4)(p), 394.9125(2)(a), 397.4872(2)(a) and (c),
 118 409.1678(1)(c) and (6)(a) and (b), 435.07(4)(b),
 119 655.50(3)(g), 741.313(1)(e), 775.084(4)(j),
 120 775.0862(2), 775.13(4)(e), 775.21(3)(b), (5)(d),
 121 (6)(f), and (10)(c), 775.24(2), 775.25, 775.261(3)(b),
 122 784.049(2)(d), 794.011(2)(a), (3), (4), and (5),
 123 794.03, 794.075(1), 847.002(1)(b), (2), and (3),
 124 847.012(3)(b), 847.01357(3), 847.0138(2) and (3),
 125 896.101(2)(g) and (10), 903.0351(1)(b) and (c),

126 903.046 (2) (m), 905.34 (3), 921.0022 (3) (g),
 127 921.141 (6) (o), 921.187 (1) (n), 943.0435 (3), (4) (a), and
 128 (5), 943.0436 (2), 943.325 (2) (g), 944.11 (2),
 129 944.607 (4) (a) and (9), 944.608 (7), 944.609 (4),
 130 944.70 (1), 947.13 (1) (f), 947.1405 (2) (c) and (12),
 131 947.141 (1), (2), and (7), 948.06 (8) (b) and (d),
 132 948.063, 948.064 (4), 948.08 (7) (a), 948.12 (3),
 133 948.30 (3) (b) and (4), 948.31, 951.27, 960.003 (2) (a)
 134 and (b) and (3) (a), 960.065 (5), 984.03 (2),
 135 985.0301 (5) (c), 985.04 (6) (b), 985.441 (1) (c),
 136 985.4815 (9), and 1012.467 (2) (g), relating to placement
 137 in a shelter, arraignment hearings, grandparents
 138 rights, disposition hearings, safe-harbor placement,
 139 grounds for termination of parental rights,
 140 proceedings to terminate parental rights pending
 141 adoption, report to the court of intended placement by
 142 an adoption entity, change of name, proceedings
 143 involving certain victims or witnesses, production of
 144 certain records, color or markings of certain licenses
 145 or identification cards, HIV testing, confidentiality,
 146 the Parental Notice of Abortion Act, facility
 147 licensure, the child and adolescent mental health
 148 system of care, authority of a State Attorney to refer
 149 a person for civil commitment, exemption from
 150 disqualification, specialized residential options for

151 children who are victims of sexual exploitation,
152 exemptions from disqualification, Florida Control of
153 Money Laundering and Terrorist Financing in Financial
154 Institutions Act, unlawful action against employees
155 seeking protection, violent career criminals, habitual
156 felony offenders, and habitual violent felony
157 offenders, sexual offenses against students by
158 authority figures, registration of convicted felons,
159 the Florida Sexual Predators Act, duty of the court
160 to uphold laws governing sexual predators and sexual
161 offenders, prosecutions for acts or omissions, career
162 offender registration, sexual cyberharassment, sexual
163 battery, publishing or broadcasting information
164 identifying sexual offense victims, sexual predators
165 and erectile dysfunction drugs, child pornography
166 prosecutions, sale or distribution of harmful
167 materials to minors or using minors in production,
168 civil remedies for exploited children, transmission of
169 material harmful to minors to a minor by electronic
170 devices, the Florida Money Laundering Act,
171 restrictions on pretrial release pending probation-
172 violation hearings or community-control-violation
173 hearings, purposes of and criteria for bail
174 determination, the powers and duties of a statewide
175 grand jury, the offense severity ranking chart of the

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

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

213

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

215

216 Section 1. Paragraph (a) of subsection (1) of section
 217 16.56, Florida Statutes, is amended to read:

218 16.56 Office of Statewide Prosecution.—

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

223 (a) Investigate and prosecute the offenses of:

224 1. Bribery, burglary, criminal usury, extortion, gambling,
 225 kidnapping, larceny, murder, prostitution, perjury, robbery,

- 226 | carjacking, and home-invasion robbery;
- 227 | 2. Any crime involving narcotic or other dangerous drugs;
- 228 | 3. Any violation of the Florida RICO (Racketeer Influenced
229 | and Corrupt Organization) Act, including any offense listed in
230 | the definition of racketeering activity in s. 895.02(8)(a),
231 | providing such listed offense is investigated in connection with
232 | a violation of s. 895.03 and is charged in a separate count of
233 | an information or indictment containing a count charging a
234 | violation of s. 895.03, the prosecution of which listed offense
235 | may continue independently if the prosecution of the violation
236 | of s. 895.03 is terminated for any reason;
- 237 | 4. Any violation of the Florida Anti-Fencing Act;
- 238 | 5. Any violation of the Florida Antitrust Act of 1980, as
239 | amended;
- 240 | 6. Any crime involving, or resulting in, fraud or deceit
241 | upon any person;
- 242 | 7. Any violation of s. 847.0135, relating to computer
243 | pornography and child exploitation ~~prevention~~, or any offense
244 | related to a violation of former s. 827.071, s. 847.003, s.
245 | 847.0135, or s. 847.0137 ~~any violation of chapter 827~~ where the
246 | crime is facilitated by or connected to the use of the Internet
247 | or any device capable of electronic data storage or
248 | transmission;
- 249 | 8. Any violation of chapter 815;
- 250 | 9. Any criminal violation of part I of chapter 499;

251 10. Any violation of the Florida Motor Fuel Tax Relief Act
 252 of 2004;

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

254 12. Any crime involving voter registration, voting, or
 255 candidate or issue petition activities;

256 13. Any criminal violation of the Florida Money Laundering
 257 Act;

258 14. Any criminal violation of the Florida Securities and
 259 Investor Protection Act; or

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

262
 263 or any attempt, solicitation, or conspiracy to commit any of the
 264 crimes specifically enumerated above. The office shall have such
 265 power only when any such offense is occurring, or has occurred,
 266 in two or more judicial circuits as part of a related
 267 transaction, or when any such offense is connected with an
 268 organized criminal conspiracy affecting two or more judicial
 269 circuits. Informations or indictments charging such offenses
 270 shall contain general allegations stating the judicial circuits
 271 and counties in which crimes are alleged to have occurred or the
 272 judicial circuits and counties in which crimes affecting such
 273 circuits or counties are alleged to have been connected with an
 274 organized criminal conspiracy.

275 Section 2. Paragraph (c) of subsection (30) and paragraph

276 (g) of subsection (70) of section 39.01, Florida Statutes, are
 277 amended to read:

278 39.01 Definitions.—When used in this chapter, unless the
 279 context otherwise requires:

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

282 (c) Allows, encourages, or forces the sexual exploitation
 283 of a child, which includes allowing, encouraging, or forcing a
 284 child to:

- 285 1. Solicit for or engage in prostitution; or
- 286 2. Engage in a sexual performance, as defined by former s.
 287 827.071 or s. 847.003 ~~chapter 827~~.

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

290 (g) The sexual exploitation of a child, which includes the
 291 act of a child offering to engage in or engaging in
 292 prostitution, or the act of allowing, encouraging, or forcing a
 293 child to:

- 294 1. Solicit for or engage in prostitution;
- 295 2. Engage in a sexual performance, as defined by former s.
 296 827.071 or s. 847.003 ~~chapter 827~~; or
- 297 3. Participate in the trade of human trafficking as
 298 provided in s. 787.06(3)(g).

299 Section 3. Paragraph (b) of subsection (4) of section
 300 39.0132, Florida Statutes, is amended to read:

301 39.0132 Oaths, records, and confidential information.—

302 (4)

303 (b) The department shall disclose to the school
 304 superintendent the presence of a ~~any~~ child in the care and
 305 custody or under the jurisdiction or supervision of the
 306 department who has a known history of criminal sexual behavior
 307 with other juveniles; is an alleged juvenile sex offender, as
 308 defined in s. 39.01; or has pled guilty or nolo contendere to,
 309 or has been found to have committed, a violation of chapter 794,
 310 chapter 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s.
 311 847.0133, s. 847.0135(5), or s. 847.0137, regardless of
 312 adjudication. An ~~Any~~ employee of a district school board who
 313 knowingly and willfully discloses such information to an
 314 unauthorized person commits a misdemeanor of the second degree,
 315 punishable as provided in s. 775.082 or s. 775.083.

316 Section 4. Paragraph (a) of subsection (3) of section
 317 39.0139, Florida Statutes, is amended to read:

318 39.0139 Visitation or other contact; restrictions.—

319 (3) PRESUMPTION OF DETRIMENT.—

320 (a) A rebuttable presumption of detriment to a child is
 321 created when:

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

325 2. A parent or caregiver has been found guilty of,

326 | regardless of adjudication, or has entered a plea of guilty or
 327 | nolo contendere to, charges under the following statutes or
 328 | substantially similar statutes of other jurisdictions:

329 | a. Section 787.04, relating to removing minors from the
 330 | state or concealing minors contrary to court order;

331 | b. Section 794.011, relating to sexual battery;

332 | c. Section 798.02, relating to lewd and lascivious
 333 | behavior;

334 | d. Chapter 800, relating to lewdness and indecent
 335 | exposure;

336 | e. Section 826.04, relating to incest; ~~or~~

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

338 | g. Section 847.003, relating to sexual performance by a
 339 | child;

340 | h. Section 847.0135, excluding s. 847.0135(6), relating to
 341 | computer pornography and child exploitation; or

342 | i. Section 847.0137, relating to child pornography; or

343 | 3. A court of competent jurisdiction has determined a
 344 | parent or caregiver to be a sexual predator as defined in s.
 345 | 775.21 or a parent or caregiver has received a substantially
 346 | similar designation under laws of another jurisdiction.

347 | Section 5. Paragraph (b) of subsection (2) of section
 348 | 39.301, Florida Statutes, is amended to read:

349 | 39.301 Initiation of protective investigations.—

350 | (2)

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

353 1. A child is known or suspected to be the victim of child
354 abuse, as defined in s. 827.03, or of neglect of a child, as
355 defined in s. 827.03.

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

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

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

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

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

368 Section 6. Paragraph (a) of subsection (6) of section
369 39.509, Florida Statutes, is amended to read:

370 39.509 Grandparents rights.—Notwithstanding any other
371 provision of law, a maternal or paternal grandparent as well as
372 a stepgrandparent is entitled to reasonable visitation with his
373 or her grandchild who has been adjudicated a dependent child and
374 taken from the physical custody of the parent unless the court
375 finds that such visitation is not in the best interest of the

376 child or that such visitation would interfere with the goals of
377 the case plan. Reasonable visitation may be unsupervised and,
378 where appropriate and feasible, may be frequent and continuing.
379 Any order for visitation or other contact must conform to the
380 provisions of s. 39.0139.

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

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

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

398 90.404 Character evidence; when admissible.—

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

400 (b)1. In a criminal case in which the defendant is charged

401 with a crime involving child molestation, evidence of the
402 defendant's commission of other crimes, wrongs, or acts of child
403 molestation is admissible and may be considered for its bearing
404 on any matter to which it is relevant.

405 2. For the purposes of this paragraph, the term "child
406 molestation" means conduct proscribed by s. 787.025(2)(c), s.
407 787.06(3)(g), former s. 787.06(3)(h), s. 794.011, excluding s.
408 794.011(10), s. 794.05, former s. 796.03, former s. 796.035, s.
409 800.04, former s. 827.071, s. 847.003, s. 847.0135(5), s.
410 847.0137(2), s. 847.0145, or s. 985.701(1) when committed
411 against a person 16 years of age or younger.

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

417 2. For the purposes of this paragraph, the term "sexual
418 offense" means conduct proscribed by s. 787.025(2)(c), s.
419 787.06(3)(b), (d), (f), or (g), former s. 787.06(3)(h), s.
420 794.011, excluding s. 794.011(10), s. 794.05, former s. 796.03,
421 former s. 796.035, s. 825.1025(2)(b), former s. 827.071, s.
422 847.003, s. 847.0135(5), s. 847.0137(2), s. 847.0145, or s.
423 985.701(1).

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

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426 92.56 Judicial proceedings and court records involving
427 sexual offenses and human trafficking.—

428 (2) A defendant charged with a crime described in s.
429 787.06(3)(a)1., (c)1., or (e)1.; s. 787.06(3)(b), (d), (f), or
430 (g); chapter 794; or chapter 800; ~~or~~ with child abuse or ~~or~~
431 aggravated child abuse, ~~or sexual performance by a child~~ as
432 described in chapter 827; with sexual performance by a child as
433 described in former s. 827.071; or with a sexual offense
434 described in chapter 847~~;~~ may apply to the trial court for an
435 order of disclosure of information in court records held
436 confidential and exempt pursuant to s. 119.0714(1)(h) or
437 maintained as confidential and exempt pursuant to court order
438 under this section. Such identifying information concerning the
439 victim may be released to the defendant or his or her attorney
440 in order to prepare the defense. The confidential and exempt
441 status of this information may not be construed to prevent the
442 disclosure of the victim's identity to the defendant; however,
443 the defendant may not disclose the victim's identity to any
444 person other than the defendant's attorney or any other person
445 directly involved in the preparation of the defense. A willful
446 and knowing disclosure of the identity of the victim to any
447 other person by the defendant constitutes contempt.

448 (3) The state may use a pseudonym instead of the victim's
449 name to designate the victim of a crime described in s.
450 787.06(3)(a)1., (c)1., or (e)1.; in ~~in~~ s. 787.06(3)(b), (d), (f),

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451 or (g); ~~or in~~ chapter 794; or chapter 800; ~~or~~ of child abuse
452 ~~or~~ aggravated child abuse, ~~or sexual performance by a child as~~
453 described in chapter 827; of sexual performance by a child as
454 described in former s. 827.071; or of a sexual offense any
455 ~~crime involving the production, possession, or promotion of~~
456 ~~child pornography as~~ described in chapter 847, in all court
457 records and records of court proceedings, both civil and
458 criminal.

459 (5) This section does not prohibit the publication or
460 broadcast of the substance of trial testimony in a prosecution
461 for an offense described in s. 787.06(3)(a)1., (c)1., or (e)1.; ~~or~~
462 s. 787.06(3)(b), (d), (f), or (g); ~~or~~ chapter 794; ~~or~~ chapter
463 800; ~~for~~ ~~or~~ a crime of child abuse ~~or~~ aggravated child abuse ~~or~~
464 ~~sexual performance by a child,~~ as described in chapter 827;
465 for sexual performance by a child as described in former s.
466 827.071; or of a sexual offense described in chapter 847, but
467 the publication or broadcast may not include an identifying
468 photograph, an identifiable voice, or the name or address of the
469 victim, unless the victim has consented in writing to the
470 publication and filed such consent with the court or unless the
471 court has declared such records not confidential and exempt as
472 provided for in subsection (1).

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

475 92.561 Prohibition on reproduction of child pornography.—

476 (1) In a criminal proceeding, any property or material
477 that portrays sexual performance by a child as defined in former
478 s. 827.071 or s. 847.003, or constitutes child pornography as
479 defined in s. 847.0137 ~~847.001~~, must remain secured or locked in
480 the care, custody, and control of a law enforcement agency, the
481 state attorney, or the court.

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

484 92.565 Admissibility of confession in sexual abuse cases.—

485 (2) In any criminal action in which the defendant is
486 charged with a crime against a victim under s. 794.011; s.
487 794.05; s. 800.04; s. 826.04; s. 827.03, involving sexual abuse;
488 s. 827.04, involving sexual abuse; former s. 827.071; s.
489 847.003; ~~or~~ s. 847.0135(5); ~~or~~ s. 847.0137(2), or any other
490 crime involving sexual abuse of another, or with any attempt,
491 solicitation, or conspiracy to commit any of these crimes, the
492 defendant's memorialized confession or admission is admissible
493 during trial without the state having to prove a corpus delicti
494 of the crime if the court finds in a hearing conducted outside
495 the presence of the jury that the state is unable to show the
496 existence of each element of the crime, and having so found,
497 further finds that the defendant's confession or admission is
498 trustworthy. Factors which may be relevant in determining
499 whether the state is unable to show the existence of each
500 element of the crime include, but are not limited to, the fact

501 that, at the time the crime was committed, the victim was:

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

504 (b) Physically incapacitated due to age, infirmity, or any
 505 other cause; or

506 (c) Less than 12 years of age.

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

509 435.04 Level 2 screening standards.—

510 (2) The security background investigations under this
 511 section must ensure that no persons subject to the provisions of
 512 this section have been arrested for and are awaiting final
 513 disposition of, have been found guilty of, regardless of
 514 adjudication, or entered a plea of nolo contendere or guilty to,
 515 or have been adjudicated delinquent and the record has not been
 516 sealed or expunged for, any offense prohibited under any of the
 517 following provisions of state law or similar law of another
 518 jurisdiction:

519 (ll) Former s. Section 827.071, relating to sexual
 520 performance by a child.

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

523 Section 12. Paragraph (c) of subsection (4) of section
 524 435.07, Florida Statutes, is amended to read:

525 435.07 Exemptions from disqualification.—Unless otherwise

526 provided by law, the provisions of this section apply to
527 exemptions from disqualification for disqualifying offenses
528 revealed pursuant to background screenings required under this
529 chapter, regardless of whether those disqualifying offenses are
530 listed in this chapter or other laws.

531 (4)

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

546 1. A felony offense prohibited under any of the following
547 statutes:

- 548 a. Chapter 741, relating to domestic violence.
549 b. Section 782.04, relating to murder.
550 c. Section 782.07, relating to manslaughter, aggravated

551 manslaughter of an elderly person or disabled adult, aggravated
552 manslaughter of a child, or aggravated manslaughter of an
553 officer, a firefighter, an emergency medical technician, or a
554 paramedic.

555 d. Section 784.021, relating to aggravated assault.

556 e. Section 784.045, relating to aggravated battery.

557 f. Section 787.01, relating to kidnapping.

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

560 h. Section 787.04(2), relating to leading, taking,
561 enticing, or removing a minor beyond the state limits, or
562 concealing the location of a minor, with criminal intent pending
563 custody proceedings.

564 i. Section 787.04(3), relating to leading, taking,
565 enticing, or removing a minor beyond the state limits, or
566 concealing the location of a minor, with criminal intent pending
567 dependency proceedings or proceedings concerning alleged abuse
568 or neglect of a minor.

569 j. Section 794.011, relating to sexual battery.

570 k. Former s. 794.041, relating to sexual activity with or
571 solicitation of a child by a person in familial or custodial
572 authority.

573 l. Section 794.05, relating to unlawful sexual activity
574 with certain minors.

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

576 n. Section 806.01, relating to arson.
 577 o. Section 826.04, relating to incest.
 578 p. Section 827.03, relating to child abuse, aggravated
 579 child abuse, or neglect of a child.
 580 q. Section 827.04, relating to contributing to the
 581 delinquency or dependency of a child.
 582 r. Former s. Section 827.071 or s. 847.003, relating to
 583 sexual performance by a child.
 584 s. Chapter 847, relating to obscenity and child
 585 exploitation ~~pornography~~.
 586 t. Section 985.701, relating to sexual misconduct in
 587 juvenile justice programs.
 588 2. A misdemeanor offense prohibited under any of the
 589 following statutes:
 590 a. Section 784.03, relating to battery, if the victim of
 591 the offense was a minor.
 592 b. Section 787.025, relating to luring or enticing a
 593 child.
 594 c. Chapter 847, relating to obscenity and child
 595 exploitation ~~pornography~~.
 596 3. A criminal act committed in another state or under
 597 federal law which, if committed in this state, constitutes an
 598 offense prohibited under any statute listed in subparagraph 1.
 599 or subparagraph 2.
 600 Section 13. Paragraphs (o) and (q) of subsection (5) of

601 section 456.074, Florida Statutes, are amended, paragraphs (r)
602 and (s) of that subsection are redesignated as paragraphs (s)
603 and (t), respectively, and a new paragraph (r) is added to that
604 subsection, to read:

605 456.074 Certain health care practitioners; immediate
606 suspension of license.—

607 (5) The department shall issue an emergency order
608 suspending the license of a massage therapist or establishment
609 as defined in chapter 480 upon receipt of information that the
610 massage therapist, a person with an ownership interest in the
611 establishment, or, for a corporation that has more than \$250,000
612 of business assets in this state, the owner, officer, or
613 individual directly involved in the management of the
614 establishment has been convicted or found guilty of, or has
615 entered a plea of guilty or nolo contendere to, regardless of
616 adjudication, a violation of s. 796.07(2)(a) which is
617 reclassified under s. 796.07(7) or a felony offense under any of
618 the following provisions of state law or a similar provision in
619 another jurisdiction:

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

622 (q) Section 847.0135, relating to computer pornography and
623 child exploitation.

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

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

626 | section 480.041, Florida Statutes, are amended, paragraphs (r)
 627 | and (s) of that subsection are redesignated as paragraphs (s)
 628 | and (t), respectively, and a new paragraph (r) is added to that
 629 | subsection, to read:

630 | 480.041 Massage therapists; qualifications; licensure;
 631 | endorsement.—

632 | (7) The board shall deny an application for a new or
 633 | renewal license if an applicant has been convicted or found
 634 | guilty of, or enters a plea of guilty or nolo contendere to,
 635 | regardless of adjudication, a violation of s. 796.07(2)(a) which
 636 | is reclassified under s. 796.07(7) or a felony offense under any
 637 | of the following provisions of state law or a similar provision
 638 | in another jurisdiction:

639 | (o) Former s. Section 827.071 or s. 847.003, relating to
 640 | sexual performance by a child.

641 | (q) Section 847.0135, relating to computer pornography and
 642 | child exploitation.

643 | (r) Section 847.0137, relating to child pornography.

644 | Section 15. Paragraph (o) of subsection (8) of section
 645 | 480.043, Florida Statutes, is amended, paragraphs (r) and (s) of
 646 | that subsection are redesignated as paragraphs (s) and (t),
 647 | respectively, and a new paragraph (r) is added to that
 648 | subsection, to read:

649 | 480.043 Massage establishments; requisites; licensure;
 650 | inspection.—

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

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

664 (q) Section 847.0135, relating to computer pornography and
665 child exploitation.

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

667 Section 16. Paragraph (b) of subsection (3) of section
668 743.067, Florida Statutes, is amended to read:

669 743.067 Unaccompanied homeless youths.—

670 (3) An unaccompanied homeless youth may:

671 (b) Notwithstanding s. 394.4625(1), consent to medical,
672 dental, psychological, substance abuse, and surgical diagnosis
673 and treatment, including preventative care and care by a
674 facility licensed under chapter 394, chapter 395, or chapter 397
675 and any forensic medical examination for the purpose of

676 investigating any felony offense under chapter 784, chapter 787,
677 chapter 794, chapter 800, ~~or~~ chapter 827, s. 847.003, or s.
678 847.0137, for:

- 679 1. Himself or herself; or
- 680 2. His or her child, if the unaccompanied homeless youth
681 is unmarried, is the parent of the child, and has actual custody
682 of the child.

683 Section 17. Paragraph (a) of subsection (1) of section
684 772.102, Florida Statutes, is amended to read:

685 772.102 Definitions.—As used in this chapter, the term:

686 (1) "Criminal activity" means to commit, to attempt to
687 commit, to conspire to commit, or to solicit, coerce, or
688 intimidate another person to commit:

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

- 691 1. Section 210.18, relating to evasion of payment of
692 cigarette taxes.
- 693 2. Section 414.39, relating to public assistance fraud.
- 694 3. Section 440.105 or s. 440.106, relating to workers'
695 compensation.
- 696 4. Part IV of chapter 501, relating to telemarketing.
- 697 5. Chapter 517, relating to securities transactions.
- 698 6. Section 550.235 or s. 550.3551, relating to dogracing
699 and horseracing.
- 700 7. Chapter 550, relating to jai alai frontons.

- 701 8. Chapter 552, relating to the manufacture, distribution,
702 and use of explosives.
- 703 9. Chapter 562, relating to beverage law enforcement.
- 704 10. Section 624.401, relating to transacting insurance
705 without a certificate of authority, s. 624.437(4)(c)1., relating
706 to operating an unauthorized multiple-employer welfare
707 arrangement, or s. 626.902(1)(b), relating to representing or
708 aiding an unauthorized insurer.
- 709 11. Chapter 687, relating to interest and usurious
710 practices.
- 711 12. Section 721.08, s. 721.09, or s. 721.13, relating to
712 real estate timeshare plans.
- 713 13. Chapter 782, relating to homicide.
- 714 14. Chapter 784, relating to assault and battery.
- 715 15. Chapter 787, relating to kidnapping or human
716 trafficking.
- 717 16. Chapter 790, relating to weapons and firearms.
- 718 17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,
719 relating to prostitution.
- 720 18. Chapter 806, relating to arson.
- 721 19. Section 810.02(2)(c), relating to specified burglary
722 of a dwelling or structure.
- 723 20. Chapter 812, relating to theft, robbery, and related
724 crimes.
- 725 21. Chapter 815, relating to computer-related crimes.

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

728 23. Former s. Section 827.071, relating to commercial
729 sexual exploitation of children.

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

731 25. Chapter 832, relating to issuance of worthless checks
732 and drafts.

733 26. Section 836.05, relating to extortion.

734 27. Chapter 837, relating to perjury.

735 28. Chapter 838, relating to bribery and misuse of public
736 office.

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

738 30. Section 847.003, relating to sexual performance by a
739 child.

740 ~~31.30.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
741 or s. 847.07, relating to obscene literature and profanity.

742 ~~32.31.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
743 s. 849.25, relating to gambling.

744 ~~33.32.~~ Chapter 893, relating to drug abuse prevention and
745 control.

746 ~~34.33.~~ Section 914.22 or s. 914.23, relating to witnesses,
747 victims, or informants.

748 ~~35.34.~~ Section 918.12 or s. 918.13, relating to tampering
749 with jurors and evidence.

750 Section 18. Paragraph (a) of subsection (9) of section

751 775.082, Florida Statutes, is amended to read:
 752 775.082 Penalties; applicability of sentencing structures;
 753 mandatory minimum sentences for certain reoffenders previously
 754 released from prison.—
 755 (9) (a)1. "Prison releasee reoffender" means any defendant
 756 who commits, or attempts to commit:
 757 a. Treason;
 758 b. Murder;
 759 c. Manslaughter;
 760 d. Sexual battery;
 761 e. Carjacking;
 762 f. Home-invasion robbery;
 763 g. Robbery;
 764 h. Arson;
 765 i. Kidnapping;
 766 j. Aggravated assault with a deadly weapon;
 767 k. Aggravated battery;
 768 l. Aggravated stalking;
 769 m. Aircraft piracy;
 770 n. Unlawful throwing, placing, or discharging of a
 771 destructive device or bomb;
 772 o. Any felony that involves the use or threat of physical
 773 force or violence against an individual;
 774 p. Armed burglary;
 775 q. Burglary of a dwelling or burglary of an occupied

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776 structure; or

777 r. Any felony violation of s. 790.07, s. 800.04, s.
778 827.03, former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.
779 847.0137(2);

780

781 within 3 years after being released from a state correctional
782 facility operated by the Department of Corrections or a private
783 vendor or within 3 years after being released from a
784 correctional institution of another state, the District of
785 Columbia, the United States, any possession or territory of the
786 United States, or any foreign jurisdiction, following
787 incarceration for an offense for which the sentence is
788 punishable by more than 1 year in this state.

789 2. "Prison releasee reoffender" also means any defendant
790 who commits or attempts to commit any offense listed in sub-
791 subparagraphs (a)1.a.-r. while the defendant was serving a
792 prison sentence or on escape status from a state correctional
793 facility operated by the Department of Corrections or a private
794 vendor or while the defendant was on escape status from a
795 correctional institution of another state, the District of
796 Columbia, the United States, any possession or territory of the
797 United States, or any foreign jurisdiction, following
798 incarceration for an offense for which the sentence is
799 punishable by more than 1 year in this state.

800 3. If the state attorney determines that a defendant is a

801 | prison releasee reoffender as defined in subparagraph 1., the
 802 | state attorney may seek to have the court sentence the defendant
 803 | as a prison releasee reoffender. Upon proof from the state
 804 | attorney that establishes by a preponderance of the evidence
 805 | that a defendant is a prison releasee reoffender as defined in
 806 | this section, such defendant is not eligible for sentencing
 807 | under the sentencing guidelines and must be sentenced as
 808 | follows:

809 | a. For a felony punishable by life, by a term of
 810 | imprisonment for life;

811 | b. For a felony of the first degree, by a term of
 812 | imprisonment of 30 years;

813 | c. For a felony of the second degree, by a term of
 814 | imprisonment of 15 years; and

815 | d. For a felony of the third degree, by a term of
 816 | imprisonment of 5 years.

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

820 | 775.0847 Possession or promotion of certain visual
 821 | depictions ~~images~~ of child pornography; reclassification.-

822 | (1) For purposes of this section:

823 | (b) "Child pornography" has the same meaning as provided
 824 | in s. 847.0137 ~~means any image depicting a minor engaged in~~
 825 | ~~sexual conduct.~~

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

837 (g) "Visual depiction" has the same meaning provided in s.
 838 847.0137.

839 (2) A violation of former s. 827.071, s. 847.003, s.
 840 847.0135, s. 847.0137, or s. 847.0138 shall be reclassified to
 841 the next higher degree as provided in subsection (3) if:

842 (a) The offender possesses 10 or more visual depictions
 843 ~~images~~ of any form of child pornography regardless of content;
 844 and

845 (b) The content of ~~at least one~~ visual depiction ~~image~~
 846 contains one or more of the following:

- 847 1. A child who is younger than the age of 5.
- 848 2. Sadomasochistic abuse involving a child.
- 849 3. Sexual battery involving a child.
- 850 4. Sexual bestiality involving a child.

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851 5. Any movie involving a child, regardless of length and
852 regardless of whether the movie contains sound.

853 Section 20. Paragraph (1) of subsection (1) of section
854 775.0877, Florida Statutes, is amended to read:

855 775.0877 Criminal transmission of HIV; procedures;
856 penalties.—

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

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

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

876 | alleged offense.

877 | Section 21. Paragraph (a) of subsection (4) and paragraph
878 | (b) of subsection (10) of section 775.21, Florida Statutes, are
879 | amended to read:

880 | 775.21 The Florida Sexual Predators Act.—

881 | (4) SEXUAL PREDATOR CRITERIA.—

882 | (a) For a current offense committed on or after October 1,
883 | 1993, upon conviction, an offender shall be designated as a
884 | "sexual predator" under subsection (5), and subject to
885 | registration under subsection (6) and community and public
886 | notification under subsection (7) if:

887 | 1. The felony is:

888 | a. A capital, life, or first degree felony violation, or
889 | any attempt thereof, of s. 787.01 or s. 787.02, where the victim
890 | is a minor, or s. 794.011, s. 800.04, or s. 847.0145, or a
891 | violation of a similar law of another jurisdiction; or

892 | b. Any felony violation, or any attempt thereof, of s.
893 | 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
894 | 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
895 | (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
896 | s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
897 | s. 800.04; s. 810.145(8)(b); s. 825.1025; former s. 827.071; s.
898 | 847.003; s. 847.0135, excluding s. 847.0135(6); s. 847.0137(2);
899 | s. 847.0145; s. 895.03, if the court makes a written finding
900 | that the racketeering activity involved at least one sexual

901 offense listed in this sub-subparagraph or at least one offense
902 listed in this sub-subparagraph with sexual intent or motive; s.
903 916.1075(2); or s. 985.701(1); or a violation of a similar law
904 of another jurisdiction, and the offender has previously been
905 convicted of or found to have committed, or has pled nolo
906 contendere or guilty to, regardless of adjudication, any
907 violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.
908 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
909 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
910 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
911 former s. 796.035; s. 800.04; s. 825.1025; former s. 827.071; s.
912 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
913 847.0137(2); s. 847.0145; s. 895.03, if the court makes a
914 written finding that the racketeering activity involved at least
915 one sexual offense listed in this sub-subparagraph or at least
916 one offense listed in this sub-subparagraph with sexual intent
917 or motive; s. 916.1075(2); or s. 985.701(1); or a violation of a
918 similar law of another jurisdiction;

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

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

925 (10) PENALTIES.—

926 (b) A sexual predator who has been convicted of or found
927 to have committed, or has pled nolo contendere or guilty to,
928 regardless of adjudication, any violation, or attempted
929 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
930 the victim is a minor; s. 794.011, excluding s. 794.011(10); s.
931 794.05; former s. 796.03; former s. 796.035; s. 800.04; former
932 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135(5); s.
933 847.0137(2); s. 847.0145; or s. 985.701(1); or a violation of a
934 similar law of another jurisdiction when the victim of the
935 offense was a minor, and who works, whether for compensation or
936 as a volunteer, at any business, school, child care facility,
937 park, playground, or other place where children regularly
938 congregate, commits a felony of the third degree, punishable as
939 provided in s. 775.082, s. 775.083, or s. 775.084.

940 Section 22. Subsection (2) and paragraphs (a) and (c) of
941 subsection (3) of section 775.215, Florida Statutes, are amended
942 to read:

943 775.215 Residency restriction for persons convicted of
944 certain sex offenses.—

945 (2) (a) A person who has been convicted of a violation of
946 s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
947 847.0135(5), s. 847.0137(2), or s. 847.0145, regardless of
948 whether adjudication has been withheld, in which the victim of
949 the offense was less than 16 years of age, may not reside within
950 1,000 feet of any school, child care facility, park, or

951 playground. However, a person does not violate this subsection
952 and may not be forced to relocate if he or she is living in a
953 residence that meets the requirements of this subsection and a
954 school, child care facility, park, or playground is subsequently
955 established within 1,000 feet of his or her residence.

956 (b) A person who violates this subsection and whose
957 conviction under s. 794.011, s. 800.04, former s. 827.071, s.
958 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 was
959 classified as a felony of the first degree or higher commits a
960 felony of the third degree, punishable as provided in s. 775.082
961 or s. 775.083. A person who violates this subsection and whose
962 conviction under s. 794.011, s. 800.04, former s. 827.071, s.
963 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 was
964 classified as a felony of the second or third degree commits a
965 misdemeanor of the first degree, punishable as provided in s.
966 775.082 or s. 775.083.

967 (c) This subsection applies to any person convicted of a
968 violation of s. 794.011, s. 800.04, former s. 827.071, s.
969 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 for
970 offenses that occur on or after October 1, 2004, excluding
971 persons who have been removed from the requirement to register
972 as a sexual offender or sexual predator pursuant to s.
973 943.04354.

974 (3) (a) A person who has been convicted of an offense in
975 another jurisdiction that is similar to a violation of s.

976 | 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
 977 | 847.0135(5), s. 847.0137(2), or s. 847.0145, regardless of
 978 | whether adjudication has been withheld, in which the victim of
 979 | the offense was less than 16 years of age, may not reside within
 980 | 1,000 feet of any school, child care facility, park, or
 981 | playground. However, a person does not violate this subsection
 982 | and may not be forced to relocate if he or she is living in a
 983 | residence that meets the requirements of this subsection and a
 984 | school, child care facility, park, or playground is subsequently
 985 | established within 1,000 feet of his or her residence.

986 | (c) This subsection applies to any person convicted of an
 987 | offense in another jurisdiction that is similar to a violation
 988 | of s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
 989 | 847.0135(5), s. 847.0137(2), or s. 847.0145 if such offense
 990 | occurred on or after May 26, 2010, excluding persons who have
 991 | been removed from the requirement to register as a sexual
 992 | offender or sexual predator pursuant to s. 943.04354.

993 | Section 23. Paragraph (c) of subsection (1) of section
 994 | 784.046, Florida Statutes, is amended to read:

995 | 784.046 Action by victim of repeat violence, sexual
 996 | violence, or dating violence for protective injunction; dating
 997 | violence investigations, notice to victims, and reporting;
 998 | pretrial release violations; public records exemption.—

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

1000 | (c) "Sexual violence" means any one incident of:

- 1001 1. Sexual battery, as defined in chapter 794;
- 1002 2. A lewd or lascivious act, as defined in chapter 800,
- 1003 committed upon or in the presence of a person younger than 16
- 1004 years of age;
- 1005 3. Luring or enticing a child, as described in chapter
- 1006 787;
- 1007 4. Sexual performance by a child, as described in former
- 1008 s. 827.071 or s. 847.003 ~~chapter 827~~; or
- 1009 5. Any other forcible felony wherein a sexual act is
- 1010 committed or attempted,
- 1011
- 1012 regardless of whether criminal charges based on the incident
- 1013 were filed, reduced, or dismissed by the state attorney.
- 1014 Section 24. Subsection (2) of section 794.0115, Florida
- 1015 Statutes, is amended to read:
- 1016 794.0115 Dangerous sexual felony offender; mandatory
- 1017 sentencing.—
- 1018 (2) Any person who is convicted of a violation of s.
- 1019 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
- 1020 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),
- 1021 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; or
- 1022 of any similar offense under a former designation, which offense
- 1023 the person committed when he or she was 18 years of age or
- 1024 older, and the person:
- 1025 (a) Caused serious personal injury to the victim as a

1026 result of the commission of the offense;

1027 (b) Used or threatened to use a deadly weapon during the

1028 commission of the offense;

1029 (c) Victimized more than one person during the course of

1030 the criminal episode applicable to the offense;

1031 (d) Committed the offense while under the jurisdiction of

1032 a court for a felony offense under the laws of this state, for

1033 an offense that is a felony in another jurisdiction, or for an

1034 offense that would be a felony if that offense were committed in

1035 this state; or

1036 (e) Has previously been convicted of a violation of s.

1037 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.

1038 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),

1039 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; of

1040 any offense under a former statutory designation which is

1041 similar in elements to an offense described in this paragraph;

1042 or of any offense that is a felony in another jurisdiction, or

1043 would be a felony if that offense were committed in this state,

1044 and which is similar in elements to an offense described in this

1045 paragraph,

1046

1047 is a dangerous sexual felony offender, who must be sentenced to

1048 a mandatory minimum term of 25 years imprisonment up to, and

1049 including, life imprisonment. If the offense described in this

1050 subsection was committed on or after October 1, 2014, a person

1051 | who qualifies as a dangerous sexual felony offender pursuant to
 1052 | this subsection must be sentenced to a mandatory minimum term of
 1053 | 50 years imprisonment up to, and including, life imprisonment.

1054 | Section 25. Subsection (1) of section 794.024, Florida
 1055 | Statutes, is amended to read:

1056 | 794.024 Unlawful to disclose identifying information.—

1057 | (1) A public employee or officer who has access to the
 1058 | photograph, name, or address of a person who is alleged to be
 1059 | the victim of an offense described in this chapter, chapter 800,
 1060 | s. 827.03, s. 827.04, or former ~~or~~ s. 827.071, or of a sexual
 1061 | offense described in chapter 847 may not willfully and knowingly
 1062 | disclose it to a person who is not assisting in the
 1063 | investigation or prosecution of the alleged offense or to any
 1064 | person other than the defendant, the defendant's attorney, a
 1065 | person specified in an order entered by the court having
 1066 | jurisdiction of the alleged offense, or organizations authorized
 1067 | to receive such information made exempt by s. 119.071(2)(h), or
 1068 | to a rape crisis center or sexual assault counselor, as defined
 1069 | in s. 90.5035(1)(b), who will be offering services to the
 1070 | victim.

1071 | Section 26. Subsection (1) of section 794.056, Florida
 1072 | Statutes, is amended to read:

1073 | 794.056 Rape Crisis Program Trust Fund.—

1074 | (1) The Rape Crisis Program Trust Fund is created within
 1075 | the Department of Health for the purpose of providing funds for

1076 rape crisis centers in this state. Trust fund moneys shall be
 1077 used exclusively for the purpose of providing services for
 1078 victims of sexual assault. Funds credited to the trust fund
 1079 consist of those funds collected as an additional court
 1080 assessment in each case in which a defendant pleads guilty or
 1081 nolo contendere to, or is found guilty of, regardless of
 1082 adjudication, an offense provided in s. 775.21(6) and (10) (a),
 1083 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
 1084 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
 1085 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
 1086 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
 1087 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
 1088 796.06; s. 796.07(2) (a)-(d) and (i); s. 800.03; s. 800.04; s.
 1089 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
 1090 825.1025; former s. 827.071; s. 836.10; s. 847.003; s. 847.0133;
 1091 s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4) (c),
 1092 (7), (8), (9) (a), (13), and (14) (c); or s. 985.701(1). Funds
 1093 credited to the trust fund also shall include revenues provided
 1094 by law, moneys appropriated by the Legislature, and grants from
 1095 public or private entities.

1096 Section 27. Section 796.001, Florida Statutes, is amended
 1097 to read:

1098 796.001 Offenses by adults involving minors; intent.—It is
 1099 the intent of the Legislature that adults who involve minors in
 1100 any behavior prohibited under this chapter be prosecuted under

1101 other laws of this state, such as, but not limited to, s.
 1102 787.06, chapter 794, chapter 800, s. 810.145, former s. 827.071
 1103 ~~chapter 827~~, and chapter 847. The Legislature finds that
 1104 prosecution of such adults under this chapter is inappropriate
 1105 since a minor is unable to consent to such behavior.

1106 Section 28. Section 827.071, Florida Statutes, is
 1107 repealed.

1108 Section 29. Subsections (3), (8), and (16) of section
 1109 847.001, Florida Statutes, are amended to read:

1110 847.001 Definitions.—As used in this chapter, the term:

1111 (3) "Child pornography" has the same meaning as provided
 1112 in s. 847.0137 ~~means any image depicting a minor engaged in~~
 1113 ~~sexual conduct.~~

1114 (8) "Minor" or "child" means a ~~any~~ person under the age of
 1115 18 years.

1116 (16) "Sexual conduct" means actual or simulated sexual
 1117 intercourse, deviate sexual intercourse, sexual bestiality,
 1118 masturbation, or sadomasochistic abuse; actual or simulated lewd
 1119 exhibition of the genitals; actual physical contact with a
 1120 person's clothed or unclothed genitals, pubic area, buttocks,
 1121 or, if such person is a female, breast with the intent to arouse
 1122 or gratify the sexual desire of either party; or any act or
 1123 conduct which constitutes sexual battery or simulates that
 1124 sexual battery is being or will be committed. A mother's
 1125 breastfeeding of her baby does not under any circumstance

1126 constitute "sexual conduct."

1127 Section 30. Section 847.003, Florida Statutes, is created
1128 to read:

1129 847.003 Sexual performance by a child; penalties.—

1130 (1) As used in this section, the term:

1131 (a) "Performance" means a play, motion picture,
1132 photograph, or dance or other visual representation exhibited
1133 before an audience.

1134 (b) "Promote" means to procure, manufacture, issue, sell,
1135 give, provide, lend, mail, deliver, transfer, transmute,
1136 publish, distribute, circulate, disseminate, present, exhibit,
1137 or advertise or to offer or agree to do the same.

1138 (c) "Sexual performance" means a performance or part
1139 thereof which includes sexual conduct by a child.

1140 (2) A person who, knowing the character and content
1141 thereof, employs, authorizes, or induces a child to engage in a
1142 sexual performance or, being a parent, legal guardian, or
1143 custodian of such child, consents to the participation by such
1144 child in a sexual performance commits the offense of use of a
1145 child in a sexual performance, a felony of the second degree,
1146 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1147 (3) A person who, knowing the character and content
1148 thereof, produces, directs, or promotes a performance that
1149 includes sexual conduct by a child commits the offense of
1150 promoting a sexual performance by a child, a felony of the

1151 second degree, punishable as provided in s. 775.082, s. 775.083,
 1152 or s. 775.084.

1153 Section 31. Subsections (2), (3), and (4) of section
 1154 847.0135, Florida Statutes, are amended to read:

1155 847.0135 Computer pornography; child exploitation
 1156 ~~prohibited computer usage; traveling to meet minor; penalties.-~~

1157 (2) COMPUTER PORNOGRAPHY.—A person who:

1158 (a) Knowingly compiles, enters into, or transmits by use
 1159 of computer;

1160 (b) Makes, prints, publishes, or reproduces by other
 1161 computerized means;

1162 (c) Knowingly causes or allows to be entered into or
 1163 transmitted by use of computer; or

1164 (d) Buys, sells, receives, exchanges, or disseminates,
 1165

1166 a ~~any~~ notice, statement, or advertisement of a ~~any~~ minor's name,
 1167 telephone number, place of residence, physical characteristics,
 1168 or other descriptive or identifying information for purposes of
 1169 facilitating, encouraging, offering, or soliciting sexual
 1170 conduct of or with a ~~any~~ minor, or the visual depiction of such
 1171 conduct, commits a felony of the third degree, punishable as
 1172 provided in s. 775.082, s. 775.083, or s. 775.084. The fact that
 1173 an undercover operative or law enforcement officer was involved
 1174 in the detection and investigation of an offense under this
 1175 section shall not constitute a defense to a prosecution under

1176 | this section.

1177 | (3) CERTAIN USES OF COMPUTER SERVICES OR DEVICES
 1178 | PROHIBITED.—A ~~Any~~ person who knowingly uses a computer online
 1179 | service, Internet service, local bulletin board service, or ~~any~~
 1180 | other device capable of electronic data storage or transmission
 1181 | to:

1182 | (a) Seduce, solicit, lure, or entice, or attempt to
 1183 | seduce, solicit, lure, or entice, a child or another person
 1184 | believed by the person to be a child, to commit an ~~any~~ illegal
 1185 | act described in chapter 794, chapter 800, former s. 827.071 ~~or~~
 1186 | ~~chapter 827,~~ s. 847.003, or s. 847.0137, or to otherwise engage
 1187 | in ~~any~~ unlawful sexual conduct with a child or with another
 1188 | person believed by the person to be a child; or

1189 | (b) Solicit, lure, or entice, or attempt to solicit, lure,
 1190 | or entice a parent, legal guardian, or custodian of a child or a
 1191 | person believed to be a parent, legal guardian, or custodian of
 1192 | a child to consent to the participation of such child in an ~~any~~
 1193 | act described in chapter 794, chapter 800, former s. 827.071 ~~or~~
 1194 | ~~chapter 827,~~ s. 847.003, or s. 847.0137, or to otherwise engage
 1195 | in ~~any~~ sexual conduct,

1196 |
 1197 | commits a felony of the third degree, punishable as provided in
 1198 | s. 775.082, s. 775.083, or s. 775.084. A ~~Any~~ person who, in
 1199 | violating this subsection, misrepresents his or her age, commits
 1200 | a felony of the second degree, punishable as provided in s.

1201 775.082, s. 775.083, or s. 775.084. Each separate use of a
1202 computer online service, Internet service, local bulletin board
1203 service, or ~~any~~ other device capable of electronic data storage
1204 or transmission wherein an offense described in this section is
1205 committed may be charged as a separate offense.

1206 (4) TRAVELING TO MEET A MINOR.—A ~~Any~~ person who travels
1207 any distance either within this state, to this state, or from
1208 this state by any means, who attempts to do so, or who causes
1209 another to do so or to attempt to do so for the purpose of
1210 engaging in an ~~any~~ illegal act described in chapter 794, chapter
1211 800, former s. 827.071 or chapter 827, s. 847.003, or s.
1212 847.0137, or to otherwise engage in other unlawful sexual
1213 conduct with a child or with another person believed by the
1214 person to be a child after using a computer online service,
1215 Internet service, local bulletin board service, or ~~any~~ other
1216 device capable of electronic data storage or transmission to:

1217 (a) Seduce, solicit, lure, or entice or attempt to seduce,
1218 solicit, lure, or entice a child or another person believed by
1219 the person to be a child, to engage in an ~~any~~ illegal act
1220 described in chapter 794, chapter 800, former s. 827.071 or
1221 chapter 827, s. 847.003, or s. 847.0137, or to otherwise engage
1222 in other unlawful sexual conduct with a child; or

1223 (b) Solicit, lure, or entice or attempt to solicit, lure,
1224 or entice a parent, legal guardian, or custodian of a child or a
1225 person believed to be a parent, legal guardian, or custodian of

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1226 a child to consent to the participation of such child in an ~~any~~
1227 act described in chapter 794, chapter 800, former s. 827.071 ~~or~~
1228 ~~chapter 827~~, s. 847.003, or s. 847.0137, or to otherwise engage
1229 in ~~any~~ sexual conduct,

1230

1231 commits a felony of the second degree, punishable as provided in
1232 s. 775.082, s. 775.083, or s. 775.084.

1233 Section 32. Subsection (1) of section 847.01357, Florida
1234 Statutes, is amended to read:

1235 847.01357 Exploited children's civil remedy.—

1236 (1) A ~~Any~~ person who, while under the age of 18, was a
1237 victim of a sexual abuse crime listed in chapter 794, chapter
1238 800, former s. 827.071 ~~chapter 827~~, or chapter 847, where any
1239 portion of such abuse was used in the production of child
1240 pornography, and who suffers personal or psychological injury as
1241 a result of the production, promotion, or possession of such
1242 images or movies, may bring an action in an appropriate state
1243 court against the producer, promoter, or possessor of such
1244 images or movies, regardless of whether the victim is now an
1245 adult. In any action brought under this section, a prevailing
1246 plaintiff shall recover the actual damages such person sustained
1247 and the cost of the suit, including reasonable attorney
1248 ~~attorney's~~ fees. A ~~Any~~ victim who is awarded damages under this
1249 section shall be deemed to have sustained damages of at least
1250 \$150,000.

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1251 Section 33. Section 847.0137, Florida Statutes, is amended
1252 to read:

1253 847.0137 Child pornography; ~~Transmission of pornography by~~
1254 ~~electronic device or equipment~~ prohibited acts; penalties.—

1255 (1) For purposes of this section, the term:

1256 (a) ~~"Minor" means any person less than 18 years of age.~~

1257 "Child pornography" means a visual depiction of sexual conduct,
1258 where:

1259 1. The production of such visual depiction involves the
1260 use of a minor engaging in sexual conduct; or

1261 2. Such visual depiction has been created, adapted, or
1262 modified to appear that an identifiable minor is engaging in
1263 sexual conduct.

1264 (b) "Identifiable minor" means a person who is
1265 recognizable as an actual person by the person's face, likeness,
1266 or other distinguishing characteristic, such as a unique
1267 birthmark, or other recognizable feature and:

1268 1. Who was a minor at the time the visual depiction was
1269 created, adapted, or modified; or

1270 2. Whose image as a minor was used in creating, adapting,
1271 or modifying the visual depiction.

1272

1273 This paragraph does not require proof of the actual identity of
1274 the identifiable minor.

1275 (c) "Intentionally view" means to deliberately,

1276 purposefully, and voluntarily view. Proof of intentional viewing
1277 requires establishing that a person deliberately, purposefully,
1278 and voluntarily viewed more than one visual depiction over any
1279 period of time.

1280 (d) "Promote" means to procure, manufacture, issue, sell,
1281 give, provide, lend, mail, deliver, transfer, transmute,
1282 publish, distribute, circulate, disseminate, present, exhibit,
1283 or advertise or to offer or agree to do the same.

1284 (e) ~~(b)~~ "Transmit" means the act of sending and causing to
1285 be delivered, including the act of providing access for
1286 receiving and causing to be delivered, a visual depiction ~~any~~
1287 image, information, or data ~~from one or more persons or places~~
1288 ~~to one or more other persons or places~~ over or through any
1289 medium, including the Internet or an interconnected network, by
1290 use of ~~any~~ electronic equipment or other device.

1291 (f) "Visual depiction" includes, but is not limited to, a
1292 photograph, picture, image, motion picture, film, video,
1293 representation, or computer or computer-generated image or
1294 picture, whether made or produced by electronic, mechanical, or
1295 other means. The term also includes undeveloped film and
1296 videotape, data stored on computer disk or by electronic means
1297 which is capable of conversion into a visual image, and data
1298 that is capable of conversion into a visual image that has been
1299 transmitted by any means, whether stored in a permanent or
1300 nonpermanent format.

1301 (2) (a) It is unlawful for a person to possess, with the
1302 intent to promote, child pornography. The possession of three or
1303 more visual depictions of child pornography is prima facie
1304 evidence of an intent to promote. A person who violates this
1305 paragraph commits a felony of the second degree, punishable as
1306 provided in s. 775.082, s. 775.083, or s. 775.084.

1307 (b) It is unlawful for a person to knowingly possess,
1308 control, or intentionally view child pornography. The
1309 possession, control, or intentional viewing of each visual
1310 depiction of child pornography is a separate offense. If the
1311 visual depiction includes sexual conduct by more than one minor,
1312 each minor in each visual depiction that is knowingly possessed,
1313 controlled, or intentionally viewed is a separate offense. A
1314 person who violates this paragraph commits a felony of the third
1315 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1316 775.084.

1317 (c) This subsection does not apply to child pornography
1318 possessed, controlled, or intentionally viewed as part of a law
1319 enforcement investigation.

1320 (d) Prosecution of a person for an offense under this
1321 subsection does not prohibit prosecution of that person in this
1322 state for a violation of any law of this state, including a law
1323 providing for greater penalties than prescribed in this section
1324 or any other crime punishing the sexual performance or sexual
1325 exploitation of children.

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1326 (3) (a) (2) Notwithstanding ss. 847.012 and 847.0133, a any
1327 person in this state who knew or reasonably should have known
1328 that he or she was transmitting child pornography, ~~as defined in~~
1329 ~~s. 847.001,~~ to another person in this state or in another
1330 jurisdiction commits a felony of the third degree, punishable as
1331 provided in s. 775.082, s. 775.083, or s. 775.084.

1332 (b) (3) Notwithstanding ss. 847.012 and 847.0133, a any
1333 person in any jurisdiction other than this state who knew or
1334 reasonably should have known that he or she was transmitting
1335 child pornography, ~~as defined in s. 847.001,~~ to another any
1336 person in this state commits a felony of the third degree,
1337 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1338 (c) (4) This subsection does ~~section shall~~ not be construed
1339 ~~to~~ prohibit prosecution of a person in this state or another
1340 jurisdiction for a violation of any law of this state, including
1341 a law providing for greater penalties than prescribed in this
1342 subsection ~~section,~~ for the transmission of child pornography,
1343 ~~as defined in s. 847.001,~~ to another any person in this state.

1344 (d) (5) A person is subject to prosecution in this state
1345 pursuant to chapter 910 for any act or conduct proscribed by
1346 this subsection ~~section,~~ including a person in a jurisdiction
1347 other than this state, if the act or conduct violates paragraph
1348 (b) subsection (3).

1349 (e) This subsection does ~~The provisions of this section do~~
1350 not apply to subscription-based transmissions such as list

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1351 servers.

1352 Section 34. Subsection (1) of section 856.022, Florida
1353 Statutes, is amended to read:

1354 856.022 Loitering or prowling by certain offenders in
1355 close proximity to children; penalty.—

1356 (1) Except as provided in subsection (2), this section
1357 applies to a person convicted of committing, or attempting,
1358 soliciting, or conspiring to commit, any of the criminal
1359 offenses proscribed in the following statutes in this state or
1360 similar offenses in another jurisdiction against a victim who
1361 was under 18 years of age at the time of the offense: s. 787.01,
1362 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
1363 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;
1364 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025;
1365 former s. 827.071; s. 847.003; s. 847.0133; s. 847.0135,
1366 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
1367 s. 985.701(1); or any similar offense committed in this state
1368 which has been redesignated from a former statute number to one
1369 of those listed in this subsection, if the person has not
1370 received a pardon for any felony or similar law of another
1371 jurisdiction necessary for the operation of this subsection and
1372 a conviction of a felony or similar law of another jurisdiction
1373 necessary for the operation of this subsection has not been set
1374 aside in any postconviction proceeding.

1375 Section 35. Paragraph (a) of subsection (8) of section

1376 | 895.02, Florida Statutes, is amended to read:
 1377 | 895.02 Definitions.—As used in ss. 895.01-895.08, the
 1378 | term:
 1379 | (8) "Racketeering activity" means to commit, to attempt to
 1380 | commit, to conspire to commit, or to solicit, coerce, or
 1381 | intimidate another person to commit:
 1382 | (a) Any crime that is chargeable by petition, indictment,
 1383 | or information under the following provisions of the Florida
 1384 | Statutes:
 1385 | 1. Section 210.18, relating to evasion of payment of
 1386 | cigarette taxes.
 1387 | 2. Section 316.1935, relating to fleeing or attempting to
 1388 | elude a law enforcement officer and aggravated fleeing or
 1389 | eluding.
 1390 | 3. Section 403.727(3)(b), relating to environmental
 1391 | control.
 1392 | 4. Section 409.920 or s. 409.9201, relating to Medicaid
 1393 | fraud.
 1394 | 5. Section 414.39, relating to public assistance fraud.
 1395 | 6. Section 440.105 or s. 440.106, relating to workers'
 1396 | compensation.
 1397 | 7. Section 443.071(4), relating to creation of a
 1398 | fictitious employer scheme to commit reemployment assistance
 1399 | fraud.
 1400 | 8. Section 465.0161, relating to distribution of medicinal

- 1401 | drugs without a permit as an Internet pharmacy.
- 1402 | 9. Section 499.0051, relating to crimes involving
- 1403 | contraband, adulterated, or misbranded drugs.
- 1404 | 10. Part IV of chapter 501, relating to telemarketing.
- 1405 | 11. Chapter 517, relating to sale of securities and
- 1406 | investor protection.
- 1407 | 12. Section 550.235 or s. 550.3551, relating to dogracing
- 1408 | and horseracing.
- 1409 | 13. Chapter 550, relating to jai alai frontons.
- 1410 | 14. Section 551.109, relating to slot machine gaming.
- 1411 | 15. Chapter 552, relating to the manufacture,
- 1412 | distribution, and use of explosives.
- 1413 | 16. Chapter 560, relating to money transmitters, if the
- 1414 | violation is punishable as a felony.
- 1415 | 17. Chapter 562, relating to beverage law enforcement.
- 1416 | 18. Section 624.401, relating to transacting insurance
- 1417 | without a certificate of authority, s. 624.437(4)(c)1., relating
- 1418 | to operating an unauthorized multiple-employer welfare
- 1419 | arrangement, or s. 626.902(1)(b), relating to representing or
- 1420 | aiding an unauthorized insurer.
- 1421 | 19. Section 655.50, relating to reports of currency
- 1422 | transactions, when such violation is punishable as a felony.
- 1423 | 20. Chapter 687, relating to interest and usurious
- 1424 | practices.
- 1425 | 21. Section 721.08, s. 721.09, or s. 721.13, relating to

- 1426 | real estate timeshare plans.
- 1427 | 22. Section 775.13(5)(b), relating to registration of
- 1428 | persons found to have committed any offense for the purpose of
- 1429 | benefiting, promoting, or furthering the interests of a criminal
- 1430 | gang.
- 1431 | 23. Section 777.03, relating to commission of crimes by
- 1432 | accessories after the fact.
- 1433 | 24. Chapter 782, relating to homicide.
- 1434 | 25. Chapter 784, relating to assault and battery.
- 1435 | 26. Chapter 787, relating to kidnapping or human
- 1436 | trafficking.
- 1437 | 27. Chapter 790, relating to weapons and firearms.
- 1438 | 28. Chapter 794, relating to sexual battery, but only if
- 1439 | such crime was committed with the intent to benefit, promote, or
- 1440 | further the interests of a criminal gang, or for the purpose of
- 1441 | increasing a criminal gang member's own standing or position
- 1442 | within a criminal gang.
- 1443 | 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
- 1444 | 796.05, or s. 796.07, relating to prostitution.
- 1445 | 30. Chapter 806, relating to arson and criminal mischief.
- 1446 | 31. Chapter 810, relating to burglary and trespass.
- 1447 | 32. Chapter 812, relating to theft, robbery, and related
- 1448 | crimes.
- 1449 | 33. Chapter 815, relating to computer-related crimes.
- 1450 | 34. Chapter 817, relating to fraudulent practices, false

1451 | pretenses, fraud generally, and credit card crimes.
 1452 | 35. Chapter 825, relating to abuse, neglect, or
 1453 | exploitation of an elderly person or disabled adult.
 1454 | 36. Former s. Section 827.071, relating to commercial
 1455 | sexual exploitation of children.
 1456 | 37. Section 828.122, relating to fighting or baiting
 1457 | animals.
 1458 | 38. Chapter 831, relating to forgery and counterfeiting.
 1459 | 39. Chapter 832, relating to issuance of worthless checks
 1460 | and drafts.
 1461 | 40. Section 836.05, relating to extortion.
 1462 | 41. Chapter 837, relating to perjury.
 1463 | 42. Chapter 838, relating to bribery and misuse of public
 1464 | office.
 1465 | 43. Chapter 843, relating to obstruction of justice.
 1466 | 44. Section 847.003, relating to sexual performance by a
 1467 | child.
 1468 | ~~45.44.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
 1469 | or s. 847.07, relating to obscene literature and profanity.
 1470 | ~~46.45.~~ Chapter 849, relating to gambling, lottery,
 1471 | gambling or gaming devices, slot machines, or any of the
 1472 | provisions within that chapter.
 1473 | ~~47.46.~~ Chapter 874, relating to criminal gangs.
 1474 | ~~48.47.~~ Chapter 893, relating to drug abuse prevention and
 1475 | control.

1476 ~~49.48.~~ Chapter 896, relating to offenses related to
 1477 financial transactions.

1478 ~~50.49.~~ Sections 914.22 and 914.23, relating to tampering
 1479 with or harassing a witness, victim, or informant, and
 1480 retaliation against a witness, victim, or informant.

1481 ~~51.50.~~ Sections 918.12 and 918.13, relating to tampering
 1482 with jurors and evidence.

1483 Section 36. Subsection (8) of section 905.34, Florida
 1484 Statutes, is amended to read:

1485 905.34 Powers and duties; law applicable.—The jurisdiction
 1486 of a statewide grand jury impaneled under this chapter shall
 1487 extend throughout the state. The subject matter jurisdiction of
 1488 the statewide grand jury shall be limited to the offenses of:

1489 (8) Any violation of s. 847.003, s. 847.0135, s. 847.0137,
 1490 or s. 847.0138 relating to computer pornography and child
 1491 exploitation prevention, or any offense related to a violation
 1492 of s. 847.003, s. 847.0135, s. 847.0137, or s. 847.0138 or any
 1493 violation of former s. 827.071 ~~chapter 827~~ where the crime is
 1494 facilitated by or connected to the use of the Internet or any
 1495 device capable of electronic data storage or transmission;

1496

1497 or any attempt, solicitation, or conspiracy to commit any
 1498 violation of the crimes specifically enumerated above, when any
 1499 such offense is occurring, or has occurred, in two or more
 1500 judicial circuits as part of a related transaction or when any

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1501 such offense is connected with an organized criminal conspiracy
1502 affecting two or more judicial circuits. The statewide grand
1503 jury may return indictments and presentments irrespective of the
1504 county or judicial circuit where the offense is committed or
1505 triable. If an indictment is returned, it shall be certified and
1506 transferred for trial to the county where the offense was
1507 committed. The powers and duties of, and law applicable to,
1508 county grand juries shall apply to a statewide grand jury except
1509 when such powers, duties, and law are inconsistent with the
1510 provisions of ss. 905.31-905.40.

1511 Section 37. Paragraph (a) of subsection (1) of section
1512 934.07, Florida Statutes, is amended to read:

1513 934.07 Authorization for interception of wire, oral, or
1514 electronic communications.—

1515 (1) The Governor, the Attorney General, the statewide
1516 prosecutor, or any state attorney may authorize an application
1517 to a judge of competent jurisdiction for, and such judge may
1518 grant in conformity with ss. 934.03-934.09 an order authorizing
1519 or approving the interception of, wire, oral, or electronic
1520 communications by:

1521 (a) The Department of Law Enforcement or any law
1522 enforcement agency as defined in s. 934.02 having responsibility
1523 for the investigation of the offense as to which the application
1524 is made when such interception may provide or has provided
1525 evidence of the commission of the offense of murder, kidnapping,

1526 aircraft piracy, arson, gambling, robbery, burglary, theft,
 1527 dealing in stolen property, criminal usury, bribery, or
 1528 extortion; any felony violation of ss. 790.161-790.166,
 1529 inclusive; any violation of s. 787.06; any violation of chapter
 1530 893; any violation of the provisions of the Florida Anti-Fencing
 1531 Act; any violation of chapter 895; any violation of chapter 896;
 1532 any violation of chapter 815; any violation of chapter 847; any
 1533 violation of former s. 827.071; any violation of s. 944.40; or
 1534 any conspiracy or solicitation to commit any violation of the
 1535 laws of this state relating to the crimes specifically
 1536 enumerated in this paragraph.

1537 Section 38. Section 938.085, Florida Statutes, is amended
 1538 to read:

1539 938.085 Additional cost to fund rape crisis centers.—In
 1540 addition to any sanction imposed when a person pleads guilty or
 1541 nolo contendere to, or is found guilty of, regardless of
 1542 adjudication, a violation of s. 775.21(6) and (10) (a), (b), and
 1543 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
 1544 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
 1545 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
 1546 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
 1547 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
 1548 796.07(2) (a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
 1549 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; former
 1550 s. 827.071; s. 836.10; s. 847.003; s. 847.0133; s. 847.0135

1551 ~~847.0135(2)~~; s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7),
 1552 (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court
 1553 shall impose a surcharge of \$151. Payment of the surcharge shall
 1554 be a condition of probation, community control, or any other
 1555 court-ordered supervision. The sum of \$150 of the surcharge
 1556 shall be deposited into the Rape Crisis Program Trust Fund
 1557 established within the Department of Health by chapter 2003-140,
 1558 Laws of Florida. The clerk of the court shall retain \$1 of each
 1559 surcharge that the clerk of the court collects as a service
 1560 charge of the clerk's office.

1561 Section 39. Subsection (1) of section 938.10, Florida
 1562 Statutes, is amended to read:

1563 938.10 Additional court cost imposed in cases of certain
 1564 crimes.—

1565 (1) If a person pleads guilty or nolo contendere to, or is
 1566 found guilty of, regardless of adjudication, any offense against
 1567 a minor in violation of s. 784.085, chapter 787, chapter 794,
 1568 former s. 796.03, former s. 796.035, s. 800.04, chapter 827,
 1569 former s. 827.071, s. 847.003, s. 847.012, s. 847.0133, s.
 1570 847.0135 ~~847.0135(5)~~, s. 847.0137, s. 847.0138, s. 847.0145, s.
 1571 893.147(3), or s. 985.701, or any offense in violation of s.
 1572 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
 1573 court shall impose a court cost of \$151 against the offender in
 1574 addition to any other cost or penalty required by law.

1575 Section 40. Paragraph (h) of subsection (1) of section

1576 | 943.0435, Florida Statutes, is amended to read:
 1577 | 943.0435 Sexual offenders required to register with the
 1578 | department; penalty.—
 1579 | (1) As used in this section, the term:
 1580 | (h)1. "Sexual offender" means a person who meets the
 1581 | criteria in sub-subparagraph a., sub-subparagraph b., sub-
 1582 | subparagraph c., or sub-subparagraph d., as follows:
 1583 | a.(I) Has been convicted of committing, or attempting,
 1584 | soliciting, or conspiring to commit, any of the criminal
 1585 | offenses proscribed in the following statutes in this state or
 1586 | similar offenses in another jurisdiction: s. 393.135(2); s.
 1587 | 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 1588 | the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
 1589 | s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
 1590 | 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
 1591 | 810.145(8); s. 825.1025; former s. 827.071; s. 847.003; s.
 1592 | 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
 1593 | 847.0138; s. 847.0145; s. 895.03, if the court makes a written
 1594 | finding that the racketeering activity involved at least one
 1595 | sexual offense listed in this sub-sub-subparagraph or at least
 1596 | one offense listed in this sub-sub-subparagraph with sexual
 1597 | intent or motive; s. 916.1075(2); or s. 985.701(1); or any
 1598 | similar offense committed in this state which has been
 1599 | redesignated from a former statute number to one of those listed
 1600 | in this sub-sub-subparagraph; and

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1601 (II) Has been released on or after October 1, 1997, from
1602 the sanction imposed for any conviction of an offense described
1603 in sub-sub-subparagraph (I). For purposes of sub-sub-
1604 subparagraph (I), a sanction imposed in this state or in any
1605 other jurisdiction includes, but is not limited to, a fine,
1606 probation, community control, parole, conditional release,
1607 control release, or incarceration in a state prison, federal
1608 prison, private correctional facility, or local detention
1609 facility;

1610 b. Establishes or maintains a residence in this state and
1611 who has not been designated as a sexual predator by a court of
1612 this state but who has been designated as a sexual predator, as
1613 a sexually violent predator, or by another sexual offender
1614 designation in another state or jurisdiction and was, as a
1615 result of such designation, subjected to registration or
1616 community or public notification, or both, or would be if the
1617 person were a resident of that state or jurisdiction, without
1618 regard to whether the person otherwise meets the criteria for
1619 registration as a sexual offender;

1620 c. Establishes or maintains a residence in this state who
1621 is in the custody or control of, or under the supervision of,
1622 any other state or jurisdiction as a result of a conviction for
1623 committing, or attempting, soliciting, or conspiring to commit,
1624 any of the criminal offenses proscribed in the following
1625 statutes or similar offense in another jurisdiction: s.

1626 | 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 1627 | 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
 1628 | (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
 1629 | s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
 1630 | s. 800.04; s. 810.145(8); s. 825.1025; former s. 827.071; s.
 1631 | 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
 1632 | 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
 1633 | makes a written finding that the racketeering activity involved
 1634 | at least one sexual offense listed in this sub-subparagraph or
 1635 | at least one offense listed in this sub-subparagraph with sexual
 1636 | intent or motive; s. 916.1075(2); or s. 985.701(1); or any
 1637 | similar offense committed in this state which has been
 1638 | redesignated from a former statute number to one of those listed
 1639 | in this sub-subparagraph; or
 1640 | d. On or after July 1, 2007, has been adjudicated
 1641 | delinquent for committing, or attempting, soliciting, or
 1642 | conspiring to commit, any of the criminal offenses proscribed in
 1643 | the following statutes in this state or similar offenses in
 1644 | another jurisdiction when the juvenile was 14 years of age or
 1645 | older at the time of the offense:
 1646 | (I) Section 794.011, excluding s. 794.011(10);
 1647 | (II) Section 800.04(4)(a)2. where the victim is under 12
 1648 | years of age or where the court finds sexual activity by the use
 1649 | of force or coercion;
 1650 | (III) Section 800.04(5)(c)1. where the court finds

1651 molestation involving unclothed genitals;

1652 (IV) Section 800.04(5)(d) where the court finds the use of

1653 force or coercion and unclothed genitals; or

1654 (V) Any similar offense committed in this state which has

1655 been redesignated from a former statute number to one of those

1656 listed in this sub-subparagraph.

1657 2. For all qualifying offenses listed in sub-subparagraph

1658 1.d., the court shall make a written finding of the age of the

1659 offender at the time of the offense.

1660

1661 For each violation of a qualifying offense listed in this

1662 subsection, except for a violation of s. 794.011, the court

1663 shall make a written finding of the age of the victim at the

1664 time of the offense. For a violation of s. 800.04(4), the court

1665 shall also make a written finding indicating whether the offense

1666 involved sexual activity and indicating whether the offense

1667 involved force or coercion. For a violation of s. 800.04(5), the

1668 court shall also make a written finding that the offense did or

1669 did not involve unclothed genitals or genital area and that the

1670 offense did or did not involve the use of force or coercion.

1671 Section 41. Paragraph (a) of subsection (1) and subsection

1672 (3) of section 943.04354, Florida Statutes, are amended to read:

1673 943.04354 Removal of the requirement to register as a

1674 sexual offender or sexual predator in special circumstances.—

1675 (1) For purposes of this section, a person shall be

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1676 considered for removal of the requirement to register as a
1677 sexual offender or sexual predator only if the person:

1678 (a) Was convicted, regardless of adjudication, or
1679 adjudicated delinquent of a violation of s. 800.04, former s.
1680 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s. 847.0137(2) or of
1681 a similar offense in another jurisdiction and if the person does
1682 not have any other conviction, regardless of adjudication, or
1683 adjudication of delinquency for a violation of s. 794.011, s.
1684 800.04, former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.
1685 847.0137(2) or for a similar offense in another jurisdiction;

1686 (3) If a person provides to the Department of Law
1687 Enforcement a certified copy of the court's order removing the
1688 requirement that the person register as a sexual offender or
1689 sexual predator for the violation of s. 794.011, s. 800.04,
1690 former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.
1691 847.0137(2) or a similar offense in another jurisdiction, the
1692 registration requirement will not apply to the person and the
1693 department shall remove all information about the person from
1694 the public registry of sexual offenders and sexual predators
1695 maintained by the department. However, the removal of this
1696 information from the public registry does not mean that the
1697 public is denied access to information about the person's
1698 criminal history or record that is otherwise available as a
1699 public record.

1700 Section 42. Section 943.0585, Florida Statutes, is amended

1701 to read:

1702 943.0585 Court-ordered expunction of criminal history

1703 records.—The courts of this state have jurisdiction over their

1704 own procedures, including the maintenance, expunction, and

1705 correction of judicial records containing criminal history

1706 information to the extent such procedures are not inconsistent

1707 with the conditions, responsibilities, and duties established by

1708 this section. Any court of competent jurisdiction may order a

1709 criminal justice agency to expunge the criminal history record

1710 of a minor or an adult who complies with the requirements of

1711 this section. The court shall not order a criminal justice

1712 agency to expunge a criminal history record until the person

1713 seeking to expunge a criminal history record has applied for and

1714 received a certificate of eligibility for expunction pursuant to

1715 subsection (2) or subsection (5). A criminal history record that

1716 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,

1717 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,

1718 s. 825.1025, former s. 827.071, chapter 839, s. 847.003, s.

1719 847.0133, s. 847.0135, s. 847.0137(2), s. 847.0145, s. 893.135,

1720 s. 916.1075, a violation enumerated in s. 907.041, or any

1721 violation specified as a predicate offense for registration as a

1722 sexual predator pursuant to s. 775.21, without regard to whether

1723 that offense alone is sufficient to require such registration,

1724 or for registration as a sexual offender pursuant to s.

1725 943.0435, may not be expunged, without regard to whether

1726 adjudication was withheld, if the defendant was found guilty of
1727 or pled guilty or nolo contendere to the offense, or if the
1728 defendant, as a minor, was found to have committed, or pled
1729 guilty or nolo contendere to committing, the offense as a
1730 delinquent act. The court may only order expunction of a
1731 criminal history record pertaining to one arrest or one incident
1732 of alleged criminal activity, except as provided in this
1733 section. The court may, at its sole discretion, order the
1734 expunction of a criminal history record pertaining to more than
1735 one arrest if the additional arrests directly relate to the
1736 original arrest. If the court intends to order the expunction of
1737 records pertaining to such additional arrests, such intent must
1738 be specified in the order. A criminal justice agency may not
1739 expunge any record pertaining to such additional arrests if the
1740 order to expunge does not articulate the intention of the court
1741 to expunge a record pertaining to more than one arrest. This
1742 section does not prevent the court from ordering the expunction
1743 of only a portion of a criminal history record pertaining to one
1744 arrest or one incident of alleged criminal activity.
1745 Notwithstanding any law to the contrary, a criminal justice
1746 agency may comply with laws, court orders, and official requests
1747 of other jurisdictions relating to expunction, correction, or
1748 confidential handling of criminal history records or information
1749 derived therefrom. This section does not confer any right to the
1750 expunction of any criminal history record, and any request for

1751 expunction of a criminal history record may be denied at the
 1752 sole discretion of the court.

1753 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each
 1754 petition to a court to expunge a criminal history record is
 1755 complete only when accompanied by:

1756 (a) A valid certificate of eligibility for expunction
 1757 issued by the department pursuant to subsection (2).

1758 (b) The petitioner's sworn statement attesting that the
 1759 petitioner:

1760 1. Has never, prior to the date on which the petition is
 1761 filed, been adjudicated guilty of a criminal offense or
 1762 comparable ordinance violation, or been adjudicated delinquent
 1763 for committing any felony or a misdemeanor specified in s.
 1764 943.051(3)(b).

1765 2. Has not been adjudicated guilty of, or adjudicated
 1766 delinquent for committing, any of the acts stemming from the
 1767 arrest or alleged criminal activity to which the petition
 1768 pertains.

1769 3. Has never secured a prior sealing or expunction of a
 1770 criminal history record under this section, s. 943.059, former
 1771 s. 893.14, former s. 901.33, or former s. 943.058, unless
 1772 expunction is sought of a criminal history record previously
 1773 sealed for 10 years pursuant to paragraph (2)(h) and the record
 1774 is otherwise eligible for expunction.

1775 4. Is eligible for such an expunction to the best of his

1776 or her knowledge or belief and does not have any other petition
1777 to expunge or any petition to seal pending before any court.
1778

1779 Any person who knowingly provides false information on such
1780 sworn statement to the court commits a felony of the third
1781 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1782 775.084.

1783 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to
1784 petitioning the court to expunge a criminal history record, a
1785 person seeking to expunge a criminal history record shall apply
1786 to the department for a certificate of eligibility for
1787 expunction. The department shall, by rule adopted pursuant to
1788 chapter 120, establish procedures pertaining to the application
1789 for and issuance of certificates of eligibility for expunction.
1790 A certificate of eligibility for expunction is valid for 12
1791 months after the date stamped on the certificate when issued by
1792 the department. After that time, the petitioner must reapply to
1793 the department for a new certificate of eligibility. Eligibility
1794 for a renewed certification of eligibility must be based on the
1795 status of the applicant and the law in effect at the time of the
1796 renewal application. The department shall issue a certificate of
1797 eligibility for expunction to a person who is the subject of a
1798 criminal history record if that person:

1799 (a) Has obtained, and submitted to the department, a
1800 written, certified statement from the appropriate state attorney

1801 or statewide prosecutor which indicates:

1802 1. That an indictment, information, or other charging
1803 document was not filed or issued in the case.

1804 2. That an indictment, information, or other charging
1805 document, if filed or issued in the case, was dismissed or nolle
1806 prosequi by the state attorney or statewide prosecutor, or was
1807 dismissed by a court of competent jurisdiction, and that none of
1808 the charges related to the arrest or alleged criminal activity
1809 to which the petition to expunge pertains resulted in a trial,
1810 without regard to whether the outcome of the trial was other
1811 than an adjudication of guilt.

1812 3. That the criminal history record does not relate to a
1813 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
1814 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
1815 former s. 827.071, chapter 839, s. 847.003, s. 847.0133, s.
1816 847.0135, s. 847.0137(2), s. 847.0145, s. 893.135, s. 916.1075,
1817 a violation enumerated in s. 907.041, or any violation specified
1818 as a predicate offense for registration as a sexual predator
1819 pursuant to s. 775.21, without regard to whether that offense
1820 alone is sufficient to require such registration, or for
1821 registration as a sexual offender pursuant to s. 943.0435, where
1822 the defendant was found guilty of, or pled guilty or nolo
1823 contendere to any such offense, or that the defendant, as a
1824 minor, was found to have committed, or pled guilty or nolo
1825 contendere to committing, such an offense as a delinquent act,

1826 | without regard to whether adjudication was withheld.

1827 | (b) Remits a \$75 processing fee to the department for
1828 | placement in the Department of Law Enforcement Operating Trust
1829 | Fund, unless such fee is waived by the executive director.

1830 | (c) Has submitted to the department a certified copy of
1831 | the disposition of the charge to which the petition to expunge
1832 | pertains.

1833 | (d) Has never, prior to the date on which the application
1834 | for a certificate of eligibility is filed, been adjudicated
1835 | guilty of a criminal offense or comparable ordinance violation,
1836 | or been adjudicated delinquent for committing any felony or a
1837 | misdemeanor specified in s. 943.051(3)(b).

1838 | (e) Has not been adjudicated guilty of, or adjudicated
1839 | delinquent for committing, any of the acts stemming from the
1840 | arrest or alleged criminal activity to which the petition to
1841 | expunge pertains.

1842 | (f) Has never secured a prior sealing or expunction of a
1843 | criminal history record under this section, s. 943.059, former
1844 | s. 893.14, former s. 901.33, or former s. 943.058, unless
1845 | expunction is sought of a criminal history record previously
1846 | sealed for 10 years pursuant to paragraph (h) and the record is
1847 | otherwise eligible for expunction.

1848 | (g) Is no longer under court supervision applicable to the
1849 | disposition of the arrest or alleged criminal activity to which
1850 | the petition to expunge pertains.

1851 (h) Has previously obtained a court order sealing the
1852 record under this section, former s. 893.14, former s. 901.33,
1853 or former s. 943.058 for a minimum of 10 years because
1854 adjudication was withheld or because all charges related to the
1855 arrest or alleged criminal activity to which the petition to
1856 expunge pertains were not dismissed prior to trial, without
1857 regard to whether the outcome of the trial was other than an
1858 adjudication of guilt. The requirement for the record to have
1859 previously been sealed for a minimum of 10 years does not apply
1860 when a plea was not entered or all charges related to the arrest
1861 or alleged criminal activity to which the petition to expunge
1862 pertains were dismissed prior to trial.

1863 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

1864 (a) In judicial proceedings under this section, a copy of
1865 the completed petition to expunge shall be served upon the
1866 appropriate state attorney or the statewide prosecutor and upon
1867 the arresting agency; however, it is not necessary to make any
1868 agency other than the state a party. The appropriate state
1869 attorney or the statewide prosecutor and the arresting agency
1870 may respond to the court regarding the completed petition to
1871 expunge.

1872 (b) If relief is granted by the court, the clerk of the
1873 court shall certify copies of the order to the appropriate state
1874 attorney or the statewide prosecutor and the arresting agency.
1875 The arresting agency is responsible for forwarding the order to

1876 any other agency to which the arresting agency disseminated the
1877 criminal history record information to which the order pertains.
1878 The department shall forward the order to expunge to the Federal
1879 Bureau of Investigation. The clerk of the court shall certify a
1880 copy of the order to any other agency which the records of the
1881 court reflect has received the criminal history record from the
1882 court.

1883 (c) For an order to expunge entered by a court prior to
1884 July 1, 1992, the department shall notify the appropriate state
1885 attorney or statewide prosecutor of an order to expunge which is
1886 contrary to law because the person who is the subject of the
1887 record has previously been convicted of a crime or comparable
1888 ordinance violation or has had a prior criminal history record
1889 sealed or expunged. Upon receipt of such notice, the appropriate
1890 state attorney or statewide prosecutor shall take action, within
1891 60 days, to correct the record and petition the court to void
1892 the order to expunge. The department shall seal the record until
1893 such time as the order is voided by the court.

1894 (d) On or after July 1, 1992, the department or any other
1895 criminal justice agency is not required to act on an order to
1896 expunge entered by a court when such order does not comply with
1897 the requirements of this section. Upon receipt of such an order,
1898 the department must notify the issuing court, the appropriate
1899 state attorney or statewide prosecutor, the petitioner or the
1900 petitioner's attorney, and the arresting agency of the reason

1901 for noncompliance. The appropriate state attorney or statewide
 1902 prosecutor shall take action within 60 days to correct the
 1903 record and petition the court to void the order. No cause of
 1904 action, including contempt of court, shall arise against any
 1905 criminal justice agency for failure to comply with an order to
 1906 expunge when the petitioner for such order failed to obtain the
 1907 certificate of eligibility as required by this section or such
 1908 order does not otherwise comply with the requirements of this
 1909 section.

1910 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
 1911 criminal history record of a minor or an adult which is ordered
 1912 expunged by a court of competent jurisdiction pursuant to this
 1913 section must be physically destroyed or obliterated by any
 1914 criminal justice agency having custody of such record; except
 1915 that any criminal history record in the custody of the
 1916 department must be retained in all cases. A criminal history
 1917 record ordered expunged that is retained by the department is
 1918 confidential and exempt from the provisions of s. 119.07(1) and
 1919 s. 24(a), Art. I of the State Constitution and not available to
 1920 any person or entity except upon order of a court of competent
 1921 jurisdiction. A criminal justice agency may retain a notation
 1922 indicating compliance with an order to expunge.

1923 (a) The person who is the subject of a criminal history
 1924 record that is expunged under this section or under other
 1925 provisions of law, including former s. 893.14, former s. 901.33,

1926 and former s. 943.058, may lawfully deny or fail to acknowledge
 1927 the arrests covered by the expunged record, except when the
 1928 subject of the record:

1929 1. Is a candidate for employment with a criminal justice
 1930 agency;

1931 2. Is a defendant in a criminal prosecution;

1932 3. Concurrently or subsequently petitions for relief under
 1933 this section, s. 943.0583, or s. 943.059;

1934 4. Is a candidate for admission to The Florida Bar;

1935 5. Is seeking to be employed or licensed by or to contract
 1936 with the Department of Children and Families, the Division of
 1937 Vocational Rehabilitation within the Department of Education,
 1938 the Agency for Health Care Administration, the Agency for
 1939 Persons with Disabilities, the Department of Health, the
 1940 Department of Elderly Affairs, or the Department of Juvenile
 1941 Justice or to be employed or used by such contractor or licensee
 1942 in a sensitive position having direct contact with children, the
 1943 disabled, or the elderly;

1944 6. Is seeking to be employed or licensed by the Department
 1945 of Education, any district school board, any university
 1946 laboratory school, any charter school, any private or parochial
 1947 school, or any local governmental entity that licenses child
 1948 care facilities;

1949 7. Is seeking to be licensed by the Division of Insurance
 1950 Agent and Agency Services within the Department of Financial

1951 Services; or
 1952 8. Is seeking to be appointed as a guardian pursuant to s.
 1953 744.3125.
 1954 (b) Subject to the exceptions in paragraph (a), a person
 1955 who has been granted an expunction under this section, former s.
 1956 893.14, former s. 901.33, or former s. 943.058 may not be held
 1957 under any provision of law of this state to commit perjury or to
 1958 be otherwise liable for giving a false statement by reason of
 1959 such person's failure to recite or acknowledge an expunged
 1960 criminal history record.
 1961 (c) Information relating to the existence of an expunged
 1962 criminal history record which is provided in accordance with
 1963 paragraph (a) is confidential and exempt from the provisions of
 1964 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
 1965 except that the department shall disclose the existence of a
 1966 criminal history record ordered expunged to the entities set
 1967 forth in subparagraphs (a)1., 4., 5., 6., 7., and 8. for their
 1968 respective licensing, access authorization, and employment
 1969 purposes, and to criminal justice agencies for their respective
 1970 criminal justice purposes. It is unlawful for any employee of an
 1971 entity set forth in subparagraph (a)1., subparagraph (a)4.,
 1972 subparagraph (a)5., subparagraph (a)6., subparagraph (a)7., or
 1973 subparagraph (a)8. to disclose information relating to the
 1974 existence of an expunged criminal history record of a person
 1975 seeking employment, access authorization, or licensure with such

1976 | entity or contractor, except to the person to whom the criminal
 1977 | history record relates or to persons having direct
 1978 | responsibility for employment, access authorization, or
 1979 | licensure decisions. Any person who violates this paragraph
 1980 | commits a misdemeanor of the first degree, punishable as
 1981 | provided in s. 775.082 or s. 775.083.

1982 | (5) EXCEPTION FOR LAWFUL SELF-DEFENSE.—Notwithstanding the
 1983 | eligibility requirements prescribed in paragraph (1)(b) and
 1984 | subsection (2), the department shall issue a certificate of
 1985 | eligibility for expunction under this subsection to a person who
 1986 | is the subject of a criminal history record if that person:

1987 | (a) Has obtained, and submitted to the department, on a
 1988 | form provided by the department, a written, certified statement
 1989 | from the appropriate state attorney or statewide prosecutor
 1990 | which states whether an information, indictment, or other
 1991 | charging document was not filed or was dismissed by the state
 1992 | attorney, or dismissed by the court, because it was found that
 1993 | the person acted in lawful self-defense pursuant to the
 1994 | provisions related to justifiable use of force in chapter 776.

1995 | (b) Each petition to a court to expunge a criminal history
 1996 | record pursuant to this subsection is complete only when
 1997 | accompanied by:

1998 | 1. A valid certificate of eligibility for expunction
 1999 | issued by the department pursuant to this subsection.

2000 | 2. The petitioner's sworn statement attesting that the

2001 petitioner is eligible for such an expunction to the best of his
 2002 or her knowledge or belief.

2003
 2004 Any person who knowingly provides false information on such
 2005 sworn statement to the court commits a felony of the third
 2006 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2007 775.084.

2008 (c) This subsection does not confer any right to the
 2009 expunction of a criminal history record, and any request for
 2010 expunction of a criminal history record may be denied at the
 2011 discretion of the court.

2012 (d) Subsections (3) and (4) shall apply to expunction
 2013 ordered under this subsection.

2014 (e) The department shall, by rule adopted pursuant to
 2015 chapter 120, establish procedures pertaining to the application
 2016 for and issuance of certificates of eligibility for expunction
 2017 under this subsection.

2018 (6) STATUTORY REFERENCES.—Any reference to any other
 2019 chapter, section, or subdivision of the Florida Statutes in this
 2020 section constitutes a general reference under the doctrine of
 2021 incorporation by reference.

2022 Section 43. Section 943.059, Florida Statutes, is amended
 2023 to read:

2024 943.059 Court-ordered sealing of criminal history
 2025 records.—The courts of this state shall continue to have

2026 jurisdiction over their own procedures, including the
2027 maintenance, sealing, and correction of judicial records
2028 containing criminal history information to the extent such
2029 procedures are not inconsistent with the conditions,
2030 responsibilities, and duties established by this section. Any
2031 court of competent jurisdiction may order a criminal justice
2032 agency to seal the criminal history record of a minor or an
2033 adult who complies with the requirements of this section. The
2034 court shall not order a criminal justice agency to seal a
2035 criminal history record until the person seeking to seal a
2036 criminal history record has applied for and received a
2037 certificate of eligibility for sealing pursuant to subsection
2038 (2). A criminal history record that relates to a violation of s.
2039 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
2040 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, former s.
2041 827.071, chapter 839, s. 847.003, s. 847.0133, s. 847.0135, s.
2042 847.0137(2), s. 847.0145, s. 893.135, s. 916.1075, a violation
2043 enumerated in s. 907.041, or any violation specified as a
2044 predicate offense for registration as a sexual predator pursuant
2045 to s. 775.21, without regard to whether that offense alone is
2046 sufficient to require such registration, or for registration as
2047 a sexual offender pursuant to s. 943.0435, may not be sealed,
2048 without regard to whether adjudication was withheld, if the
2049 defendant was found guilty of or pled guilty or nolo contendere
2050 to the offense, or if the defendant, as a minor, was found to

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2051 have committed or pled guilty or nolo contendere to committing
2052 the offense as a delinquent act. The court may only order
2053 sealing of a criminal history record pertaining to one arrest or
2054 one incident of alleged criminal activity, except as provided in
2055 this section. The court may, at its sole discretion, order the
2056 sealing of a criminal history record pertaining to more than one
2057 arrest if the additional arrests directly relate to the original
2058 arrest. If the court intends to order the sealing of records
2059 pertaining to such additional arrests, such intent must be
2060 specified in the order. A criminal justice agency may not seal
2061 any record pertaining to such additional arrests if the order to
2062 seal does not articulate the intention of the court to seal
2063 records pertaining to more than one arrest. This section does
2064 not prevent the court from ordering the sealing of only a
2065 portion of a criminal history record pertaining to one arrest or
2066 one incident of alleged criminal activity. Notwithstanding any
2067 law to the contrary, a criminal justice agency may comply with
2068 laws, court orders, and official requests of other jurisdictions
2069 relating to sealing, correction, or confidential handling of
2070 criminal history records or information derived therefrom. This
2071 section does not confer any right to the sealing of any criminal
2072 history record, and any request for sealing a criminal history
2073 record may be denied at the sole discretion of the court.

2074 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
2075 petition to a court to seal a criminal history record is

2076 complete only when accompanied by:

2077 (a) A valid certificate of eligibility for sealing issued

2078 by the department pursuant to subsection (2).

2079 (b) The petitioner's sworn statement attesting that the

2080 petitioner:

2081 1. Has never, prior to the date on which the petition is

2082 filed, been adjudicated guilty of a criminal offense or

2083 comparable ordinance violation, or been adjudicated delinquent

2084 for committing any felony or a misdemeanor specified in s.

2085 943.051(3)(b).

2086 2. Has not been adjudicated guilty of or adjudicated

2087 delinquent for committing any of the acts stemming from the

2088 arrest or alleged criminal activity to which the petition to

2089 seal pertains.

2090 3. Has never secured a prior sealing or expunction of a

2091 criminal history record under this section, s. 943.0585, former

2092 s. 893.14, former s. 901.33, or former s. 943.058.

2093 4. Is eligible for such a sealing to the best of his or

2094 her knowledge or belief and does not have any other petition to

2095 seal or any petition to expunge pending before any court.

2096

2097 Any person who knowingly provides false information on such

2098 sworn statement to the court commits a felony of the third

2099 degree, punishable as provided in s. 775.082, s. 775.083, or s.

2100 775.084.

2101 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to
2102 petitioning the court to seal a criminal history record, a
2103 person seeking to seal a criminal history record shall apply to
2104 the department for a certificate of eligibility for sealing. The
2105 department shall, by rule adopted pursuant to chapter 120,
2106 establish procedures pertaining to the application for and
2107 issuance of certificates of eligibility for sealing. A
2108 certificate of eligibility for sealing is valid for 12 months
2109 after the date stamped on the certificate when issued by the
2110 department. After that time, the petitioner must reapply to the
2111 department for a new certificate of eligibility. Eligibility for
2112 a renewed certification of eligibility must be based on the
2113 status of the applicant and the law in effect at the time of the
2114 renewal application. The department shall issue a certificate of
2115 eligibility for sealing to a person who is the subject of a
2116 criminal history record provided that such person:

2117 (a) Has submitted to the department a certified copy of
2118 the disposition of the charge to which the petition to seal
2119 pertains.

2120 (b) Remits a \$75 processing fee to the department for
2121 placement in the Department of Law Enforcement Operating Trust
2122 Fund, unless such fee is waived by the executive director.

2123 (c) Has never, prior to the date on which the application
2124 for a certificate of eligibility is filed, been adjudicated
2125 guilty of a criminal offense or comparable ordinance violation,

2126 | or been adjudicated delinquent for committing any felony or a
 2127 | misdemeanor specified in s. 943.051(3)(b).

2128 | (d) Has not been adjudicated guilty of or adjudicated
 2129 | delinquent for committing any of the acts stemming from the
 2130 | arrest or alleged criminal activity to which the petition to
 2131 | seal pertains.

2132 | (e) Has never secured a prior sealing or expunction of a
 2133 | criminal history record under this section, s. 943.0585, former
 2134 | s. 893.14, former s. 901.33, or former s. 943.058.

2135 | (f) Is no longer under court supervision applicable to the
 2136 | disposition of the arrest or alleged criminal activity to which
 2137 | the petition to seal pertains.

2138 | (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

2139 | (a) In judicial proceedings under this section, a copy of
 2140 | the completed petition to seal shall be served upon the
 2141 | appropriate state attorney or the statewide prosecutor and upon
 2142 | the arresting agency; however, it is not necessary to make any
 2143 | agency other than the state a party. The appropriate state
 2144 | attorney or the statewide prosecutor and the arresting agency
 2145 | may respond to the court regarding the completed petition to
 2146 | seal.

2147 | (b) If relief is granted by the court, the clerk of the
 2148 | court shall certify copies of the order to the appropriate state
 2149 | attorney or the statewide prosecutor and to the arresting
 2150 | agency. The arresting agency is responsible for forwarding the

2151 order to any other agency to which the arresting agency
2152 disseminated the criminal history record information to which
2153 the order pertains. The department shall forward the order to
2154 seal to the Federal Bureau of Investigation. The clerk of the
2155 court shall certify a copy of the order to any other agency
2156 which the records of the court reflect has received the criminal
2157 history record from the court.

2158 (c) For an order to seal entered by a court prior to July
2159 1, 1992, the department shall notify the appropriate state
2160 attorney or statewide prosecutor of any order to seal which is
2161 contrary to law because the person who is the subject of the
2162 record has previously been convicted of a crime or comparable
2163 ordinance violation or has had a prior criminal history record
2164 sealed or expunged. Upon receipt of such notice, the appropriate
2165 state attorney or statewide prosecutor shall take action, within
2166 60 days, to correct the record and petition the court to void
2167 the order to seal. The department shall seal the record until
2168 such time as the order is voided by the court.

2169 (d) On or after July 1, 1992, the department or any other
2170 criminal justice agency is not required to act on an order to
2171 seal entered by a court when such order does not comply with the
2172 requirements of this section. Upon receipt of such an order, the
2173 department must notify the issuing court, the appropriate state
2174 attorney or statewide prosecutor, the petitioner or the
2175 petitioner's attorney, and the arresting agency of the reason

2176 for noncompliance. The appropriate state attorney or statewide
2177 prosecutor shall take action within 60 days to correct the
2178 record and petition the court to void the order. No cause of
2179 action, including contempt of court, shall arise against any
2180 criminal justice agency for failure to comply with an order to
2181 seal when the petitioner for such order failed to obtain the
2182 certificate of eligibility as required by this section or when
2183 such order does not comply with the requirements of this
2184 section.

2185 (e) An order sealing a criminal history record pursuant to
2186 this section does not require that such record be surrendered to
2187 the court, and such record shall continue to be maintained by
2188 the department and other criminal justice agencies.

2189 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
2190 history record of a minor or an adult which is ordered sealed by
2191 a court pursuant to this section is confidential and exempt from
2192 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
2193 Constitution and is available only to the person who is the
2194 subject of the record, to the subject's attorney, to criminal
2195 justice agencies for their respective criminal justice purposes,
2196 which include conducting a criminal history background check for
2197 approval of firearms purchases or transfers as authorized by
2198 state or federal law, to judges in the state courts system for
2199 the purpose of assisting them in their case-related
2200 decisionmaking responsibilities, as set forth in s. 943.053(5),

2201 or to those entities set forth in subparagraphs (a)1., 4., 5.,
 2202 6., 8., 9., and 10. for their respective licensing, access
 2203 authorization, and employment purposes.

2204 (a) The subject of a criminal history record sealed under
 2205 this section or under other provisions of law, including former
 2206 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
 2207 deny or fail to acknowledge the arrests covered by the sealed
 2208 record, except when the subject of the record:

- 2209 1. Is a candidate for employment with a criminal justice
 2210 agency;
- 2211 2. Is a defendant in a criminal prosecution;
- 2212 3. Concurrently or subsequently petitions for relief under
 2213 this section, s. 943.0583, or s. 943.0585;
- 2214 4. Is a candidate for admission to The Florida Bar;
- 2215 5. Is seeking to be employed or licensed by or to contract
 2216 with the Department of Children and Families, the Division of
 2217 Vocational Rehabilitation within the Department of Education,
 2218 the Agency for Health Care Administration, the Agency for
 2219 Persons with Disabilities, the Department of Health, the
 2220 Department of Elderly Affairs, or the Department of Juvenile
 2221 Justice or to be employed or used by such contractor or licensee
 2222 in a sensitive position having direct contact with children, the
 2223 disabled, or the elderly;
- 2224 6. Is seeking to be employed or licensed by the Department
 2225 of Education, a district school board, a university laboratory

2226 | school, a charter school, a private or parochial school, or a
 2227 | local governmental entity that licenses child care facilities;

2228 | 7. Is attempting to purchase a firearm from a licensed
 2229 | importer, licensed manufacturer, or licensed dealer and is
 2230 | subject to a criminal history check under state or federal law;

2231 | 8. Is seeking to be licensed by the Division of Insurance
 2232 | Agent and Agency Services within the Department of Financial
 2233 | Services;

2234 | 9. Is seeking to be appointed as a guardian pursuant to s.
 2235 | 744.3125; or

2236 | 10. Is seeking to be licensed by the Bureau of License
 2237 | Issuance of the Division of Licensing within the Department of
 2238 | Agriculture and Consumer Services to carry a concealed weapon or
 2239 | concealed firearm. This subparagraph applies only in the
 2240 | determination of an applicant's eligibility under s. 790.06.

2241 | (b) Subject to the exceptions in paragraph (a), a person
 2242 | who has been granted a sealing under this section, former s.
 2243 | 893.14, former s. 901.33, or former s. 943.058 may not be held
 2244 | under any provision of law of this state to commit perjury or to
 2245 | be otherwise liable for giving a false statement by reason of
 2246 | such person's failure to recite or acknowledge a sealed criminal
 2247 | history record.

2248 | (c) Information relating to the existence of a sealed
 2249 | criminal record provided in accordance with the provisions of
 2250 | paragraph (a) is confidential and exempt from the provisions of

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2251 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
2252 except that the department shall disclose the sealed criminal
2253 history record to the entities set forth in subparagraphs (a)1.,
2254 4., 5., 6., 8., 9., and 10. for their respective licensing,
2255 access authorization, and employment purposes. An employee of an
2256 entity set forth in subparagraph (a)1., subparagraph (a)4.,
2257 subparagraph (a)5., subparagraph (a)6., subparagraph (a)8.,
2258 subparagraph (a)9., or subparagraph (a)10. may not disclose
2259 information relating to the existence of a sealed criminal
2260 history record of a person seeking employment, access
2261 authorization, or licensure with such entity or contractor,
2262 except to the person to whom the criminal history record relates
2263 or to persons having direct responsibility for employment,
2264 access authorization, or licensure decisions. A person who
2265 violates the provisions of this paragraph commits a misdemeanor
2266 of the first degree, punishable as provided in s. 775.082 or s.
2267 775.083.

2268 (5) STATUTORY REFERENCES.—Any reference to any other
2269 chapter, section, or subdivision of the Florida Statutes in this
2270 section constitutes a general reference under the doctrine of
2271 incorporation by reference.

2272 Section 44. Paragraph (f) of subsection (1) of section
2273 944.606, Florida Statutes, is amended to read:

2274 944.606 Sexual offenders; notification upon release.—

2275 (1) As used in this section, the term:

2276 (f) "Sexual offender" means a person who has been
 2277 convicted of committing, or attempting, soliciting, or
 2278 conspiring to commit, any of the criminal offenses proscribed in
 2279 the following statutes in this state or similar offenses in
 2280 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
 2281 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 2282 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 2283 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 2284 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former
 2285 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.
 2286 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
 2287 if the court makes a written finding that the racketeering
 2288 activity involved at least one sexual offense listed in this
 2289 paragraph or at least one offense listed in this paragraph with
 2290 sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or
 2291 any similar offense committed in this state which has been
 2292 redesignated from a former statute number to one of those listed
 2293 in this subsection, when the department has received verified
 2294 information regarding such conviction; an offender's
 2295 computerized criminal history record is not, in and of itself,
 2296 verified information.

2297 Section 45. Paragraph (f) of subsection (1) of section
 2298 944.607, Florida Statutes, is amended to read:

2299 944.607 Notification to Department of Law Enforcement of
 2300 information on sexual offenders.—

2301 (1) As used in this section, the term:

2302 (f) "Sexual offender" means a person who is in the custody

2303 or control of, or under the supervision of, the department or is

2304 in the custody of a private correctional facility:

2305 1. On or after October 1, 1997, as a result of a

2306 conviction for committing, or attempting, soliciting, or

2307 conspiring to commit, any of the criminal offenses proscribed in

2308 the following statutes in this state or similar offenses in

2309 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,

2310 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.

2311 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.

2312 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;

2313 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former

2314 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.

2315 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,

2316 if the court makes a written finding that the racketeering

2317 activity involved at least one sexual offense listed in this

2318 subparagraph or at least one offense listed in this subparagraph

2319 with sexual intent or motive; s. 916.1075(2); or s. 985.701(1);

2320 or any similar offense committed in this state which has been

2321 redesignated from a former statute number to one of those listed

2322 in this paragraph; or

2323 2. Who establishes or maintains a residence in this state

2324 and who has not been designated as a sexual predator by a court

2325 of this state but who has been designated as a sexual predator,

2326 as a sexually violent predator, or by another sexual offender
 2327 designation in another state or jurisdiction and was, as a
 2328 result of such designation, subjected to registration or
 2329 community or public notification, or both, or would be if the
 2330 person were a resident of that state or jurisdiction, without
 2331 regard as to whether the person otherwise meets the criteria for
 2332 registration as a sexual offender.

2333 Section 46. Subsections (7), (10), and (14) of section
 2334 947.1405, Florida Statutes, are amended, and subsection (15) is
 2335 added to that section, to read:

2336 947.1405 Conditional release program.—

2337 (7) (a) Any inmate who is convicted of a crime committed on
 2338 or after October 1, 1995, or who has been previously convicted
 2339 of a crime committed on or after October 1, 1995, in violation
 2340 of chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or
 2341 s. 847.0145, and is subject to conditional release supervision,
 2342 shall have, in addition to any other conditions imposed, the
 2343 following special conditions imposed by the commission:

2344 1. A mandatory curfew from 10 p.m. to 6 a.m. The
 2345 commission may designate another 8-hour period if the offender's
 2346 employment precludes the above specified time, and such
 2347 alternative is recommended by the Department of Corrections. If
 2348 the commission determines that imposing a curfew would endanger
 2349 the victim, the commission may consider alternative sanctions.

2350 2. If the victim was under the age of 18, a prohibition on

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2351 living within 1,000 feet of a school, child care facility, park,
2352 playground, designated public school bus stop, or other place
2353 where children regularly congregate. A releasee who is subject
2354 to this subparagraph may not relocate to a residence that is
2355 within 1,000 feet of a public school bus stop. Beginning October
2356 1, 2004, the commission or the department may not approve a
2357 residence that is located within 1,000 feet of a school, child
2358 care facility, park, playground, designated school bus stop, or
2359 other place where children regularly congregate for any releasee
2360 who is subject to this subparagraph. On October 1, 2004, the
2361 department shall notify each affected school district of the
2362 location of the residence of a releasee 30 days prior to release
2363 and thereafter, if the releasee relocates to a new residence,
2364 shall notify any affected school district of the residence of
2365 the releasee within 30 days after relocation. If, on October 1,
2366 2004, any public school bus stop is located within 1,000 feet of
2367 the existing residence of such releasee, the district school
2368 board shall relocate that school bus stop. Beginning October 1,
2369 2004, a district school board may not establish or relocate a
2370 public school bus stop within 1,000 feet of the residence of a
2371 releasee who is subject to this subparagraph. The failure of the
2372 district school board to comply with this subparagraph shall not
2373 result in a violation of conditional release supervision. A
2374 releasee who is subject to this subparagraph may not be forced
2375 to relocate and does not violate his or her conditional release

2376 supervision if he or she is living in a residence that meets the
2377 requirements of this subparagraph and a school, child care
2378 facility, park, playground, designated public school bus stop,
2379 or other place where children regularly congregate is
2380 subsequently established within 1,000 feet of his or her
2381 residence.

2382 3. Active participation in and successful completion of a
2383 sex offender treatment program with qualified practitioners
2384 specifically trained to treat sex offenders, at the releasee's
2385 own expense. If a qualified practitioner is not available within
2386 a 50-mile radius of the releasee's residence, the offender shall
2387 participate in other appropriate therapy.

2388 4. A prohibition on any contact with the victim, directly
2389 or indirectly, including through a third person, unless approved
2390 by the victim, a qualified practitioner in the sexual offender
2391 treatment program, and the sentencing court.

2392 5. If the victim was under the age of 18, a prohibition
2393 against contact with children under the age of 18 without review
2394 and approval by the commission. The commission may approve
2395 supervised contact with a child under the age of 18 if the
2396 approval is based upon a recommendation for contact issued by a
2397 qualified practitioner who is basing the recommendation on a
2398 risk assessment. Further, the sex offender must be currently
2399 enrolled in or have successfully completed a sex offender
2400 therapy program. The commission may not grant supervised contact

2401 with a child if the contact is not recommended by a qualified
2402 practitioner and may deny supervised contact with a child at any
2403 time. When considering whether to approve supervised contact
2404 with a child, the commission must review and consider the
2405 following:

2406 a. A risk assessment completed by a qualified
2407 practitioner. The qualified practitioner must prepare a written
2408 report that must include the findings of the assessment and
2409 address each of the following components:

2410 (I) The sex offender's current legal status;

2411 (II) The sex offender's history of adult charges with
2412 apparent sexual motivation;

2413 (III) The sex offender's history of adult charges without
2414 apparent sexual motivation;

2415 (IV) The sex offender's history of juvenile charges,
2416 whenever available;

2417 (V) The sex offender's offender treatment history,
2418 including a consultation from the sex offender's treating, or
2419 most recent treating, therapist;

2420 (VI) The sex offender's current mental status;

2421 (VII) The sex offender's mental health and substance abuse
2422 history as provided by the Department of Corrections;

2423 (VIII) The sex offender's personal, social, educational,
2424 and work history;

2425 (IX) The results of current psychological testing of the

2426 sex offender if determined necessary by the qualified
 2427 practitioner;

2428 (X) A description of the proposed contact, including the
 2429 location, frequency, duration, and supervisory arrangement;

2430 (XI) The child's preference and relative comfort level
 2431 with the proposed contact, when age-appropriate;

2432 (XII) The parent's or legal guardian's preference
 2433 regarding the proposed contact; and

2434 (XIII) The qualified practitioner's opinion, along with
 2435 the basis for that opinion, as to whether the proposed contact
 2436 would likely pose significant risk of emotional or physical harm
 2437 to the child.

2438
 2439 The written report of the assessment must be given to the
 2440 commission.

2441 b. A recommendation made as a part of the risk-assessment
 2442 report as to whether supervised contact with the child should be
 2443 approved;

2444 c. A written consent signed by the child's parent or legal
 2445 guardian, if the parent or legal guardian is not the sex
 2446 offender, agreeing to the sex offender having supervised contact
 2447 with the child after receiving full disclosure of the sex
 2448 offender's present legal status, past criminal history, and the
 2449 results of the risk assessment. The commission may not approve
 2450 contact with the child if the parent or legal guardian refuses

2451 to give written consent for supervised contact;

2452 d. A safety plan prepared by the qualified practitioner,

2453 who provides treatment to the offender, in collaboration with

2454 the sex offender, the child's parent or legal guardian, and the

2455 child, when age appropriate, which details the acceptable

2456 conditions of contact between the sex offender and the child.

2457 The safety plan must be reviewed and approved by the Department

2458 of Corrections before being submitted to the commission; and

2459 e. Evidence that the child's parent or legal guardian, if

2460 the parent or legal guardian is not the sex offender,

2461 understands the need for and agrees to the safety plan and has

2462 agreed to provide, or to designate another adult to provide,

2463 constant supervision any time the child is in contact with the

2464 offender.

2465

2466 The commission may not appoint a person to conduct a risk

2467 assessment and may not accept a risk assessment from a person

2468 who has not demonstrated to the commission that he or she has

2469 met the requirements of a qualified practitioner as defined in

2470 this section.

2471 6. If the victim was under age 18, a prohibition on

2472 working for pay or as a volunteer at any school, child care

2473 facility, park, playground, or other place where children

2474 regularly congregate, as prescribed by the commission.

2475 7. Unless otherwise indicated in the treatment plan

2476 provided by a qualified practitioner in the sexual offender
2477 treatment program, a prohibition on viewing, owning, or
2478 possessing any obscene, pornographic, or sexually stimulating
2479 visual or auditory material, including telephone, electronic
2480 media, computer programs, or computer services that are relevant
2481 to the offender's deviant behavior pattern.

2482 8. Effective for a releasee whose crime is committed on or
2483 after July 1, 2005, a prohibition on accessing the Internet or
2484 other computer services until a qualified practitioner in the
2485 offender's sex offender treatment program, after a risk
2486 assessment is completed, approves and implements a safety plan
2487 for the offender's accessing or using the Internet or other
2488 computer services.

2489 9. A requirement that the releasee must submit two
2490 specimens of blood to the Department of Law Enforcement to be
2491 registered with the DNA database.

2492 10. A requirement that the releasee make restitution to
2493 the victim, as determined by the sentencing court or the
2494 commission, for all necessary medical and related professional
2495 services relating to physical, psychiatric, and psychological
2496 care.

2497 11. Submission to a warrantless search by the community
2498 control or probation officer of the probationer's or community
2499 controllee's person, residence, or vehicle.

2500 (b) For a releasee whose crime was committed on or after

2501 October 1, 1997, in violation of chapter 794, s. 800.04, former
2502 s. 827.071, s. 847.0135(5), or s. 847.0145, and who is subject
2503 to conditional release supervision, in addition to any other
2504 provision of this subsection, the commission shall impose the
2505 following additional conditions of conditional release
2506 supervision:

2507 1. As part of a treatment program, participation in a
2508 minimum of one annual polygraph examination to obtain
2509 information necessary for risk management and treatment and to
2510 reduce the sex offender's denial mechanisms. The polygraph
2511 examination must be conducted by a polygrapher who is a member
2512 of a national or state polygraph association and who is
2513 certified as a postconviction sex offender polygrapher, where
2514 available, and at the expense of the releasee. The results of
2515 the examination shall be provided to the releasee's probation
2516 officer and qualified practitioner and may not be used as
2517 evidence in a hearing to prove that a violation of supervision
2518 has occurred.

2519 2. Maintenance of a driving log and a prohibition against
2520 driving a motor vehicle alone without the prior approval of the
2521 supervising officer.

2522 3. A prohibition against obtaining or using a post office
2523 box without the prior approval of the supervising officer.

2524 4. If there was sexual contact, a submission to, at the
2525 releasee's expense, an HIV test with the results to be released

2526 to the victim or the victim's parent or guardian.

2527 5. Electronic monitoring of any form when ordered by the
2528 commission. Any person who has been placed under supervision and
2529 is electronically monitored by the department must pay the
2530 department for the cost of the electronic monitoring service at
2531 a rate that may not exceed the full cost of the monitoring
2532 service. Funds collected under this subparagraph shall be
2533 deposited into the General Revenue Fund. The department may
2534 exempt a person from the payment of all or any part of the
2535 electronic monitoring service cost if the department finds that
2536 any of the factors listed in s. 948.09(3) exist.

2537 (10) Effective for a releasee whose crime was committed on
2538 or after September 1, 2005, in violation of chapter 794, s.
2539 800.04(4), (5), or (6), former s. 827.071, or s. 847.0145, and
2540 the unlawful activity involved a victim who was 15 years of age
2541 or younger and the offender is 18 years of age or older or for a
2542 releasee who is designated as a sexual predator pursuant to s.
2543 775.21, in addition to any other provision of this section, the
2544 commission must order electronic monitoring for the duration of
2545 the releasee's supervision.

2546 (14) Effective for a releasee whose crime was committed on
2547 or after October 1, 2014, in violation of chapter 794, s.
2548 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, in
2549 addition to any other provision of this section, the commission
2550 must impose a condition prohibiting the releasee from viewing,

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2551 accessing, owning, or possessing any obscene, pornographic, or
2552 sexually stimulating visual or auditory material unless
2553 otherwise indicated in the treatment plan provided by a
2554 qualified practitioner in the sexual offender treatment program.
2555 Visual or auditory material includes, but is not limited to,
2556 telephone, electronic media, computer programs, and computer
2557 services.

2558 (15) Effective for a releasee whose crime was committed on
2559 or after October 1, 2017, in violation of s. 847.003 or s.
2560 847.0137(2), in addition to any other provision of this section,
2561 the commission must impose the conditions specified in
2562 subsections (7), (10), (12), and (14).

2563 Section 47. Subsection (2) of section 948.013, Florida
2564 Statutes, is amended, and subsection (3) is added to that
2565 section, to read:

2566 948.013 Administrative probation.—

2567 (2) Effective for an offense committed on or after July 1,
2568 1998, a person is ineligible for placement on administrative
2569 probation if the person is sentenced to or is serving a term of
2570 probation or community control, regardless of the conviction or
2571 adjudication, for committing, or attempting, conspiring, or
2572 soliciting to commit, any of the felony offenses described in s.
2573 787.01 or s. 787.02, where the victim is a minor and the
2574 defendant is not the victim's parent; s. 787.025; s.
2575 787.06(3)(g); chapter 794; former s. 796.03; s. 800.04; s.

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2576 825.1025(2)(b); former s. 827.071; s. 847.0133; s. 847.0135; or
2577 s. 847.0145.

2578 (3) Effective for an offense committed on or after October
2579 1, 2017, a person is ineligible for placement on administrative
2580 probation if the person is sentenced to or is serving a term of
2581 probation or community control, regardless of the conviction or
2582 adjudication, for committing, or attempting, conspiring, or
2583 soliciting to commit, any of the felony offenses described in s.
2584 847.003 or s. 847.0137(2).

2585 Section 48. Subsection (2) of section 948.03, Florida
2586 Statutes, is amended to read:

2587 948.03 Terms and conditions of probation.—

2588 (2) The enumeration of specific kinds of terms and
2589 conditions shall not prevent the court from adding thereto such
2590 other or others as it considers proper. However, the sentencing
2591 court may only impose a condition of supervision allowing an
2592 offender convicted of s. 794.011, s. 800.04, former s. 827.071,
2593 s. 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145, to
2594 reside in another state, if the order stipulates that it is
2595 contingent upon the approval of the receiving state interstate
2596 compact authority. The court may rescind or modify at any time
2597 the terms and conditions theretofore imposed by it upon the
2598 probationer. However, if the court withholds adjudication of
2599 guilt or imposes a period of incarceration as a condition of
2600 probation, the period shall not exceed 364 days, and

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2601 incarceration shall be restricted to either a county facility, a
2602 probation and restitution center under the jurisdiction of the
2603 Department of Corrections, a probation program drug punishment
2604 phase I secure residential treatment institution, or a community
2605 residential facility owned or operated by any entity providing
2606 such services.

2607 Section 49. Subsection (1) of section 948.04, Florida
2608 Statutes, is amended to read:

2609 948.04 Period of probation; duty of probationer; early
2610 termination.—

2611 (1) Defendants found guilty of felonies who are placed on
2612 probation shall be under supervision not to exceed 2 years
2613 unless otherwise specified by the court. No defendant placed on
2614 probation pursuant to s. 948.012(1) is subject to the probation
2615 limitations of this subsection. A defendant who is placed on
2616 probation or community control for a violation of chapter 794,
2617 ~~or~~ chapter 827, s. 847.003, or s. 847.0137(2) is subject to the
2618 maximum level of supervision provided by the supervising agency,
2619 and that supervision shall continue through the full term of the
2620 court-imposed probation or community control.

2621 Section 50. Subsection (4) and paragraph (c) of subsection
2622 (8) of section 948.06, Florida Statutes, are amended to read:

2623 948.06 Violation of probation or community control;
2624 revocation; modification; continuance; failure to pay
2625 restitution or cost of supervision.—

2626 (4) Notwithstanding any other provision of this section, a
2627 felony probationer or an offender in community control who is
2628 arrested for violating his or her probation or community control
2629 in a material respect may be taken before the court in the
2630 county or circuit in which the probationer or offender was
2631 arrested. That court shall advise him or her of the charge of a
2632 violation and, if such charge is admitted, shall cause him or
2633 her to be brought before the court that granted the probation or
2634 community control. If the violation is not admitted by the
2635 probationer or offender, the court may commit him or her or
2636 release him or her with or without bail to await further
2637 hearing. However, if the probationer or offender is under
2638 supervision for any criminal offense proscribed in chapter 794,
2639 s. 800.04(4), (5), (6), former s. 827.071, or s. 847.0145, or is
2640 a registered sexual predator or a registered sexual offender, or
2641 is under supervision for a criminal offense for which he or she
2642 would meet the registration criteria in s. 775.21, s. 943.0435,
2643 or s. 944.607 but for the effective date of those sections, the
2644 court must make a finding that the probationer or offender is
2645 not a danger to the public prior to release with or without
2646 bail. In determining the danger posed by the offender's or
2647 probationer's release, the court may consider the nature and
2648 circumstances of the violation and any new offenses charged; the
2649 offender's or probationer's past and present conduct, including
2650 convictions of crimes; any record of arrests without conviction

2651 for crimes involving violence or sexual crimes; any other
2652 evidence of allegations of unlawful sexual conduct or the use of
2653 violence by the offender or probationer; the offender's or
2654 probationer's family ties, length of residence in the community,
2655 employment history, and mental condition; his or her history and
2656 conduct during the probation or community control supervision
2657 from which the violation arises and any other previous
2658 supervisions, including disciplinary records of previous
2659 incarcerations; the likelihood that the offender or probationer
2660 will engage again in a criminal course of conduct; the weight of
2661 the evidence against the offender or probationer; and any other
2662 facts the court considers relevant. The court, as soon as is
2663 practicable, shall give the probationer or offender an
2664 opportunity to be fully heard on his or her behalf in person or
2665 by counsel. After the hearing, the court shall make findings of
2666 fact and forward the findings to the court that granted the
2667 probation or community control and to the probationer or
2668 offender or his or her attorney. The findings of fact by the
2669 hearing court are binding on the court that granted the
2670 probation or community control. Upon the probationer or offender
2671 being brought before it, the court that granted the probation or
2672 community control may revoke, modify, or continue the probation
2673 or community control or may place the probationer into community
2674 control as provided in this section. However, the probationer or
2675 offender shall not be released and shall not be admitted to

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2676 | bail, but shall be brought before the court that granted the
2677 | probation or community control if any violation of felony
2678 | probation or community control other than a failure to pay costs
2679 | or fines or make restitution payments is alleged to have been
2680 | committed by:

2681 | (a) A violent felony offender of special concern, as
2682 | defined in this section;

2683 | (b) A person who is on felony probation or community
2684 | control for any offense committed on or after the effective date
2685 | of this act and who is arrested for a qualifying offense as
2686 | defined in this section; or

2687 | (c) A person who is on felony probation or community
2688 | control and has previously been found by a court to be a
2689 | habitual violent felony offender as defined in s. 775.084(1)(b),
2690 | a three-time violent felony offender as defined in s.
2691 | 775.084(1)(c), or a sexual predator under s. 775.21, and who is
2692 | arrested for committing a qualifying offense as defined in this
2693 | section on or after the effective date of this act.

2694 | (8)

2695 | (c) For purposes of this section, the term "qualifying
2696 | offense" means any of the following:

2697 | 1. Kidnapping or attempted kidnapping under s. 787.01,
2698 | false imprisonment of a child under the age of 13 under s.
2699 | 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
2700 | or (c).

2701 2. Murder or attempted murder under s. 782.04, attempted
 2702 felony murder under s. 782.051, or manslaughter under s. 782.07.

2703 3. Aggravated battery or attempted aggravated battery
 2704 under s. 784.045.

2705 4. Sexual battery or attempted sexual battery under s.
 2706 794.011(2), (3), (4), or (8)(b) or (c).

2707 5. Lewd or lascivious battery or attempted lewd or
 2708 lascivious battery under s. 800.04(4), lewd or lascivious
 2709 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
 2710 conduct under s. 800.04(6)(b), or lewd or lascivious exhibition
 2711 under s. 800.04(7)(b), ~~or lewd or lascivious exhibition on~~
 2712 ~~computer under s. 847.0135(5)(b).~~

2713 6. Robbery or attempted robbery under s. 812.13,
 2714 carjacking or attempted carjacking under s. 812.133, or home
 2715 invasion robbery or attempted home invasion robbery under s.
 2716 812.135.

2717 7. Lewd or lascivious offense upon or in the presence of
 2718 an elderly or disabled person or attempted lewd or lascivious
 2719 offense upon or in the presence of an elderly or disabled person
 2720 under s. 825.1025.

2721 8. Sexual performance by a child or attempted sexual
 2722 performance by a child under former s. 827.071 or s. 847.003.

2723 9. Computer pornography or child exploitation under s.
 2724 847.0135 ~~847.0135(2) or (3), transmission of~~ child pornography
 2725 under s. 847.0137, or selling or buying of minors under s.

2726 | 847.0145.

2727 | 10. Poisoning food or water under s. 859.01.

2728 | 11. Abuse of a dead human body under s. 872.06.

2729 | 12. Any burglary offense or attempted burglary offense

2730 | that is either a first degree felony or second degree felony

2731 | under s. 810.02(2) or (3).

2732 | 13. Arson or attempted arson under s. 806.01(1).

2733 | 14. Aggravated assault under s. 784.021.

2734 | 15. Aggravated stalking under s. 784.048(3), (4), (5), or

2735 | (7).

2736 | 16. Aircraft piracy under s. 860.16.

2737 | 17. Unlawful throwing, placing, or discharging of a

2738 | destructive device or bomb under s. 790.161(2), (3), or (4).

2739 | 18. Treason under s. 876.32.

2740 | 19. Any offense committed in another jurisdiction which

2741 | would be an offense listed in this paragraph if that offense had

2742 | been committed in this state.

2743 | Section 51. Paragraph (c) of subsection (1) of section

2744 | 948.062, Florida Statutes, is amended to read:

2745 | 948.062 Reviewing and reporting serious offenses committed

2746 | by offenders placed on probation or community control.—

2747 | (1) The department shall review the circumstances related

2748 | to an offender placed on probation or community control who has

2749 | been arrested while on supervision for the following offenses:

2750 | (c) Any sexual performance by a child as provided in

2751 former s. 827.071 or s. 847.003;

2752 Section 52. Subsection (2) of section 948.101, Florida
2753 Statutes, is amended to read:

2754 948.101 Terms and conditions of community control.—

2755 (2) The enumeration of specific kinds of terms and
2756 conditions does not prevent the court from adding any other
2757 terms or conditions that the court considers proper. However,
2758 the sentencing court may only impose a condition of supervision
2759 allowing an offender convicted of s. 794.011, s. 800.04, former
2760 s. 827.071, s. 847.003, s. 847.0135(5), 847.0137(2), or s.
2761 847.0145 to reside in another state if the order stipulates that
2762 it is contingent upon the approval of the receiving state
2763 interstate compact authority. The court may rescind or modify at
2764 any time the terms and conditions theretofore imposed by it upon
2765 the offender in community control. However, if the court
2766 withholds adjudication of guilt or imposes a period of
2767 incarceration as a condition of community control, the period
2768 may not exceed 364 days, and incarceration shall be restricted
2769 to a county facility, a probation and restitution center under
2770 the jurisdiction of the Department of Corrections, a probation
2771 program drug punishment phase I secure residential treatment
2772 institution, or a community residential facility owned or
2773 operated by any entity providing such services.

2774 Section 53. Subsections (1) and (2), paragraphs (a) and
2775 (c) of subsection (3), and subsection (5) of section 948.30,

2776 Florida Statutes, are amended, and subsection (6) is added to
 2777 that section, to read:

2778 948.30 Additional terms and conditions of probation or
 2779 community control for certain sex offenses.—Conditions imposed
 2780 pursuant to this section do not require oral pronouncement at
 2781 the time of sentencing and shall be considered standard
 2782 conditions of probation or community control for offenders
 2783 specified in this section.

2784 (1) Effective for probationers or community controllees
 2785 whose crime was committed on or after October 1, 1995, and who
 2786 are placed under supervision for violation of chapter 794, s.
 2787 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, the
 2788 court must impose the following conditions in addition to all
 2789 other standard and special conditions imposed:

2790 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court
 2791 may designate another 8-hour period if the offender's employment
 2792 precludes the above specified time, and the alternative is
 2793 recommended by the Department of Corrections. If the court
 2794 determines that imposing a curfew would endanger the victim, the
 2795 court may consider alternative sanctions.

2796 (b) If the victim was under the age of 18, a prohibition
 2797 on living within 1,000 feet of a school, child care facility,
 2798 park, playground, or other place where children regularly
 2799 congregate, as prescribed by the court. The 1,000-foot distance
 2800 shall be measured in a straight line from the offender's place

2801 of residence to the nearest boundary line of the school, child
2802 care facility, park, playground, or other place where children
2803 congregate. The distance may not be measured by a pedestrian
2804 route or automobile route. A probationer or community controllee
2805 who is subject to this paragraph may not be forced to relocate
2806 and does not violate his or her probation or community control
2807 if he or she is living in a residence that meets the
2808 requirements of this paragraph and a school, child care
2809 facility, park, playground, or other place where children
2810 regularly congregate is subsequently established within 1,000
2811 feet of his or her residence.

2812 (c) Active participation in and successful completion of a
2813 sex offender treatment program with qualified practitioners
2814 specifically trained to treat sex offenders, at the
2815 probationer's or community controllee's own expense. If a
2816 qualified practitioner is not available within a 50-mile radius
2817 of the probationer's or community controllee's residence, the
2818 offender shall participate in other appropriate therapy.

2819 (d) A prohibition on any contact with the victim, directly
2820 or indirectly, including through a third person, unless approved
2821 by the victim, a qualified practitioner in the sexual offender
2822 treatment program, and the sentencing court.

2823 (e) If the victim was under the age of 18, a prohibition
2824 on contact with a child under the age of 18 except as provided
2825 in this paragraph. The court may approve supervised contact with

2826 a child under the age of 18 if the approval is based upon a
2827 recommendation for contact issued by a qualified practitioner
2828 who is basing the recommendation on a risk assessment. Further,
2829 the sex offender must be currently enrolled in or have
2830 successfully completed a sex offender therapy program. The court
2831 may not grant supervised contact with a child if the contact is
2832 not recommended by a qualified practitioner and may deny
2833 supervised contact with a child at any time. When considering
2834 whether to approve supervised contact with a child, the court
2835 must review and consider the following:

2836 1. A risk assessment completed by a qualified
2837 practitioner. The qualified practitioner must prepare a written
2838 report that must include the findings of the assessment and
2839 address each of the following components:

- 2840 a. The sex offender's current legal status;
- 2841 b. The sex offender's history of adult charges with
2842 apparent sexual motivation;
- 2843 c. The sex offender's history of adult charges without
2844 apparent sexual motivation;
- 2845 d. The sex offender's history of juvenile charges,
2846 whenever available;
- 2847 e. The sex offender's offender treatment history,
2848 including consultations with the sex offender's treating, or
2849 most recent treating, therapist;
- 2850 f. The sex offender's current mental status;

2851 g. The sex offender's mental health and substance abuse
 2852 treatment history as provided by the Department of Corrections;
 2853 h. The sex offender's personal, social, educational, and
 2854 work history;
 2855 i. The results of current psychological testing of the sex
 2856 offender if determined necessary by the qualified practitioner;
 2857 j. A description of the proposed contact, including the
 2858 location, frequency, duration, and supervisory arrangement;
 2859 k. The child's preference and relative comfort level with
 2860 the proposed contact, when age appropriate;
 2861 l. The parent's or legal guardian's preference regarding
 2862 the proposed contact; and
 2863 m. The qualified practitioner's opinion, along with the
 2864 basis for that opinion, as to whether the proposed contact would
 2865 likely pose significant risk of emotional or physical harm to
 2866 the child.
 2867
 2868 The written report of the assessment must be given to the court;
 2869 2. A recommendation made as a part of the risk assessment
 2870 report as to whether supervised contact with the child should be
 2871 approved;
 2872 3. A written consent signed by the child's parent or legal
 2873 guardian, if the parent or legal guardian is not the sex
 2874 offender, agreeing to the sex offender having supervised contact
 2875 with the child after receiving full disclosure of the sex

2876 offender's present legal status, past criminal history, and the
2877 results of the risk assessment. The court may not approve
2878 contact with the child if the parent or legal guardian refuses
2879 to give written consent for supervised contact;

2880 4. A safety plan prepared by the qualified practitioner,
2881 who provides treatment to the offender, in collaboration with
2882 the sex offender, the child's parent or legal guardian, if the
2883 parent or legal guardian is not the sex offender, and the child,
2884 when age appropriate, which details the acceptable conditions of
2885 contact between the sex offender and the child. The safety plan
2886 must be reviewed and approved by the court; and

2887 5. Evidence that the child's parent or legal guardian
2888 understands the need for and agrees to the safety plan and has
2889 agreed to provide, or to designate another adult to provide,
2890 constant supervision any time the child is in contact with the
2891 offender.

2892
2893 The court may not appoint a person to conduct a risk assessment
2894 and may not accept a risk assessment from a person who has not
2895 demonstrated to the court that he or she has met the
2896 requirements of a qualified practitioner as defined in this
2897 section.

2898 (f) If the victim was under age 18, a prohibition on
2899 working for pay or as a volunteer at any place where children
2900 regularly congregate, including, but not limited to, schools,

2901 child care facilities, parks, playgrounds, pet stores,
2902 libraries, zoos, theme parks, and malls.

2903 (g) Unless otherwise indicated in the treatment plan
2904 provided by a qualified practitioner in the sexual offender
2905 treatment program, a prohibition on viewing, accessing, owning,
2906 or possessing any obscene, pornographic, or sexually stimulating
2907 visual or auditory material, including telephone, electronic
2908 media, computer programs, or computer services that are relevant
2909 to the offender's deviant behavior pattern.

2910 (h) Effective for probationers and community controllees
2911 whose crime is committed on or after July 1, 2005, a prohibition
2912 on accessing the Internet or other computer services until a
2913 qualified practitioner in the offender's sex offender treatment
2914 program, after a risk assessment is completed, approves and
2915 implements a safety plan for the offender's accessing or using
2916 the Internet or other computer services.

2917 (i) A requirement that the probationer or community
2918 controllee must submit a specimen of blood or other approved
2919 biological specimen to the Department of Law Enforcement to be
2920 registered with the DNA data bank.

2921 (j) A requirement that the probationer or community
2922 controllee make restitution to the victim, as ordered by the
2923 court under s. 775.089, for all necessary medical and related
2924 professional services relating to physical, psychiatric, and
2925 psychological care.

2926 (k) Submission to a warrantless search by the community
2927 control or probation officer of the probationer's or community
2928 controllee's person, residence, or vehicle.

2929 (2) Effective for a probationer or community controllee
2930 whose crime was committed on or after October 1, 1997, and who
2931 is placed on community control or sex offender probation for a
2932 violation of chapter 794, s. 800.04, former s. 827.071, s.
2933 847.0135(5), or s. 847.0145, in addition to any other provision
2934 of this section, the court must impose the following conditions
2935 of probation or community control:

2936 (a) As part of a treatment program, participation at least
2937 annually in polygraph examinations to obtain information
2938 necessary for risk management and treatment and to reduce the
2939 sex offender's denial mechanisms. A polygraph examination must
2940 be conducted by a polygrapher who is a member of a national or
2941 state polygraph association and who is certified as a
2942 postconviction sex offender polygrapher, where available, and
2943 shall be paid for by the probationer or community controllee.
2944 The results of the polygraph examination shall be provided to
2945 the probationer's or community controllee's probation officer
2946 and qualified practitioner and shall not be used as evidence in
2947 court to prove that a violation of community supervision has
2948 occurred.

2949 (b) Maintenance of a driving log and a prohibition against
2950 driving a motor vehicle alone without the prior approval of the

2951 supervising officer.

2952 (c) A prohibition against obtaining or using a post office
 2953 box without the prior approval of the supervising officer.

2954 (d) If there was sexual contact, a submission to, at the
 2955 probationer's or community controllee's expense, an HIV test
 2956 with the results to be released to the victim or the victim's
 2957 parent or guardian.

2958 (e) Electronic monitoring when deemed necessary by the
 2959 community control or probation officer and his or her
 2960 supervisor, and ordered by the court at the recommendation of
 2961 the Department of Corrections.

2962 (3) Effective for a probationer or community controllee
 2963 whose crime was committed on or after September 1, 2005, and
 2964 who:

2965 (a) Is placed on probation or community control for a
 2966 violation of chapter 794, s. 800.04(4), (5), or (6), former s.
 2967 827.071, or s. 847.0145 and the unlawful sexual activity
 2968 involved a victim 15 years of age or younger and the offender is
 2969 18 years of age or older;

2970 (c) Has previously been convicted of a violation of
 2971 chapter 794, s. 800.04(4), (5), or (6), former s. 827.071, or s.
 2972 847.0145 and the unlawful sexual activity involved a victim 15
 2973 years of age or younger and the offender is 18 years of age or
 2974 older,

2975

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2976 | the court must order, in addition to any other provision of this
2977 | section, mandatory electronic monitoring as a condition of the
2978 | probation or community control supervision.

2979 | (5) Effective for a probationer or community controllee
2980 | whose crime was committed on or after October 1, 2014, and who
2981 | is placed on probation or community control for a violation of
2982 | chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or s.
2983 | 847.0145, in addition to all other conditions imposed, the court
2984 | must impose a condition prohibiting the probationer or community
2985 | controllee from viewing, accessing, owning, or possessing any
2986 | obscene, pornographic, or sexually stimulating visual or
2987 | auditory material unless otherwise indicated in the treatment
2988 | plan provided by a qualified practitioner in the sexual offender
2989 | treatment program. Visual or auditory material includes, but is
2990 | not limited to, telephone, electronic media, computer programs,
2991 | and computer services.

2992 | (6) Effective for a probationer or community controllee
2993 | whose crime was committed on or after October 1, 2017, and who
2994 | is placed under supervision for violation of s. 847.003 or s.
2995 | 847.0137(2), the court must impose the conditions specified in
2996 | subsections (1)-(5) in addition to all other standard and
2997 | special conditions imposed.

2998 | Section 54. Subsection (1) of section 948.32, Florida
2999 | Statutes, is amended to read:

3000 | 948.32 Requirements of law enforcement agency upon arrest

3001 of persons for certain sex offenses.—

3002 (1) When any state or local law enforcement agency
 3003 investigates or arrests a person for committing, or attempting,
 3004 soliciting, or conspiring to commit, a violation of s.
 3005 787.025(2)(c), s. 787.06(3)(g), chapter 794, former s. 796.03,
 3006 s. 800.04, former s. 827.071, s. 847.003, s. 847.0133, s.
 3007 847.0135, 847.0137(2), or s. 847.0145, the law enforcement
 3008 agency shall contact the Department of Corrections to verify
 3009 whether the person under investigation or under arrest is on
 3010 probation, community control, parole, conditional release, or
 3011 control release.

3012 Section 55. Paragraph (e) of subsection (3) and subsection
 3013 (10) of section 960.03, Florida Statutes, are amended to read:
 3014 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
 3015 960.01-960.28, unless the context otherwise requires, the term:

3016 (3) "Crime" means:

3017 (e) A violation of former s. 827.071, s. 847.003, s.
 3018 847.0135, s. 847.0137, or s. 847.0138, related to online sexual
 3019 exploitation and child pornography.

3020 (10) "Identified victim of child pornography" means any
 3021 person who, while under the age of 18, is depicted in any visual
 3022 depiction ~~image or movie~~ of child pornography, as defined in s.
 3023 847.0137, and who is identified through a report generated by a
 3024 law enforcement agency and provided to the National Center for
 3025 Missing and Exploited Children's Child Victim Identification

3026 Program.

3027 Section 56. Section 960.197, Florida Statutes, is amended
 3028 to read:

3029 960.197 Assistance to victims of online sexual
 3030 exploitation and child pornography.—

3031 (1) Notwithstanding the criteria set forth in s. 960.13
 3032 for crime victim compensation awards, the department may award
 3033 compensation for counseling and other mental health services to
 3034 treat psychological injury or trauma to:

3035 (a) A child younger than 18 years of age who suffers
 3036 psychiatric or psychological injury as a direct result of online
 3037 sexual exploitation under former ~~any provision of~~ s. 827.071, s.
 3038 847.003, s. 847.0135, s. 847.0137, or s. 847.0138~~7~~, and who does
 3039 not otherwise sustain a personal injury or death; or

3040 (b) Any person who, while younger than age 18, was
 3041 depicted in any visual depiction ~~image or movie, regardless of~~
 3042 ~~length~~, of child pornography as defined in s. 847.0137 ~~847.001~~,
 3043 who has been identified by a law enforcement agency or the
 3044 National Center for Missing and Exploited Children as an
 3045 identified victim of child pornography, who suffers psychiatric
 3046 or psychological injury as a direct result of the crime, and who
 3047 does not otherwise sustain a personal injury or death.

3048 (2) Compensation under this section is not contingent upon
 3049 pursuit of a criminal investigation or prosecution.

3050 Section 57. Paragraph (d) of subsection (4) of section

3051 985.04, Florida Statutes, is amended to read:

3052 985.04 Oaths; records; confidential information.—

3053 (4)

3054 (d) The department shall disclose to the school
 3055 superintendent the presence of any child in the care and custody
 3056 or under the jurisdiction or supervision of the department who
 3057 has a known history of criminal sexual behavior with other
 3058 juveniles; is alleged to have committed juvenile sexual abuse as
 3059 defined in s. 39.01; or has pled guilty or nolo contendere to,
 3060 or has been found to have committed, a violation of chapter 794,
 3061 chapter 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s.
 3062 847.0133, s. 847.0135(5), or s. 847.0137, regardless of
 3063 adjudication. Any employee of a district school board who
 3064 knowingly and willfully discloses such information to an
 3065 unauthorized person commits a misdemeanor of the second degree,
 3066 punishable as provided in s. 775.082 or s. 775.083.

3067 Section 58. Paragraph (a) of subsection (1) of section
 3068 985.475, Florida Statutes, is amended to read:

3069 985.475 Juvenile sexual offenders.—

3070 (1) CRITERIA.—A "juvenile sexual offender" means:

3071 (a) A juvenile who has been found by the court under s.
 3072 985.35 to have committed a violation of chapter 794, chapter
 3073 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s. 847.0133,
 3074 or s. 847.0137(2);

3075 Section 59. Paragraphs (mm) and (oo) of subsection (1) of

3076 | section 1012.315, Florida Statutes, are amended to read:
 3077 | 1012.315 Disqualification from employment.—A person is
 3078 | ineligible for educator certification, and instructional
 3079 | personnel and school administrators, as defined in s. 1012.01,
 3080 | are ineligible for employment in any position that requires
 3081 | direct contact with students in a district school system,
 3082 | charter school, or private school that accepts scholarship
 3083 | students under s. 1002.39 or s. 1002.395, if the person,
 3084 | instructional personnel, or school administrator has been
 3085 | convicted of:
 3086 | (1) Any felony offense prohibited under any of the
 3087 | following statutes:
 3088 | (mm) Former s. Section 827.071, relating to sexual
 3089 | performance by a child.
 3090 | (oo) Chapter 847, relating to obscenity and child
 3091 | exploitation.
 3092 | Section 60. Paragraphs (e), (f), and (h) of subsection (3)
 3093 | of section 921.0022, Florida Statutes, are amended to read:
 3094 | 921.0022 Criminal Punishment Code; offense severity
 3095 | ranking chart.—
 3096 | (3) OFFENSE SEVERITY RANKING CHART
 3097 | (e) LEVEL 5
 3098 |
 Florida Felony
 Statute Degree Description

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3099	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
3100	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
3101	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
3102	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
3103	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
3104	379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or

supplying, agreeing to supply,
 aiding in supplying, or giving
 away stone crab trap tags or
 certificates; making, altering,
 forging, counterfeiting, or
 reproducing stone crab trap
 tags; possession of forged,
 counterfeit, or imitation stone
 crab trap tags; and engaging in
 the commercial harvest of stone
 crabs while license is
 suspended or revoked.

3105	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
3106	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
3107	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
3108	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.

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3109	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
3110	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
3111	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
3112	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
3113	790.01 (2)	3rd	Carrying a concealed firearm.
3114	790.162	2nd	Threat to throw or discharge destructive device.
3115	790.163 (1)	2nd	False report of bomb,

			explosive, weapon of mass destruction, or use of firearms in violent manner.
3116	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
3117	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
3118	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
3119	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
3120	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
3121	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or

			property.
3122	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
3123	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
3124	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
3125	812.131 (2) (b)	3rd	Robbery by sudden snatching.
3126	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
3127	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
3128	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
3129			

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3130	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
3131	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
3132	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
3133	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.

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3134	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
3135	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
3136	827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
3137	839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
	843.01	3rd	Resist officer with violence to person; resist arrest with violence.

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3138	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
3139	<u>847.0137(2)(a)</u>	<u>2nd</u>	<u>Possess child pornography with intent to promote.</u>
3140			
3141	<u>847.0137(2)(b)</u>	<u>3rd</u>	<u>Possess, control, or intentionally view child pornography.</u>
3142	<u>847.0137(3)</u> 847.0137 (2) & (3)	3rd	Transmission of <u>child</u> pornography by electronic device or equipment.
3143	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
3144	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent

3145	874.05 (2) (a)	2nd	offense. Encouraging or recruiting person under 13 years of age to join a criminal gang.
3146	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
3147	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

3148

3149	893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.
3150	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
3151	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.

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3152	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
3153	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
3154	(f) LEVEL 6		
3155	Florida Statute	Felony Degree	Description
3156	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
3157	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
3158	400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
3159	499.0051(2)	2nd	Knowing forgery of transaction

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			history, transaction information, or transaction statement.
3160	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
3161	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
3162	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
3163	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
3164	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
3165	784.041	3rd	Felony battery; domestic battery by strangulation.
3166	784.048 (3)	3rd	Aggravated stalking; credible

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			threat.
3167	784.048 (5)	3rd	Aggravated stalking of person under 16.
3168	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
3169	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
3170	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
3171	784.081 (2)	2nd	Aggravated assault on specified official or employee.
3172	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
3173	784.083 (2)	2nd	Aggravated assault on code inspector.
3174			

3175	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
3176	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
3177	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
3178	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
3179	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity

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3180			by custodial adult.
	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
3181			
	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
3182			
	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
3183			
	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
3184			
	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
3185			
	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
3186			

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3187	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
3188	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
3189	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
3190	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
3191	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
3192	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.

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3193	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
3194	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
3195	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
3196	827.03 (2) (c)	3rd	Abuse of a child.
3197	827.03 (2) (d)	3rd	Neglect of a child.
3198	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
3199	836.05	2nd	Threats; extortion.
3200	836.10	2nd	Written threats to kill or do bodily injury.
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3202	843.12	3rd	Aids or assists person to escape.
3203	<u>847.003</u>	<u>2nd</u>	<u>Use or induce a child in a sexual performance, or promote or direct such performance.</u>
3204	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
3205	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
3206	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
3207	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
	944.35(3)(a)2.	3rd	Committing malicious battery

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			upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
3208	944.40	2nd	Escapes.
3209	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
3210	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
3211	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
3212			
3213	(h) LEVEL 8		
3214			
	Florida	Felony	
	Statute	Degree	Description
3215	316.193	2nd	DUI manslaughter.

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	(3) (c) 3.a.		
3216	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
3217	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
3218	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
3219	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
3220	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.
3221	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less

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3222	655.50 (10) (b) 2.	2nd	<p>than \$100,000.</p> <p>Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.</p>
3223	777.03 (2) (a)	1st	<p>Accessory after the fact, capital felony.</p>
3224	782.04 (4)	2nd	<p>Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.</p>
3225	782.051 (2)	1st	<p>Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).</p>

3226	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
3227	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
3228	787.06 (3) (a) 1.	1st	Human trafficking for labor and services of a child.
3229	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
3230	787.06 (3) (c) 2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
3231	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.

3232	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.
3233	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
3234	794.011(5)(a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
3235	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.
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3237	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.
3238	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.
3239	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
3240	800.04 (4) (b)	2nd	Lewd or lascivious battery.
3241	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.

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3242	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
3243	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
3244	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
3245	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
3246	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
3247	812.13 (2) (b)	1st	Robbery with a weapon.
3248	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.

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3249	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
3250	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
3251	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
3252	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
3253	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.

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3254	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
3255	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
3256	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
3257	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
3258	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
3259	<u>847.0135 (3)</u>	<u>2nd</u>	<u>Solicitation of a child, via a</u>

			<u>computer service, to commit an</u> <u>unlawful sex act while</u> <u>misrepresenting one's age.</u>
3260	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
3261	860.16	1st	Aircraft piracy.
3262	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).
3263	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
3264	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
3265	893.135(1)(a)2.	1st	Trafficking in cannabis, more

3266	893.135 (1) (b) 1.b.	1st	than 2,000 lbs., less than 10,000 lbs. Trafficking in cocaine, more than 200 grams, less than 400 grams.
3267	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
3268	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, 50 grams or more, less than 200 grams.
3269	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
3270	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
3271	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less

			than 25 kilograms.
3272	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
3273	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
3274	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
3275	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
3276	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
3277	893.1351 (3)	1st	Possession of a place used to manufacture controlled

			substance when minor is present or resides there.
3278	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
3279	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
3280	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
3281	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
3282	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.

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Section 61. The Division of Law Revision and Information
is directed to rename chapter 847, Florida Statutes, as
"Obscenity; Child Exploitation."

Section 62. For the purpose of incorporating the amendment
made by this act to section 39.0139, Florida Statutes, in a
reference thereto, paragraph (a) of subsection (9) of section
39.402, Florida Statutes, is reenacted to read:

39.402 Placement in a shelter.—

(9) (a) At any shelter hearing, the department shall
provide to the court a recommendation for scheduled contact
between the child and parents, if appropriate. The court shall
determine visitation rights absent a clear and convincing
showing that visitation is not in the best interest of the
child. Any order for visitation or other contact must conform to
s. 39.0139. If visitation is ordered but will not commence
within 72 hours of the shelter hearing, the department shall
provide justification to the court.

Section 63. For the purpose of incorporating the amendment
made by this act to section 39.0139, Florida Statutes, in a
reference thereto, subsection (6) of section 39.506, Florida
Statutes, is reenacted to read:

39.506 Arraignment hearings.—

3306 (6) At any arraignment hearing, if the child is in an out-
 3307 of-home placement, the court shall order visitation rights
 3308 absent a clear and convincing showing that visitation is not in
 3309 the best interest of the child. Any order for visitation or
 3310 other contact must conform to the provisions of s. 39.0139.

3311 Section 64. For the purpose of incorporating the amendment
 3312 made by this act to section 775.21, Florida Statutes, in a
 3313 reference thereto, paragraph (b) of subsection (6) of section
 3314 39.509, Florida Statutes, is reenacted to read:

3315 39.509 Grandparents rights.—Notwithstanding any other
 3316 provision of law, a maternal or paternal grandparent as well as
 3317 a stepgrandparent is entitled to reasonable visitation with his
 3318 or her grandchild who has been adjudicated a dependent child and
 3319 taken from the physical custody of the parent unless the court
 3320 finds that such visitation is not in the best interest of the
 3321 child or that such visitation would interfere with the goals of
 3322 the case plan. Reasonable visitation may be unsupervised and,
 3323 where appropriate and feasible, may be frequent and continuing.
 3324 Any order for visitation or other contact must conform to the
 3325 provisions of s. 39.0139.

3326 (6) In determining whether grandparental visitation is not
 3327 in the child's best interest, consideration may be given to the
 3328 following:

3329 (b) The designation by a court as a sexual predator as
 3330 defined in s. 775.21 or a substantially similar designation

3331 under laws of another jurisdiction.

3332 Section 65. For the purpose of incorporating the amendment
3333 made by this act to section 39.0139, Florida Statutes, in a
3334 reference thereto, paragraph (d) of subsection (3) of section
3335 39.521, Florida Statutes, is reenacted to read:

3336 39.521 Disposition hearings; powers of disposition.—

3337 (3) When any child is adjudicated by a court to be
3338 dependent, the court shall determine the appropriate placement
3339 for the child as follows:

3340 (d) If the child cannot be safely placed in a nonlicensed
3341 placement, the court shall commit the child to the temporary
3342 legal custody of the department. Such commitment invests in the
3343 department all rights and responsibilities of a legal custodian.
3344 The department shall not return any child to the physical care
3345 and custody of the person from whom the child was removed,
3346 except for court-approved visitation periods, without the
3347 approval of the court. Any order for visitation or other contact
3348 must conform to the provisions of s. 39.0139. The term of such
3349 commitment continues until terminated by the court or until the
3350 child reaches the age of 18. After the child is committed to the
3351 temporary legal custody of the department, all further
3352 proceedings under this section are governed by this chapter.

3353
3354 Protective supervision continues until the court terminates it
3355 or until the child reaches the age of 18, whichever date is

3356 first. Protective supervision shall be terminated by the court
3357 whenever the court determines that permanency has been achieved
3358 for the child, whether with a parent, another relative, or a
3359 legal custodian, and that protective supervision is no longer
3360 needed. The termination of supervision may be with or without
3361 retaining jurisdiction, at the court's discretion, and shall in
3362 either case be considered a permanency option for the child. The
3363 order terminating supervision by the department shall set forth
3364 the powers of the custodian of the child and shall include the
3365 powers ordinarily granted to a guardian of the person of a minor
3366 unless otherwise specified. Upon the court's termination of
3367 supervision by the department, no further judicial reviews are
3368 required, so long as permanency has been established for the
3369 child.

3370 Section 66. For the purpose of incorporating the amendment
3371 made by this act to section 39.01, Florida Statutes, in a
3372 reference thereto, subsection (1) of section 39.524, Florida
3373 Statutes, is reenacted to read:

3374 39.524 Safe-harbor placement.—

3375 (1) Except as provided in s. 39.407 or s. 985.801, a
3376 dependent child 6 years of age or older who has been found to be
3377 a victim of sexual exploitation as defined in s. 39.01(70)(g)
3378 must be assessed for placement in a safe house or safe foster
3379 home as provided in s. 409.1678 using the initial screening and
3380 assessment instruments provided in s. 409.1754(1). If such

3381 placement is determined to be appropriate for the child as a
 3382 result of this assessment, the child may be placed in a safe
 3383 house or safe foster home, if one is available. However, the
 3384 child may be placed in another setting, if the other setting is
 3385 more appropriate to the child's needs or if a safe house or safe
 3386 foster home is unavailable, as long as the child's behaviors are
 3387 managed so as not to endanger other children served in that
 3388 setting.

3389 Section 67. For the purpose of incorporating the amendment
 3390 made by this act to section 775.21, Florida Statutes, in
 3391 references thereto, paragraphs (d) and (n) of subsection (1) of
 3392 section 39.806, Florida Statutes, are reenacted to read:

3393 39.806 Grounds for termination of parental rights.—

3394 (1) Grounds for the termination of parental rights may be
 3395 established under any of the following circumstances:

3396 (d) When the parent of a child is incarcerated and either:

3397 1. The period of time for which the parent is expected to
 3398 be incarcerated will constitute a significant portion of the
 3399 child's minority. When determining whether the period of time is
 3400 significant, the court shall consider the child's age and the
 3401 child's need for a permanent and stable home. The period of time
 3402 begins on the date that the parent enters into incarceration;

3403 2. The incarcerated parent has been determined by the
 3404 court to be a violent career criminal as defined in s. 775.084,
 3405 a habitual violent felony offender as defined in s. 775.084, or

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3406 a sexual predator as defined in s. 775.21; has been convicted of
3407 first degree or second degree murder in violation of s. 782.04
3408 or a sexual battery that constitutes a capital, life, or first
3409 degree felony violation of s. 794.011; or has been convicted of
3410 an offense in another jurisdiction which is substantially
3411 similar to one of the offenses listed in this paragraph. As used
3412 in this section, the term "substantially similar offense" means
3413 any offense that is substantially similar in elements and
3414 penalties to one of those listed in this subparagraph, and that
3415 is in violation of a law of any other jurisdiction, whether that
3416 of another state, the District of Columbia, the United States or
3417 any possession or territory thereof, or any foreign
3418 jurisdiction; or

3419 3. The court determines by clear and convincing evidence
3420 that continuing the parental relationship with the incarcerated
3421 parent would be harmful to the child and, for this reason, that
3422 termination of the parental rights of the incarcerated parent is
3423 in the best interest of the child. When determining harm, the
3424 court shall consider the following factors:

- 3425 a. The age of the child.
3426 b. The relationship between the child and the parent.
3427 c. The nature of the parent's current and past provision
3428 for the child's developmental, cognitive, psychological, and
3429 physical needs.
3430 d. The parent's history of criminal behavior, which may

3431 include the frequency of incarceration and the unavailability of
3432 the parent to the child due to incarceration.

3433 e. Any other factor the court deems relevant.

3434 (n) The parent is convicted of an offense that requires
3435 the parent to register as a sexual predator under s. 775.21.

3436 Section 68. For the purpose of incorporating the amendment
3437 made by this act to section 775.21, Florida Statutes, in a
3438 reference thereto, paragraph (b) of subsection (4) of section
3439 63.089, Florida Statutes, is reenacted to read:

3440 63.089 Proceeding to terminate parental rights pending
3441 adoption; hearing; grounds; dismissal of petition; judgment.—

3442 (4) FINDING OF ABANDONMENT.—A finding of abandonment
3443 resulting in a termination of parental rights must be based upon
3444 clear and convincing evidence that a parent or person having
3445 legal custody has abandoned the child in accordance with the
3446 definition contained in s. 63.032. A finding of abandonment may
3447 also be based upon emotional abuse or a refusal to provide
3448 reasonable financial support, when able, to a birth mother
3449 during her pregnancy or on whether the person alleged to have
3450 abandoned the child, while being able, failed to establish
3451 contact with the child or accept responsibility for the child's
3452 welfare.

3453 (b) The child has been abandoned when the parent of a
3454 child is incarcerated on or after October 1, 2001, in a federal,
3455 state, or county correctional institution and:

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3456 1. The period of time for which the parent has been or is
3457 expected to be incarcerated will constitute a significant
3458 portion of the child's minority. In determining whether the
3459 period of time is significant, the court shall consider the
3460 child's age and the child's need for a permanent and stable
3461 home. The period of time begins on the date that the parent
3462 enters into incarceration;

3463 2. The incarcerated parent has been determined by a court
3464 of competent jurisdiction to be a violent career criminal as
3465 defined in s. 775.084, a habitual violent felony offender as
3466 defined in s. 775.084, convicted of child abuse as defined in s.
3467 827.03, or a sexual predator as defined in s. 775.21; has been
3468 convicted of first degree or second degree murder in violation
3469 of s. 782.04 or a sexual battery that constitutes a capital,
3470 life, or first degree felony violation of s. 794.011; or has
3471 been convicted of a substantially similar offense in another
3472 jurisdiction. As used in this section, the term "substantially
3473 similar offense" means any offense that is substantially similar
3474 in elements and penalties to one of those listed in this
3475 subparagraph, and that is in violation of a law of any other
3476 jurisdiction, whether that of another state, the District of
3477 Columbia, the United States or any possession or territory
3478 thereof, or any foreign jurisdiction; or

3479 3. The court determines by clear and convincing evidence
3480 that continuing the parental relationship with the incarcerated

3481 parent would be harmful to the child and, for this reason,
3482 termination of the parental rights of the incarcerated parent is
3483 in the best interests of the child.

3484 Section 69. For the purpose of incorporating the amendment
3485 made by this act to section 775.21, Florida Statutes, in a
3486 reference thereto, subsection (3) of section 63.092, Florida
3487 Statutes, is reenacted to read:

3488 63.092 Report to the court of intended placement by an
3489 adoption entity; at-risk placement; preliminary study.—

3490 (3) PRELIMINARY HOME STUDY.—Before placing the minor in
3491 the intended adoptive home, a preliminary home study must be
3492 performed by a licensed child-placing agency, a child-caring
3493 agency registered under s. 409.176, a licensed professional, or
3494 an agency described in s. 61.20(2), unless the adoptee is an
3495 adult or the petitioner is a stepparent or a relative. If the
3496 adoptee is an adult or the petitioner is a stepparent or a
3497 relative, a preliminary home study may be required by the court
3498 for good cause shown. The department is required to perform the
3499 preliminary home study only if there is no licensed child-
3500 placing agency, child-caring agency registered under s. 409.176,
3501 licensed professional, or agency described in s. 61.20(2), in
3502 the county where the prospective adoptive parents reside. The
3503 preliminary home study must be made to determine the suitability
3504 of the intended adoptive parents and may be completed prior to
3505 identification of a prospective adoptive minor. A favorable

3506 preliminary home study is valid for 1 year after the date of its
 3507 completion. Upon its completion, a signed copy of the home study
 3508 must be provided to the intended adoptive parents who were the
 3509 subject of the home study. A minor may not be placed in an
 3510 intended adoptive home before a favorable preliminary home study
 3511 is completed unless the adoptive home is also a licensed foster
 3512 home under s. 409.175. The preliminary home study must include,
 3513 at a minimum:

- 3514 (a) An interview with the intended adoptive parents;
- 3515 (b) Records checks of the department's central abuse
 3516 registry and criminal records correspondence checks under s.
 3517 39.0138 through the Department of Law Enforcement on the
 3518 intended adoptive parents;
- 3519 (c) An assessment of the physical environment of the home;
- 3520 (d) A determination of the financial security of the
 3521 intended adoptive parents;
- 3522 (e) Documentation of counseling and education of the
 3523 intended adoptive parents on adoptive parenting;
- 3524 (f) Documentation that information on adoption and the
 3525 adoption process has been provided to the intended adoptive
 3526 parents;
- 3527 (g) Documentation that information on support services
 3528 available in the community has been provided to the intended
 3529 adoptive parents; and
- 3530 (h) A copy of each signed acknowledgment of receipt of

3531 disclosure required by s. 63.085.

3532

3533 If the preliminary home study is favorable, a minor may be
3534 placed in the home pending entry of the judgment of adoption. A
3535 minor may not be placed in the home if the preliminary home
3536 study is unfavorable. If the preliminary home study is
3537 unfavorable, the adoption entity may, within 20 days after
3538 receipt of a copy of the written recommendation, petition the
3539 court to determine the suitability of the intended adoptive
3540 home. A determination as to suitability under this subsection
3541 does not act as a presumption of suitability at the final
3542 hearing. In determining the suitability of the intended adoptive
3543 home, the court must consider the totality of the circumstances
3544 in the home. A minor may not be placed in a home in which there
3545 resides any person determined by the court to be a sexual
3546 predator as defined in s. 775.21 or to have been convicted of an
3547 offense listed in s. 63.089(4)(b)2.

3548 Section 70. For the purpose of incorporating the
3549 amendments made by this act to sections 775.21 and 943.0435,
3550 Florida Statutes, in references thereto, paragraph (i) of
3551 subsection (3) and subsection (6) of section 68.07, Florida
3552 Statutes, are reenacted to read:

3553 68.07 Change of name.—

3554 (3) Each petition shall be verified and show:

3555 (i) Whether the petitioner has ever been required to

3556 register as a sexual predator under s. 775.21 or as a sexual
3557 offender under s. 943.0435.

3558 (6) The clerk of the court must, within 5 business days
3559 after the filing of the final judgment, send a report of the
3560 judgment to the Department of Law Enforcement on a form to be
3561 furnished by that department. If the petitioner is required to
3562 register as a sexual predator or a sexual offender pursuant to
3563 s. 775.21 or s. 943.0435, the clerk of court shall
3564 electronically notify the Department of Law Enforcement of the
3565 name change, in a manner prescribed by that department, within 2
3566 business days after the filing of the final judgment. The
3567 Department of Law Enforcement must send a copy of the report to
3568 the Department of Highway Safety and Motor Vehicles, which may
3569 be delivered by electronic transmission. The report must contain
3570 sufficient information to identify the petitioner, including the
3571 results of the criminal history records check if applicable, the
3572 new name of the petitioner, and the file number of the judgment.
3573 The Department of Highway Safety and Motor Vehicles shall
3574 monitor the records of any sexual predator or sexual offender
3575 whose name has been provided to it by the Department of Law
3576 Enforcement. If the sexual predator or sexual offender does not
3577 obtain a replacement driver license or identification card
3578 within the required time as specified in s. 775.21 or s.
3579 943.0435, the Department of Highway Safety and Motor Vehicles
3580 shall notify the Department of Law Enforcement. The Department

3581 of Law Enforcement shall notify applicable law enforcement
 3582 agencies of the predator's or offender's failure to comply with
 3583 registration requirements. Any information retained by the
 3584 Department of Law Enforcement and the Department of Highway
 3585 Safety and Motor Vehicles may be revised or supplemented by said
 3586 departments to reflect changes made by the final judgment. With
 3587 respect to a person convicted of a felony in another state or of
 3588 a federal offense, the Department of Law Enforcement must send
 3589 the report to the respective state's office of law enforcement
 3590 records or to the office of the Federal Bureau of Investigation.
 3591 The Department of Law Enforcement may forward the report to any
 3592 other law enforcement agency it believes may retain information
 3593 related to the petitioner.

3594 Section 71. For the purpose of incorporating the
 3595 amendments made by this act to sections 775.21 and 943.0435,
 3596 Florida Statutes, in references thereto, paragraph (b) of
 3597 subsection (1) of section 92.55, Florida Statutes, is reenacted
 3598 to read:

3599 92.55 Judicial or other proceedings involving victim or
 3600 witness under the age of 18, a person who has an intellectual
 3601 disability, or a sexual offense victim or witness; special
 3602 protections; use of registered service or therapy animals.—

3603 (1) For purposes of this section, the term:

3604 (b) "Sexual offense" means any offense specified in s.
 3605 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

3606 Section 72. For the purpose of incorporating the amendment
 3607 made by this act to section 16.56, Florida Statutes, in a
 3608 reference thereto, paragraph (b) of subsection (1) of section
 3609 92.605, Florida Statutes, is reenacted to read:

3610 92.605 Production of certain records by Florida businesses
 3611 and out-of-state corporations.—

3612 (1) For the purposes of this section, the term:

3613 (b) "Applicant" means a law enforcement officer who is
 3614 seeking a court order or subpoena under s. 16.56, s. 27.04, s.
 3615 905.185, or s. 914.04 or who is issued a search warrant under s.
 3616 933.01, or anyone who is authorized to issue a subpoena under
 3617 the Florida Rules of Criminal Procedure.

3618 Section 73. For the purpose of incorporating the
 3619 amendments made by this act to sections 775.21, 943.0435, and
 3620 944.607, Florida Statutes, in references thereto, subsection (3)
 3621 of section 322.141, Florida Statutes, is reenacted to read:

3622 322.141 Color or markings of certain licenses or
 3623 identification cards.—

3624 (3) All licenses for the operation of motor vehicles or
 3625 identification cards originally issued or reissued by the
 3626 department to persons who are designated as sexual predators
 3627 under s. 775.21 or subject to registration as sexual offenders
 3628 under s. 943.0435 or s. 944.607, or who have a similar
 3629 designation or are subject to a similar registration under the
 3630 laws of another jurisdiction, shall have on the front of the

3631 license or identification card the following:

3632 (a) For a person designated as a sexual predator under s.
 3633 775.21 or who has a similar designation under the laws of
 3634 another jurisdiction, the marking "SEXUAL PREDATOR."

3635 (b) For a person subject to registration as a sexual
 3636 offender under s. 943.0435 or s. 944.607, or subject to a
 3637 similar registration under the laws of another jurisdiction, the
 3638 marking "943.0435, F.S."

3639 Section 74. For the purpose of incorporating the amendment
 3640 made by this act to section 775.0877, Florida Statutes, in a
 3641 reference thereto, paragraph (h) of subsection (2) of section
 3642 381.004, Florida Statutes, is reenacted to read:

3643 381.004 HIV testing.—

3644 (2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED
 3645 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

3646 (h) Paragraph (a) does not apply:

3647 1. When testing for sexually transmissible diseases is
 3648 required by state or federal law, or by rule, including the
 3649 following situations:

3650 a. HIV testing pursuant to s. 796.08 of persons convicted
 3651 of prostitution or of procuring another to commit prostitution.

3652 b. HIV testing of inmates pursuant to s. 945.355 before
 3653 their release from prison by reason of parole, accumulation of
 3654 gain-time credits, or expiration of sentence.

3655 c. Testing for HIV by a medical examiner in accordance

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3656 with s. 406.11.

3657 d. HIV testing of pregnant women pursuant to s. 384.31.

3658 2. To those exceptions provided for blood, plasma, organs,
3659 skin, semen, or other human tissue pursuant to s. 381.0041.

3660 3. For the performance of an HIV-related test by licensed
3661 medical personnel in bona fide medical emergencies if the test
3662 results are necessary for medical diagnostic purposes to provide
3663 appropriate emergency care or treatment to the person being
3664 tested and the patient is unable to consent, as supported by
3665 documentation in the medical record. Notification of test
3666 results in accordance with paragraph (c) is required.

3667 4. For the performance of an HIV-related test by licensed
3668 medical personnel for medical diagnosis of acute illness where,
3669 in the opinion of the attending physician, providing
3670 notification would be detrimental to the patient, as supported
3671 by documentation in the medical record, and the test results are
3672 necessary for medical diagnostic purposes to provide appropriate
3673 care or treatment to the person being tested. Notification of
3674 test results in accordance with paragraph (c) is required if it
3675 would not be detrimental to the patient. This subparagraph does
3676 not authorize the routine testing of patients for HIV infection
3677 without notification.

3678 5. If HIV testing is performed as part of an autopsy for
3679 which consent was obtained pursuant to s. 872.04.

3680 6. For the performance of an HIV test upon a defendant

3681 pursuant to the victim's request in a prosecution for any type
3682 of sexual battery where a blood sample is taken from the
3683 defendant voluntarily, pursuant to court order for any purpose,
3684 or pursuant to s. 775.0877, s. 951.27, or s. 960.003; however,
3685 the results of an HIV test performed shall be disclosed solely
3686 to the victim and the defendant, except as provided in ss.
3687 775.0877, 951.27, and 960.003.

3688 7. If an HIV test is mandated by court order.

3689 8. For epidemiological research pursuant to s. 381.0031,
3690 for research consistent with institutional review boards created
3691 by 45 C.F.R. part 46, or for the performance of an HIV-related
3692 test for the purpose of research, if the testing is performed in
3693 a manner by which the identity of the test subject is not known
3694 and may not be retrieved by the researcher.

3695 9. If human tissue is collected lawfully without the
3696 consent of the donor for corneal removal as authorized by s.
3697 765.5185 or enucleation of the eyes as authorized by s. 765.519.

3698 10. For the performance of an HIV test upon an individual
3699 who comes into contact with medical personnel in such a way that
3700 a significant exposure has occurred during the course of
3701 employment, within the scope of practice, or during the course
3702 of providing emergency medical assistance to the individual. The
3703 term "medical personnel" includes a licensed or certified health
3704 care professional; an employee of a health care professional or
3705 health care facility; employees of a laboratory licensed under

3706 chapter 483; personnel of a blood bank or plasma center; a
3707 medical student or other student who is receiving training as a
3708 health care professional at a health care facility; and a
3709 paramedic or emergency medical technician certified by the
3710 department to perform life-support procedures under s. 401.23.

3711 a. The occurrence of a significant exposure shall be
3712 documented by medical personnel under the supervision of a
3713 licensed physician and recorded only in the personnel record of
3714 the medical personnel.

3715 b. Costs of an HIV test shall be borne by the medical
3716 personnel or the employer of the medical personnel. However,
3717 costs of testing or treatment not directly related to the
3718 initial HIV tests or costs of subsequent testing or treatment
3719 may not be borne by the medical personnel or the employer of the
3720 medical personnel.

3721 c. In order to use the provisions of this subparagraph,
3722 the medical personnel must be tested for HIV pursuant to this
3723 section or provide the results of an HIV test taken within 6
3724 months before the significant exposure if such test results are
3725 negative.

3726 d. A person who receives the results of an HIV test
3727 pursuant to this subparagraph shall maintain the confidentiality
3728 of the information received and of the persons tested. Such
3729 confidential information is exempt from s. 119.07(1).

3730 e. If the source of the exposure is not available and will

3731 not voluntarily present himself or herself to a health facility
3732 to be tested for HIV, the medical personnel or the employer of
3733 such person acting on behalf of the employee may seek a court
3734 order directing the source of the exposure to submit to HIV
3735 testing. A sworn statement by a physician licensed under chapter
3736 458 or chapter 459 that a significant exposure has occurred and
3737 that, in the physician's medical judgment, testing is medically
3738 necessary to determine the course of treatment constitutes
3739 probable cause for the issuance of an order by the court. The
3740 results of the test shall be released to the source of the
3741 exposure and to the person who experienced the exposure.

3742 11. For the performance of an HIV test upon an individual
3743 who comes into contact with nonmedical personnel in such a way
3744 that a significant exposure has occurred while the nonmedical
3745 personnel provides emergency medical assistance during a medical
3746 emergency. For the purposes of this subparagraph, a medical
3747 emergency means an emergency medical condition outside of a
3748 hospital or health care facility that provides physician care.
3749 The test may be performed only during the course of treatment
3750 for the medical emergency.

3751 a. The occurrence of a significant exposure shall be
3752 documented by medical personnel under the supervision of a
3753 licensed physician and recorded in the medical record of the
3754 nonmedical personnel.

3755 b. Costs of any HIV test shall be borne by the nonmedical

3756 personnel or the employer of the nonmedical personnel. However,
3757 costs of testing or treatment not directly related to the
3758 initial HIV tests or costs of subsequent testing or treatment
3759 may not be borne by the nonmedical personnel or the employer of
3760 the nonmedical personnel.

3761 c. In order to use the provisions of this subparagraph,
3762 the nonmedical personnel shall be tested for HIV pursuant to
3763 this section or shall provide the results of an HIV test taken
3764 within 6 months before the significant exposure if such test
3765 results are negative.

3766 d. A person who receives the results of an HIV test
3767 pursuant to this subparagraph shall maintain the confidentiality
3768 of the information received and of the persons tested. Such
3769 confidential information is exempt from s. 119.07(1).

3770 e. If the source of the exposure is not available and will
3771 not voluntarily present himself or herself to a health facility
3772 to be tested for HIV, the nonmedical personnel or the employer
3773 of the nonmedical personnel acting on behalf of the employee may
3774 seek a court order directing the source of the exposure to
3775 submit to HIV testing. A sworn statement by a physician licensed
3776 under chapter 458 or chapter 459 that a significant exposure has
3777 occurred and that, in the physician's medical judgment, testing
3778 is medically necessary to determine the course of treatment
3779 constitutes probable cause for the issuance of an order by the
3780 court. The results of the test shall be released to the source

3781 of the exposure and to the person who experienced the exposure.

3782 12. For the performance of an HIV test by the medical
3783 examiner or attending physician upon an individual who expired
3784 or could not be resuscitated while receiving emergency medical
3785 assistance or care and who was the source of a significant
3786 exposure to medical or nonmedical personnel providing such
3787 assistance or care.

3788 a. HIV testing may be conducted only after appropriate
3789 medical personnel under the supervision of a licensed physician
3790 documents in the medical record of the medical personnel or
3791 nonmedical personnel that there has been a significant exposure
3792 and that, in accordance with the written protocols based on the
3793 National Centers for Disease Control and Prevention guidelines
3794 on HIV postexposure prophylaxis and in the physician's medical
3795 judgment, the information is medically necessary to determine
3796 the course of treatment for the medical personnel or nonmedical
3797 personnel.

3798 b. Costs of an HIV test performed under this subparagraph
3799 may not be charged to the deceased or to the family of the
3800 deceased person.

3801 c. For this subparagraph to be applicable, the medical
3802 personnel or nonmedical personnel must be tested for HIV under
3803 this section or must provide the results of an HIV test taken
3804 within 6 months before the significant exposure if such test
3805 results are negative.

3806 d. A person who receives the results of an HIV test
 3807 pursuant to this subparagraph shall comply with paragraph (e).

3808 13. For the performance of an HIV-related test medically
 3809 indicated by licensed medical personnel for medical diagnosis of
 3810 a hospitalized infant as necessary to provide appropriate care
 3811 and treatment of the infant if, after a reasonable attempt, a
 3812 parent cannot be contacted to provide consent. The medical
 3813 records of the infant must reflect the reason consent of the
 3814 parent was not initially obtained. Test results shall be
 3815 provided to the parent when the parent is located.

3816 14. For the performance of HIV testing conducted to
 3817 monitor the clinical progress of a patient previously diagnosed
 3818 to be HIV positive.

3819 15. For the performance of repeated HIV testing conducted
 3820 to monitor possible conversion from a significant exposure.

3821 Section 75. For the purpose of incorporating the amendment
 3822 made by this act to section 775.0877, Florida Statutes, in
 3823 references thereto, paragraph (c) of subsection (1) and
 3824 subsection (3) of section 384.29, Florida Statutes, are
 3825 reenacted to read:

3826 384.29 Confidentiality.—

3827 (1) All information and records held by the department or
 3828 its authorized representatives relating to known or suspected
 3829 cases of sexually transmissible diseases are strictly
 3830 confidential and exempt from the provisions of s. 119.07(1).

3831 Such information shall not be released or made public by the
 3832 department or its authorized representatives, or by a court or
 3833 parties to a lawsuit upon revelation by subpoena, except under
 3834 the following circumstances:

3835 (c) When made to medical personnel, appropriate state
 3836 agencies, public health agencies, or courts of appropriate
 3837 jurisdiction, to enforce the provisions of this chapter or s.
 3838 775.0877 and related rules;

3839 (3) No employee of the department or its authorized
 3840 representatives shall be examined in a civil, criminal, special,
 3841 or other proceeding as to the existence or contents of pertinent
 3842 records of a person examined or treated for a sexually
 3843 transmissible disease by the department or its authorized
 3844 representatives, or of the existence or contents of such reports
 3845 received from a private physician or private health facility,
 3846 without the consent of the person examined and treated for such
 3847 diseases, except in proceedings under ss. 384.27 and 384.28 or
 3848 involving offenders pursuant to s. 775.0877.

3849 Section 76. For the purpose of incorporating the amendment
 3850 made by this act to section 39.01, Florida Statutes, in
 3851 references thereto, paragraphs (b) and (e) of subsection (2) of
 3852 section 390.01114, Florida Statutes, are reenacted to read:

3853 390.01114 Parental Notice of Abortion Act.—

3854 (2) DEFINITIONS.—As used in this section, the term:

3855 (b) "Child abuse" means abandonment, abuse, harm, mental

3856 | injury, neglect, physical injury, or sexual abuse of a child as
 3857 | those terms are defined in ss. 39.01, 827.04, and 984.03.

3858 | (e) "Sexual abuse" has the meaning ascribed in s. 39.01.

3859 | Section 77. For the purpose of incorporating the amendment
 3860 | made by this act to section 39.01, Florida Statutes, in
 3861 | references thereto, paragraph (h) of subsection (4) and
 3862 | subsections (7) and (9) of section 393.067, Florida Statutes,
 3863 | are reenacted to read:

3864 | 393.067 Facility licensure.—

3865 | (4) The application shall be under oath and shall contain
 3866 | the following:

3867 | (h) Certification that the staff of the facility or
 3868 | program will receive training to detect, report, and prevent
 3869 | sexual abuse, abuse, neglect, exploitation, and abandonment, as
 3870 | defined in ss. 39.01 and 415.102, of residents and clients.

3871 | (7) The agency shall adopt rules establishing minimum
 3872 | standards for facilities and programs licensed under this
 3873 | section, including rules requiring facilities and programs to
 3874 | train staff to detect, report, and prevent sexual abuse, abuse,
 3875 | neglect, exploitation, and abandonment, as defined in ss. 39.01
 3876 | and 415.102, of residents and clients, minimum standards of
 3877 | quality and adequacy of client care, incident reporting
 3878 | requirements, and uniform firesafety standards established by
 3879 | the State Fire Marshal which are appropriate to the size of the
 3880 | facility or of the component centers or units of the program.

3881 (9) The agency may conduct unannounced inspections to
 3882 determine compliance by foster care facilities, group home
 3883 facilities, residential habilitation centers, and comprehensive
 3884 transitional education programs with the applicable provisions
 3885 of this chapter and the rules adopted pursuant hereto, including
 3886 the rules adopted for training staff of a facility or a program
 3887 to detect, report, and prevent sexual abuse, abuse, neglect,
 3888 exploitation, and abandonment, as defined in ss. 39.01 and
 3889 415.102, of residents and clients. The facility or program shall
 3890 make copies of inspection reports available to the public upon
 3891 request.

3892 Section 78. For the purpose of incorporating the amendment
 3893 made by this act to section 39.01, Florida Statutes, in a
 3894 reference thereto, paragraph (p) of subsection (4) of section
 3895 394.495, Florida Statutes, is reenacted to read:

3896 394.495 Child and adolescent mental health system of care;
 3897 programs and services.—

3898 (4) The array of services may include, but is not limited
 3899 to:

3900 (p) Trauma-informed services for children who have
 3901 suffered sexual exploitation as defined in s. 39.01(70)(g).

3902 Section 79. For the purpose of incorporating the amendment
 3903 made by this act to section 943.0435, Florida Statutes, in a
 3904 reference thereto, paragraph (a) of subsection (2) of section
 3905 394.9125, Florida Statutes, is reenacted to read:

3906 394.9125 State attorney; authority to refer a person for
3907 civil commitment.—

3908 (2) A state attorney may refer a person to the department
3909 for civil commitment proceedings if the person:

3910 (a) Is required to register as a sexual offender pursuant
3911 to s. 943.0435;

3912 Section 80. For the purpose of incorporating the
3913 amendments made by this act to sections 775.21, 943.0435, and
3914 943.04354, Florida Statutes, in references thereto, paragraphs
3915 (a) and (c) of subsection (2) of section 397.4872, Florida
3916 Statutes, are reenacted to read:

3917 397.4872 Exemption from disqualification; publication.—

3918 (2) The department may exempt a person from ss. 397.487(6)
3919 and 397.4871(5) if it has been at least 3 years since the person
3920 has completed or been lawfully released from confinement,
3921 supervision, or sanction for the disqualifying offense. An
3922 exemption from the disqualifying offenses may not be given under
3923 any circumstances for any person who is a:

3924 (a) Sexual predator pursuant to s. 775.21;

3925 (c) Sexual offender pursuant to s. 943.0435, unless the
3926 requirement to register as a sexual offender has been removed
3927 pursuant to s. 943.04354.

3928 Section 81. For the purpose of incorporating the amendment
3929 made by this act to section 39.01, Florida Statutes, in
3930 references thereto, paragraph (c) of subsection (1) and

3931 paragraphs (a) and (b) of subsection (6) of section 409.1678,
3932 Florida Statutes, are reenacted to read:

3933 409.1678 Specialized residential options for children who
3934 are victims of sexual exploitation.—

3935 (1) DEFINITIONS.—As used in this section, the term:

3936 (c) "Sexually exploited child" means a child who has
3937 suffered sexual exploitation as defined in s. 39.01(70)(g) and
3938 is ineligible for relief and benefits under the federal
3939 Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

3940 (6) LOCATION INFORMATION.—

3941 (a) Information about the location of a safe house, safe
3942 foster home, or other residential facility serving victims of
3943 sexual exploitation, as defined in s. 39.01(70)(g), which is
3944 held by an agency, as defined in s. 119.011, is confidential and
3945 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3946 Constitution. This exemption applies to such confidential and
3947 exempt information held by an agency before, on, or after the
3948 effective date of the exemption.

3949 (b) Information about the location of a safe house, safe
3950 foster home, or other residential facility serving victims of
3951 sexual exploitation, as defined in s. 39.01(70)(g), may be
3952 provided to an agency, as defined in s. 119.011, as necessary to
3953 maintain health and safety standards and to address emergency
3954 situations in the safe house, safe foster home, or other
3955 residential facility.

3956 Section 82. For the purpose of incorporating the
 3957 amendments made by this act to sections 775.21, 943.0435, and
 3958 943.04354, Florida Statutes, in references thereto, paragraph
 3959 (b) of subsection (4) of section 435.07, Florida Statutes, is
 3960 reenacted to read:

3961 435.07 Exemptions from disqualification.—Unless otherwise
 3962 provided by law, the provisions of this section apply to
 3963 exemptions from disqualification for disqualifying offenses
 3964 revealed pursuant to background screenings required under this
 3965 chapter, regardless of whether those disqualifying offenses are
 3966 listed in this chapter or other laws.

3967 (4)

3968 (b) Disqualification from employment under this chapter
 3969 may not be removed from, nor may an exemption be granted to, any
 3970 person who is a:

- 3971 1. Sexual predator as designated pursuant to s. 775.21;
- 3972 2. Career offender pursuant to s. 775.261; or
- 3973 3. Sexual offender pursuant to s. 943.0435, unless the
 3974 requirement to register as a sexual offender has been removed
 3975 pursuant to s. 943.04354.

3976 Section 83. For the purpose of incorporating the amendment
 3977 made by this act to section 895.02, Florida Statutes, in a
 3978 reference thereto, paragraph (g) of subsection (3) of section
 3979 655.50, Florida Statutes, is reenacted to read:

3980 655.50 Florida Control of Money Laundering and Terrorist

3981 Financing in Financial Institutions Act.—

3982 (3) As used in this section, the term:

3983 (g) "Specified unlawful activity" means "racketeering
3984 activity" as defined in s. 895.02.

3985 Section 84. For the purpose of incorporating the amendment
3986 made by this act to section 784.046, Florida Statutes, in a
3987 reference thereto, paragraph (e) of subsection (1) of section
3988 741.313, Florida Statutes, is reenacted to read:

3989 741.313 Unlawful action against employees seeking
3990 protection.—

3991 (1) As used in this section, the term:

3992 (e) "Sexual violence" means sexual violence, as defined in
3993 s. 784.046, or any crime the underlying factual basis of which
3994 has been found by a court to include an act of sexual violence.

3995 Section 85. For the purpose of incorporating the amendment
3996 made by this act to section 947.1405, Florida Statutes, in a
3997 reference thereto, paragraph (j) of subsection (4) of section
3998 775.084, Florida Statutes, is reenacted to read:

3999 775.084 Violent career criminals; habitual felony
4000 offenders and habitual violent felony offenders; three-time
4001 violent felony offenders; definitions; procedure; enhanced
4002 penalties or mandatory minimum prison terms.—

4003 (4)

4004 (j) The provisions of s. 947.1405 shall apply to persons
4005 sentenced as habitual felony offenders and persons sentenced as

4006 habitual violent felony offenders.

4007 Section 86. For the purpose of incorporating the amendment
 4008 made by this act to section 943.0435, Florida Statutes, in a
 4009 reference thereto, subsection (2) of section 775.0862, Florida
 4010 Statutes, is reenacted to read:

4011 775.0862 Sexual offenses against students by authority
 4012 figures; reclassification.—

4013 (2) The felony degree of a violation of an offense listed
 4014 in s. 943.0435(1)(h)1.a., unless the offense is a violation of
 4015 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified
 4016 as provided in this section if the offense is committed by an
 4017 authority figure of a school against a student of the school.

4018 Section 87. For the purpose of incorporating the
 4019 amendments made by this act to sections 775.21, 943.0435, and
 4020 944.607, Florida Statutes, in references thereto, paragraphs (e)
 4021 and (f) of subsection (4) of section 775.13, Florida Statutes,
 4022 are reenacted to read:

4023 775.13 Registration of convicted felons, exemptions;
 4024 penalties.—

4025 (4) This section does not apply to an offender:

4026 (e) Who is a sexual predator and has registered as
 4027 required under s. 775.21;

4028 (f) Who is a sexual offender and has registered as
 4029 required in s. 943.0435 or s. 944.607; or

4030 Section 88. For the purpose of incorporating the

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4031 amendments made by this act to sections 943.0435, 944.607,
4032 947.1405, and 948.30, Florida Statutes, in references thereto,
4033 paragraph (b) of subsection (3), paragraph (d) of subsection
4034 (5), paragraph (f) of subsection (6), and paragraph (c) of
4035 subsection (10) of section 775.21, Florida Statutes, are
4036 reenacted to read:

4037 775.21 The Florida Sexual Predators Act.—

4038 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE INTENT.—

4039 (b) The high level of threat that a sexual predator
4040 presents to the public safety, and the long-term effects
4041 suffered by victims of sex offenses, provide the state with
4042 sufficient justification to implement a strategy that includes:

4043 1. Incarcerating sexual predators and maintaining adequate
4044 facilities to ensure that decisions to release sexual predators
4045 into the community are not made on the basis of inadequate
4046 space.

4047 2. Providing for specialized supervision of sexual
4048 predators who are in the community by specially trained
4049 probation officers with low caseloads, as described in ss.
4050 947.1405(7) and 948.30. The sexual predator is subject to
4051 specified terms and conditions implemented at sentencing or at
4052 the time of release from incarceration, with a requirement that
4053 those who are financially able must pay all or part of the costs
4054 of supervision.

4055 3. Requiring the registration of sexual predators, with a

4056 requirement that complete and accurate information be maintained
4057 and accessible for use by law enforcement authorities,
4058 communities, and the public.

4059 4. Providing for community and public notification
4060 concerning the presence of sexual predators.

4061 5. Prohibiting sexual predators from working with
4062 children, either for compensation or as a volunteer.

4063 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
4064 as a sexual predator as follows:

4065 (d) A person who establishes or maintains a residence in
4066 this state and who has not been designated as a sexual predator
4067 by a court of this state but who has been designated as a sexual
4068 predator, as a sexually violent predator, or by another sexual
4069 offender designation in another state or jurisdiction and was,
4070 as a result of such designation, subjected to registration or
4071 community or public notification, or both, or would be if the
4072 person was a resident of that state or jurisdiction, without
4073 regard to whether the person otherwise meets the criteria for
4074 registration as a sexual offender, shall register in the manner
4075 provided in s. 943.0435 or s. 944.607 and shall be subject to
4076 community and public notification as provided in s. 943.0435 or
4077 s. 944.607. A person who meets the criteria of this section is
4078 subject to the requirements and penalty provisions of s.
4079 943.0435 or s. 944.607 until the person provides the department
4080 with an order issued by the court that designated the person as

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4081 a sexual predator, as a sexually violent predator, or by another
4082 sexual offender designation in the state or jurisdiction in
4083 which the order was issued which states that such designation
4084 has been removed or demonstrates to the department that such
4085 designation, if not imposed by a court, has been removed by
4086 operation of law or court order in the state or jurisdiction in
4087 which the designation was made, and provided such person no
4088 longer meets the criteria for registration as a sexual offender
4089 under the laws of this state.

4090 (6) REGISTRATION.—

4091 (f) Within 48 hours after the registration required under
4092 paragraph (a) or paragraph (e), a sexual predator who is not
4093 incarcerated and who resides in the community, including a
4094 sexual predator under the supervision of the Department of
4095 Corrections, shall register in person at a driver license office
4096 of the Department of Highway Safety and Motor Vehicles and shall
4097 present proof of registration unless a driver license or an
4098 identification card that complies with the requirements of s.
4099 322.141(3) was previously secured or updated under s. 944.607.
4100 At the driver license office the sexual predator shall:

4101 1. If otherwise qualified, secure a Florida driver
4102 license, renew a Florida driver license, or secure an
4103 identification card. The sexual predator shall identify himself
4104 or herself as a sexual predator who is required to comply with
4105 this section, provide his or her place of permanent, temporary,

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4106 or transient residence, including a rural route address and a
4107 post office box, and submit to the taking of a photograph for
4108 use in issuing a driver license, a renewed license, or an
4109 identification card, and for use by the department in
4110 maintaining current records of sexual predators. A post office
4111 box may not be provided in lieu of a physical residential
4112 address. If the sexual predator's place of residence is a motor
4113 vehicle, trailer, mobile home, or manufactured home, as defined
4114 in chapter 320, the sexual predator shall also provide to the
4115 Department of Highway Safety and Motor Vehicles the vehicle
4116 identification number; the license tag number; the registration
4117 number; and a description, including color scheme, of the motor
4118 vehicle, trailer, mobile home, or manufactured home. If a sexual
4119 predator's place of residence is a vessel, live-aboard vessel,
4120 or houseboat, as defined in chapter 327, the sexual predator
4121 shall also provide to the Department of Highway Safety and Motor
4122 Vehicles the hull identification number; the manufacturer's
4123 serial number; the name of the vessel, live-aboard vessel, or
4124 houseboat; the registration number; and a description, including
4125 color scheme, of the vessel, live-aboard vessel, or houseboat.

4126 2. Pay the costs assessed by the Department of Highway
4127 Safety and Motor Vehicles for issuing or renewing a driver
4128 license or an identification card as required by this section.
4129 The driver license or identification card issued to the sexual
4130 predator must comply with s. 322.141(3).

4131 3. Provide, upon request, any additional information
 4132 necessary to confirm the identity of the sexual predator,
 4133 including a set of fingerprints.

4134 (10) PENALTIES.—

4135 (c) Any person who misuses public records information
 4136 relating to a sexual predator, as defined in this section, or a
 4137 sexual offender, as defined in s. 943.0435 or s. 944.607, to
 4138 secure a payment from such a predator or offender; who knowingly
 4139 distributes or publishes false information relating to such a
 4140 predator or offender which the person misrepresents as being
 4141 public records information; or who materially alters public
 4142 records information with the intent to misrepresent the
 4143 information, including documents, summaries of public records
 4144 information provided by law enforcement agencies, or public
 4145 records information displayed by law enforcement agencies on
 4146 websites or provided through other means of communication,
 4147 commits a misdemeanor of the first degree, punishable as
 4148 provided in s. 775.082 or s. 775.083.

4149 Section 89. For the purpose of incorporating the
 4150 amendments made by this act to section 943.0435, 944.606, and
 4151 944.607, Florida Statutes, in references thereto, subsection (2)
 4152 of section 775.24, Florida Statutes, is reenacted to read:

4153 775.24 Duty of the court to uphold laws governing sexual
 4154 predators and sexual offenders.—

4155 (2) If a person meets the criteria in this chapter for

4156 designation as a sexual predator or meets the criteria in s.
4157 943.0435, s. 944.606, s. 944.607, or any other law for
4158 classification as a sexual offender, the court may not enter an
4159 order, for the purpose of approving a plea agreement or for any
4160 other reason, which:

4161 (a) Exempts a person who meets the criteria for
4162 designation as a sexual predator or classification as a sexual
4163 offender from such designation or classification, or exempts
4164 such person from the requirements for registration or community
4165 and public notification imposed upon sexual predators and sexual
4166 offenders;

4167 (b) Restricts the compiling, reporting, or release of
4168 public records information that relates to sexual predators or
4169 sexual offenders; or

4170 (c) Prevents any person or entity from performing its
4171 duties or operating within its statutorily conferred authority
4172 as such duty or authority relates to sexual predators or sexual
4173 offenders.

4174 Section 90. For the purpose of incorporating the
4175 amendments made by this act to sections 775.21, 943.0435,
4176 944.606, and 944.607, Florida Statutes, in references thereto,
4177 section 775.25, Florida Statutes, is reenacted to read:

4178 775.25 Prosecutions for acts or omissions.—A sexual
4179 predator or sexual offender who commits any act or omission in
4180 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.

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4181 944.607, or former s. 947.177 may be prosecuted for the act or
4182 omission in the county in which the act or omission was
4183 committed, in the county of the last registered address of the
4184 sexual predator or sexual offender, in the county in which the
4185 conviction occurred for the offense or offenses that meet the
4186 criteria for designating a person as a sexual predator or sexual
4187 offender, in the county where the sexual predator or sexual
4188 offender was released from incarceration, or in the county of
4189 the intended address of the sexual predator or sexual offender
4190 as reported by the predator or offender prior to his or her
4191 release from incarceration. In addition, a sexual predator may
4192 be prosecuted for any such act or omission in the county in
4193 which he or she was designated a sexual predator.

4194 Section 91. For the purpose of incorporating the
4195 amendments made by this act to sections 775.21, 943.0435, and
4196 944.607, Florida Statutes, in references thereto, paragraph (b)
4197 of subsection (3) of section 775.261, Florida Statutes, is
4198 reenacted to read:

4199 775.261 The Florida Career Offender Registration Act.—

4200 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

4201 (b) This section does not apply to any person who has been
4202 designated as a sexual predator and required to register under
4203 s. 775.21 or who is required to register as a sexual offender
4204 under s. 943.0435 or s. 944.607. However, if a person is no
4205 longer required to register as a sexual predator under s. 775.21

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4206 or as a sexual offender under s. 943.0435 or s. 944.607, the
4207 person must register as a career offender under this section if
4208 the person is otherwise designated as a career offender as
4209 provided in this section.

4210 Section 92. For the purpose of incorporating the amendment
4211 made by this act to section 847.001, Florida Statutes, in a
4212 reference thereto, paragraph (d) of subsection (2) of section
4213 784.049, Florida Statutes, is reenacted to read:

4214 784.049 Sexual cyberharassment.—

4215 (2) As used in this section, the term:

4216 (d) "Sexually explicit image" means any image depicting
4217 nudity, as defined in s. 847.001, or depicting a person engaging
4218 in sexual conduct, as defined in s. 847.001.

4219 Section 93. For the purpose of incorporating the amendment
4220 made by this act to section 794.0115, Florida Statutes, in
4221 references thereto, paragraph (a) of subsection (2) and
4222 subsections (3), (4), and (5) of section 794.011, Florida
4223 Statutes, are reenacted to read:

4224 794.011 Sexual battery.—

4225 (2) (a) A person 18 years of age or older who commits
4226 sexual battery upon, or in an attempt to commit sexual battery
4227 injures the sexual organs of, a person less than 12 years of age
4228 commits a capital felony, punishable as provided in ss. 775.082
4229 and 921.141.

4230 (3) A person who commits sexual battery upon a person 12

4231 | years of age or older, without that person's consent, and in the
 4232 | process thereof uses or threatens to use a deadly weapon or uses
 4233 | actual physical force likely to cause serious personal injury
 4234 | commits a life felony, punishable as provided in s. 775.082, s.
 4235 | 775.083, s. 775.084, or s. 794.0115.

4236 | (4) (a) A person 18 years of age or older who commits
 4237 | sexual battery upon a person 12 years of age or older but
 4238 | younger than 18 years of age without that person's consent,
 4239 | under any of the circumstances listed in paragraph (e), commits
 4240 | a felony of the first degree, punishable by a term of years not
 4241 | exceeding life or as provided in s. 775.082, s. 775.083, s.
 4242 | 775.084, or s. 794.0115.

4243 | (b) A person 18 years of age or older who commits sexual
 4244 | battery upon a person 18 years of age or older without that
 4245 | person's consent, under any of the circumstances listed in
 4246 | paragraph (e), commits a felony of the first degree, punishable
 4247 | as provided in s. 775.082, s. 775.083, s. 775.084, or s.
 4248 | 794.0115.

4249 | (c) A person younger than 18 years of age who commits
 4250 | sexual battery upon a person 12 years of age or older without
 4251 | that person's consent, under any of the circumstances listed in
 4252 | paragraph (e), commits a felony of the first degree, punishable
 4253 | as provided in s. 775.082, s. 775.083, s. 775.084, or s.
 4254 | 794.0115.

4255 | (d) A person commits a felony of the first degree,

4256 punishable by a term of years not exceeding life or as provided
 4257 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the
 4258 person commits sexual battery upon a person 12 years of age or
 4259 older without that person's consent, under any of the
 4260 circumstances listed in paragraph (e), and such person was
 4261 previously convicted of a violation of:

- 4262 1. Section 787.01(2) or s. 787.02(2) when the violation
- 4263 involved a victim who was a minor and, in the course of
- 4264 committing that violation, the defendant committed against the
- 4265 minor a sexual battery under this chapter or a lewd act under s.
- 4266 800.04 or s. 847.0135(5);
- 4267 2. Section 787.01(3)(a)2. or 3.;
- 4268 3. Section 787.02(3)(a)2. or 3.;
- 4269 4. Section 800.04;
- 4270 5. Section 825.1025;
- 4271 6. Section 847.0135(5); or
- 4272 7. This chapter, excluding subsection (10) of this
- 4273 section.

4274 (e) The following circumstances apply to paragraphs (a)-
 4275 (d):

- 4276 1. The victim is physically helpless to resist.
- 4277 2. The offender coerces the victim to submit by
- 4278 threatening to use force or violence likely to cause serious
- 4279 personal injury on the victim, and the victim reasonably
- 4280 believes that the offender has the present ability to execute

4281 the threat.

4282 3. The offender coerces the victim to submit by
 4283 threatening to retaliate against the victim, or any other
 4284 person, and the victim reasonably believes that the offender has
 4285 the ability to execute the threat in the future.

4286 4. The offender, without the prior knowledge or consent of
 4287 the victim, administers or has knowledge of someone else
 4288 administering to the victim any narcotic, anesthetic, or other
 4289 intoxicating substance that mentally or physically incapacitates
 4290 the victim.

4291 5. The victim is mentally defective, and the offender has
 4292 reason to believe this or has actual knowledge of this fact.

4293 6. The victim is physically incapacitated.

4294 7. The offender is a law enforcement officer, correctional
 4295 officer, or correctional probation officer as defined in s.
 4296 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified
 4297 under s. 943.1395 or is an elected official exempt from such
 4298 certification by virtue of s. 943.253, or any other person in a
 4299 position of control or authority in a probation, community
 4300 control, controlled release, detention, custodial, or similar
 4301 setting, and such officer, official, or person is acting in such
 4302 a manner as to lead the victim to reasonably believe that the
 4303 offender is in a position of control or authority as an agent or
 4304 employee of government.

4305 (5) (a) A person 18 years of age or older who commits

4306 sexual battery upon a person 12 years of age or older but
4307 younger than 18 years of age, without that person's consent, and
4308 in the process does not use physical force and violence likely
4309 to cause serious personal injury commits a felony of the first
4310 degree, punishable as provided in s. 775.082, s. 775.083, s.
4311 775.084, or s. 794.0115.

4312 (b) A person 18 years of age or older who commits sexual
4313 battery upon a person 18 years of age or older, without that
4314 person's consent, and in the process does not use physical force
4315 and violence likely to cause serious personal injury commits a
4316 felony of the second degree, punishable as provided in s.
4317 775.082, s. 775.083, s. 775.084, or s. 794.0115.

4318 (c) A person younger than 18 years of age who commits
4319 sexual battery upon a person 12 years of age or older, without
4320 that person's consent, and in the process does not use physical
4321 force and violence likely to cause serious personal injury
4322 commits a felony of the second degree, punishable as provided in
4323 s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

4324 (d) A person commits a felony of the first degree,
4325 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or
4326 s. 794.0115 if the person commits sexual battery upon a person
4327 12 years of age or older, without that person's consent, and in
4328 the process does not use physical force and violence likely to
4329 cause serious personal injury and the person was previously
4330 convicted of a violation of:

- 4331 1. Section 787.01(2) or s. 787.02(2) when the violation
 4332 involved a victim who was a minor and, in the course of
 4333 committing that violation, the defendant committed against the
 4334 minor a sexual battery under this chapter or a lewd act under s.
 4335 800.04 or s. 847.0135(5);
- 4336 2. Section 787.01(3)(a)2. or 3.;
- 4337 3. Section 787.02(3)(a)2. or 3.;
- 4338 4. Section 800.04;
- 4339 5. Section 825.1025;
- 4340 6. Section 847.0135(5); or
- 4341 7. This chapter, excluding subsection (10) of this
 4342 section.

4343 Section 94. For the purpose of incorporating the amendment
 4344 made by this act to section 92.56, Florida Statutes, in a
 4345 reference thereto, section 794.03, Florida Statutes, is
 4346 reenacted to read:

4347 794.03 Unlawful to publish or broadcast information
 4348 identifying sexual offense victim.—No person shall print,
 4349 publish, or broadcast, or cause or allow to be printed,
 4350 published, or broadcast, in any instrument of mass communication
 4351 the name, address, or other identifying fact or information of
 4352 the victim of any sexual offense within this chapter, except as
 4353 provided in s. 119.071(2)(h) or unless the court determines that
 4354 such information is no longer confidential and exempt pursuant
 4355 to s. 92.56. An offense under this section shall constitute a

4356 | misdemeanor of the second degree, punishable as provided in s.
4357 | 775.082 or s. 775.083.

4358 | Section 95. For the purpose of incorporating the amendment
4359 | made by this act to section 775.21, Florida Statutes, in a
4360 | reference thereto, subsection (1) of section 794.075, Florida
4361 | Statutes, is reenacted to read:

4362 | 794.075 Sexual predators; erectile dysfunction drugs.—

4363 | (1) A person may not possess a prescription drug, as
4364 | defined in s. 499.003(40), for the purpose of treating erectile
4365 | dysfunction if the person is designated as a sexual predator
4366 | under s. 775.21.

4367 | Section 96. For the purpose of incorporating the amendment
4368 | made by this act to section 960.03, Florida Statutes, in
4369 | references thereto, paragraph (b) of subsection (1) and
4370 | subsections (2) and (3) of section 847.002, Florida Statutes,
4371 | are reenacted to read:

4372 | 847.002 Child pornography prosecutions.—

4373 | (1) Any law enforcement officer who, pursuant to a
4374 | criminal investigation, recovers images or movies of child
4375 | pornography shall:

4376 | (b) Request the law enforcement agency contact information
4377 | from the Child Victim Identification Program for any images or
4378 | movies recovered which contain an identified victim of child
4379 | pornography as defined in s. 960.03.

4380 | (2) Any law enforcement officer submitting a case for

4381 prosecution which involves the production, promotion, or
4382 possession of child pornography shall submit to the designated
4383 prosecutor the law enforcement agency contact information
4384 provided by the Child Victim Identification Program at the
4385 National Center for Missing and Exploited Children, for any
4386 images or movies involved in the case which contain the
4387 depiction of an identified victim of child pornography as
4388 defined in s. 960.03.

4389 (3) In every filed case involving an identified victim of
4390 child pornography, as defined in s. 960.03, the prosecuting
4391 agency shall enter the following information into the Victims in
4392 Child Pornography Tracking Repeat Exploitation database
4393 maintained by the Office of the Attorney General:

- 4394 (a) The case number and agency file number.
4395 (b) The named defendant.
4396 (c) The circuit court division and county.
4397 (d) Current court dates and the status of the case.
4398 (e) Contact information for the prosecutor assigned.
4399 (f) Verification that the prosecutor is or is not in
4400 possession of a victim impact statement and will use the
4401 statement in sentencing.

4402 Section 97. For the purpose of incorporating the amendment
4403 made by this act to section 847.001, Florida Statutes, in a
4404 reference thereto, paragraph (b) of subsection (3) of section
4405 847.012, Florida Statutes, is reenacted to read:

4406 847.012 Harmful materials; sale or distribution to minors
4407 or using minors in production prohibited; penalty.—

4408 (3) A person may not knowingly sell, rent, or loan for
4409 monetary consideration to a minor:

4410 (b) Any book, pamphlet, magazine, printed matter however
4411 reproduced, or sound recording that contains any matter defined
4412 in s. 847.001, explicit and detailed verbal descriptions or
4413 narrative accounts of sexual excitement, or sexual conduct and
4414 that is harmful to minors.

4415 Section 98. For the purpose of incorporating the amendment
4416 made by this act to section 92.56, Florida Statutes, in a
4417 reference thereto, subsection (3) of section 847.01357, Florida
4418 Statutes, is reenacted to read:

4419 847.01357 Exploited children's civil remedy.—

4420 (3) Any victim who has a bona fide claim under this
4421 section shall, upon request, be provided a pseudonym, pursuant
4422 to s. 92.56(3), which shall be issued and maintained by the
4423 Department of Legal Affairs for use in all legal pleadings. This
4424 identifier shall be fully recognized in all courts in this state
4425 as a valid legal identity.

4426 Section 99. For the purpose of incorporating the amendment
4427 made by this act to section 847.001, Florida Statutes, in a
4428 reference thereto, subsections (2) and (3) of section 847.0138,
4429 Florida Statutes, are reenacted to read:

4430 847.0138 Transmission of material harmful to minors to a

4431 minor by electronic device or equipment prohibited; penalties.-

4432 (2) Notwithstanding ss. 847.012 and 847.0133, any person
 4433 who knew or believed that he or she was transmitting an image,
 4434 information, or data that is harmful to minors, as defined in s.
 4435 847.001, to a specific individual known by the defendant to be a
 4436 minor commits a felony of the third degree, punishable as
 4437 provided in s. 775.082, s. 775.083, or s. 775.084.

4438 (3) Notwithstanding ss. 847.012 and 847.0133, any person
 4439 in any jurisdiction other than this state who knew or believed
 4440 that he or she was transmitting an image, information, or data
 4441 that is harmful to minors, as defined in s. 847.001, to a
 4442 specific individual known by the defendant to be a minor commits
 4443 a felony of the third degree, punishable as provided in s.
 4444 775.082, s. 775.083, or s. 775.084.

4445
 4446 The provisions of this section do not apply to subscription-
 4447 based transmissions such as list servers.

4448 Section 100. For the purpose of incorporating the
 4449 amendments made by this act to sections 16.56 and 895.02,
 4450 Florida Statutes, in references thereto, paragraph (g) of
 4451 subsection (2) and subsection (10) of section 896.101, Florida
 4452 Statutes, are reenacted to read:

4453 896.101 Florida Money Laundering Act; definitions;
 4454 penalties; injunctions; seizure warrants; immunity.-

4455 (2) As used in this section, the term:

4456 (g) "Specified unlawful activity" means any "racketeering
4457 activity" as defined in s. 895.02.

4458 (10) Any financial institution, licensed money services
4459 business, or other person served with and complying with the
4460 terms of a warrant, temporary injunction, or other court order,
4461 including any subpoena issued under s. 16.56 or s. 27.04,
4462 obtained in furtherance of an investigation of any crime in this
4463 section, including any crime listed as specified unlawful
4464 activity under this section or any felony violation of chapter
4465 560, has immunity from criminal liability and is not liable to
4466 any person for any lawful action taken in complying with the
4467 warrant, temporary injunction, or other court order, including
4468 any subpoena issued under s. 16.56 or s. 27.04. If any subpoena
4469 issued under s. 16.56 or s. 27.04 contains a nondisclosure
4470 provision, any financial institution, licensed money services
4471 business, employee or officer of a financial institution or
4472 licensed money services business, or any other person may not
4473 notify, directly or indirectly, any customer of that financial
4474 institution or money services business whose records are being
4475 sought by the subpoena, or any other person named in the
4476 subpoena, about the existence or the contents of that subpoena
4477 or about information that has been furnished to the state
4478 attorney or statewide prosecutor who issued the subpoena or
4479 other law enforcement officer named in the subpoena in response
4480 to the subpoena.

4481 Section 101. For the purpose of incorporating the
 4482 amendments made by this act to sections 775.21 and 948.06,
 4483 Florida Statutes, in references thereto, paragraphs (b) and (c)
 4484 of subsection (1) of section 903.0351, Florida Statutes, are
 4485 reenacted to read:

4486 903.0351 Restrictions on pretrial release pending
 4487 probation-violation hearing or community-control-violation
 4488 hearing.—

4489 (1) In the instance of an alleged violation of felony
 4490 probation or community control, bail or any other form of
 4491 pretrial release shall not be granted prior to the resolution of
 4492 the probation-violation hearing or the community-control-
 4493 violation hearing to:

4494 (b) A person who is on felony probation or community
 4495 control for any offense committed on or after the effective date
 4496 of this act and who is arrested for a qualifying offense as
 4497 defined in s. 948.06(8)(c); or

4498 (c) A person who is on felony probation or community
 4499 control and has previously been found by a court to be a
 4500 habitual violent felony offender as defined in s. 775.084(1)(b),
 4501 a three-time violent felony offender as defined in s.
 4502 775.084(1)(c), or a sexual predator under s. 775.21, and who is
 4503 arrested for committing a qualifying offense as defined in s.
 4504 948.06(8)(c) on or after the effective date of this act.

4505 Section 102. For the purpose of incorporating the

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4506 amendments made by this act to sections 775.21 and 943.0435,
4507 Florida Statutes, in references thereto, paragraph (m) of
4508 subsection (2) of section 903.046, Florida Statutes, is
4509 reenacted to read:

4510 903.046 Purpose of and criteria for bail determination.—

4511 (2) When determining whether to release a defendant on
4512 bail or other conditions, and what that bail or those conditions
4513 may be, the court shall consider:

4514 (m) Whether the defendant, other than a defendant whose
4515 only criminal charge is a misdemeanor offense under chapter 316,
4516 is required to register as a sexual offender under s. 943.0435
4517 or a sexual predator under s. 775.21; and, if so, he or she is
4518 not eligible for release on bail or surety bond until the first
4519 appearance on the case in order to ensure the full participation
4520 of the prosecutor and the protection of the public.

4521 Section 103. For the purpose of incorporating the
4522 amendment made by this act to section 895.02, Florida Statutes,
4523 in a reference thereto, subsection (3) of section 905.34,
4524 Florida Statutes, is reenacted to read:

4525 905.34 Powers and duties; law applicable.—The jurisdiction
4526 of a statewide grand jury impaneled under this chapter shall
4527 extend throughout the state. The subject matter jurisdiction of
4528 the statewide grand jury shall be limited to the offenses of:

4529 (3) Any violation of the provisions of the Florida RICO
4530 (Racketeer Influenced and Corrupt Organization) Act, including

4531 any offense listed in the definition of racketeering activity in
4532 s. 895.02(8)(a), providing such listed offense is investigated
4533 in connection with a violation of s. 895.03 and is charged in a
4534 separate count of an information or indictment containing a
4535 count charging a violation of s. 895.03, the prosecution of
4536 which listed offense may continue independently if the
4537 prosecution of the violation of s. 895.03 is terminated for any
4538 reason;

4539
4540 or any attempt, solicitation, or conspiracy to commit any
4541 violation of the crimes specifically enumerated above, when any
4542 such offense is occurring, or has occurred, in two or more
4543 judicial circuits as part of a related transaction or when any
4544 such offense is connected with an organized criminal conspiracy
4545 affecting two or more judicial circuits. The statewide grand
4546 jury may return indictments and presentments irrespective of the
4547 county or judicial circuit where the offense is committed or
4548 triable. If an indictment is returned, it shall be certified and
4549 transferred for trial to the county where the offense was
4550 committed. The powers and duties of, and law applicable to,
4551 county grand juries shall apply to a statewide grand jury except
4552 when such powers, duties, and law are inconsistent with the
4553 provisions of ss. 905.31-905.40.

4554 Section 104. For the purpose of incorporating the
4555 amendments made by this act to sections 775.21 and 847.0135,

4556 Florida Statutes, in references thereto, paragraph (g) of
 4557 subsection (3) of section 921.0022, Florida Statutes, is
 4558 reenacted to read:

4559 921.0022 Criminal Punishment Code; offense severity
 4560 ranking chart.—

4561 (3) OFFENSE SEVERITY RANKING CHART

4562 (g) LEVEL 7

4563

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

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4567	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
4568	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
4569	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
4570	409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
4571	456.065(2)	3rd	Practicing a health care profession without a license.
4572	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
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4574	458.327 (1)	3rd	Practicing medicine without a license.
4575	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
4576	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
4577	461.012 (1)	3rd	Practicing podiatric medicine without a license.
4578	462.17	3rd	Practicing naturopathy without a license.
4579	463.015 (1)	3rd	Practicing optometry without a license.
4580	464.016 (1)	3rd	Practicing nursing without a license.
4581	465.015 (2)	3rd	Practicing pharmacy without a license.
	466.026 (1)	3rd	Practicing dentistry or dental

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4582	467.201	3rd	hygiene without a license. Practicing midwifery without a license.
4583	468.366	3rd	Delivering respiratory care services without a license.
4584	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
4585	483.901 (7)	3rd	Practicing medical physics without a license.
4586	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
4587	484.053	3rd	Dispensing hearing aids without a license.
4588	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and

4589	560.123 (8) (b) 1.	3rd	there were five or more victims.
4590	560.125 (5) (a)	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
4591	655.50 (10) (b) 1.	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
4592	775.21 (10) (a)	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
4593			Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.

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4594	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
4595	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
4596	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
4597	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
4598	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).

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4599	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
4600	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
4601	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
4602	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
4603	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
4604	784.048 (7)	3rd	Aggravated stalking; violation of court order.
4605	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
	784.074 (1) (a)	1st	Aggravated battery on sexually

			violent predators facility staff.
4606	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
4607	784.081 (1)	1st	Aggravated battery on specified official or employee.
4608	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
4609	784.083 (1)	1st	Aggravated battery on code inspector.
4610	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
4611	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.

4612	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
4613	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
4614	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
4615	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
4616	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
4617	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting

4618	790.23	1st, PBL	<p>to commit a felony.</p> <p>Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.</p>
4619	794.08 (4)	3rd	<p>Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.</p>
4620	796.05 (1)	1st	<p>Live on earnings of a prostitute; 2nd offense.</p>
4621	796.05 (1)	1st	<p>Live on earnings of a prostitute; 3rd and subsequent offense.</p>
4622	800.04 (5) (c) 1.	2nd	<p>Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.</p>
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4624	800.04 (5) (c) 2.	2nd	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.
4625	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
4626	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
4627	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
4628	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault

			or battery.
4629	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
4630	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.
4631	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
4632	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
4633	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
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4635	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
4636	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
4637	812.131 (2) (a)	2nd	Robbery by sudden snatching.
4638	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
4639	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
4640	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
4641	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
	817.234 (11) (c)	1st	Insurance fraud; property value

			\$100,000 or more.
4642	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.
4643	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
4644	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
4645	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
4646	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but

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			less than \$50,000.
4647	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
4648	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
4649	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
4650	838.015	2nd	Bribery.
4651	838.016	2nd	Unlawful compensation or reward for official behavior.
4652	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
4653	838.22	2nd	Bid tampering.
4654	843.0855 (2)	3rd	Impersonation of a public

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			officer or employee.
4655	843.0855 (3)	3rd	Unlawful simulation of legal process.
4656	843.0855 (4)	3rd	Intimidation of a public officer or employee.
4657	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
4658	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
4659	872.06	2nd	Abuse of a dead human body.
4660	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
4661	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal

4662	893.13(1)(c)1.	1st	<p>gang-related activity.</p> <p>Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.</p>
4663	893.13(1)(e)1.	1st	<p>Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.</p>
4664	893.13(4)(a)	1st	<p>Use or hire of minor; deliver to minor other controlled</p>

4665	893.135 (1) (a) 1.	1st	substance. Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
4666	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
4667	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
4668	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
4669	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
4670	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.

4671	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
4672	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
4673	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
4674	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
4675	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
4676	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

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4677	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
4678	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
4679	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
4680	896.101(5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
4681	896.104(4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
4682	943.0435(4) (c)	2nd	Sexual offender vacating permanent residence; failure to

4683	943.0435 (8)	2nd	comply with reporting requirements.
4684	943.0435 (9) (a)	3rd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
4685	943.0435 (13)	3rd	Sexual offender; failure to comply with reporting requirements.
4686	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
4687	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
4687	944.607 (9)	3rd	Sexual offender; failure to comply with reporting

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			requirements.
4688	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
4689	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
4690	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
4691	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
4692	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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4713 (1) The alternatives provided in this section for the
4714 disposition of criminal cases shall be used in a manner that
4715 will best serve the needs of society, punish criminal offenders,
4716 and provide the opportunity for rehabilitation. If the offender
4717 does not receive a state prison sentence, the court may:

4718 (n) Impose split probation whereby upon satisfactory
4719 completion of half the term of probation, the Department of
4720 Corrections may place the offender on administrative probation
4721 pursuant to s. 948.013 for the remainder of the term of
4722 supervision.

4723 Section 107. For the purpose of incorporating the
4724 amendments made by this act to sections 775.21, 944.606, and
4725 944.607, Florida Statutes, in references thereto, subsection
4726 (3), paragraph (a) of subsection (4), and subsection (5) of
4727 section 943.0435, Florida Statutes, are reenacted to read:

4728 943.0435 Sexual offenders required to register with the
4729 department; penalty.—

4730 (3) Within 48 hours after the report required under
4731 subsection (2), a sexual offender shall report in person at a
4732 driver license office of the Department of Highway Safety and
4733 Motor Vehicles, unless a driver license or identification card
4734 that complies with the requirements of s. 322.141(3) was
4735 previously secured or updated under s. 944.607. At the driver
4736 license office the sexual offender shall:

4737 (a) If otherwise qualified, secure a Florida driver

4738 license, renew a Florida driver license, or secure an
4739 identification card. The sexual offender shall identify himself
4740 or herself as a sexual offender who is required to comply with
4741 this section and shall provide proof that the sexual offender
4742 reported as required in subsection (2). The sexual offender
4743 shall provide any of the information specified in subsection
4744 (2), if requested. The sexual offender shall submit to the
4745 taking of a photograph for use in issuing a driver license,
4746 renewed license, or identification card, and for use by the
4747 department in maintaining current records of sexual offenders.

4748 (b) Pay the costs assessed by the Department of Highway
4749 Safety and Motor Vehicles for issuing or renewing a driver
4750 license or identification card as required by this section. The
4751 driver license or identification card issued must be in
4752 compliance with s. 322.141(3).

4753 (c) Provide, upon request, any additional information
4754 necessary to confirm the identity of the sexual offender,
4755 including a set of fingerprints.

4756 (4) (a) Each time a sexual offender's driver license or
4757 identification card is subject to renewal, and, without regard
4758 to the status of the offender's driver license or identification
4759 card, within 48 hours after any change in the offender's
4760 permanent, temporary, or transient residence or change in the
4761 offender's name by reason of marriage or other legal process,
4762 the offender shall report in person to a driver license office,

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4763 and is subject to the requirements specified in subsection (3).
4764 The Department of Highway Safety and Motor Vehicles shall
4765 forward to the department all photographs and information
4766 provided by sexual offenders. Notwithstanding the restrictions
4767 set forth in s. 322.142, the Department of Highway Safety and
4768 Motor Vehicles may release a reproduction of a color-photograph
4769 or digital-image license to the Department of Law Enforcement
4770 for purposes of public notification of sexual offenders as
4771 provided in this section and ss. 943.043 and 944.606. A sexual
4772 offender who is unable to secure or update a driver license or
4773 an identification card with the Department of Highway Safety and
4774 Motor Vehicles as provided in subsection (3) and this subsection
4775 shall also report any change in the sexual offender's permanent,
4776 temporary, or transient residence or change in the offender's
4777 name by reason of marriage or other legal process within 48
4778 hours after the change to the sheriff's office in the county
4779 where the offender resides or is located and provide
4780 confirmation that he or she reported such information to the
4781 Department of Highway Safety and Motor Vehicles. The reporting
4782 requirements under this paragraph do not negate the requirement
4783 for a sexual offender to obtain a Florida driver license or an
4784 identification card as required in this section.

4785 (5) This section does not apply to a sexual offender who
4786 is also a sexual predator, as defined in s. 775.21. A sexual
4787 predator must register as required under s. 775.21.

4788 Section 108. For the purpose of incorporating the
 4789 amendments made by this act to sections 943.0435, 944.606, and
 4790 944.607, Florida Statutes, in references thereto, subsection (2)
 4791 of section 943.0436, Florida Statutes, is reenacted to read:

4792 943.0436 Duty of the court to uphold laws governing sexual
 4793 predators and sexual offenders.—

4794 (2) If a person meets the criteria in chapter 775 for
 4795 designation as a sexual predator or meets the criteria in s.
 4796 943.0435, s. 944.606, s. 944.607, or any other law for
 4797 classification as a sexual offender, the court may not enter an
 4798 order, for the purpose of approving a plea agreement or for any
 4799 other reason, which:

4800 (a) Exempts a person who meets the criteria for
 4801 designation as a sexual predator or classification as a sexual
 4802 offender from such designation or classification, or exempts
 4803 such person from the requirements for registration or community
 4804 and public notification imposed upon sexual predators and sexual
 4805 offenders;

4806 (b) Restricts the compiling, reporting, or release of
 4807 public records information that relates to sexual predators or
 4808 sexual offenders; or

4809 (c) Prevents any person or entity from performing its
 4810 duties or operating within its statutorily conferred authority
 4811 as such duty or authority relates to sexual predators or sexual
 4812 offenders.

4813 Section 109. For the purpose of incorporating the
 4814 amendment made by this act to section 847.0135, Florida
 4815 Statutes, in a reference thereto, paragraph (g) of subsection
 4816 (2) of section 943.325, Florida Statutes, is reenacted to read:
 4817 943.325 DNA database.—
 4818 (2) DEFINITIONS.—As used in this section, the term:
 4819 (g) "Qualifying offender" means any person, including
 4820 juveniles and adults, who is:
 4821 1.a. Committed to a county jail;
 4822 b. Committed to or under the supervision of the Department
 4823 of Corrections, including persons incarcerated in a private
 4824 correctional institution operated under contract pursuant to s.
 4825 944.105;
 4826 c. Committed to or under the supervision of the Department
 4827 of Juvenile Justice;
 4828 d. Transferred to this state under the Interstate Compact
 4829 on Juveniles, part XIII of chapter 985; or
 4830 e. Accepted under Article IV of the Interstate Corrections
 4831 Compact, part III of chapter 941; and who is:
 4832 2.a. Convicted of any felony offense or attempted felony
 4833 offense in this state or of a similar offense in another
 4834 jurisdiction;
 4835 b. Convicted of a misdemeanor violation of s. 784.048, s.
 4836 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an
 4837 offense that was found, pursuant to s. 874.04, to have been

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4838 committed for the purpose of benefiting, promoting, or
4839 furthering the interests of a criminal gang as defined in s.
4840 874.03; or

4841 c. Arrested for any felony offense or attempted felony
4842 offense in this state.

4843 Section 110. For the purpose of incorporating the
4844 amendment made by this act to section 847.001, Florida Statutes,
4845 in a reference thereto, subsection (2) of section 944.11,
4846 Florida Statutes, is reenacted to read:

4847 944.11 Department to regulate admission of books.—

4848 (2) The department shall have the authority to prohibit
4849 admission of reading materials or publications with content
4850 which depicts sexual conduct as defined by s. 847.001 or
4851 presents nudity in such a way as to create the appearance that
4852 sexual conduct is imminent. The department shall have the
4853 authority to prohibit admission of such materials at a
4854 particular state correctional facility upon a determination by
4855 the department that such material or publications would be
4856 detrimental to the safety, security, order or rehabilitative
4857 interests of a particular state correctional facility or would
4858 create a risk of disorder at a particular state correctional
4859 facility.

4860 Section 111. For the purpose of incorporating the
4861 amendments made by this act to sections 775.21 and 943.0435,
4862 Florida Statutes, in references thereto, paragraph (a) of

4863 subsection (4) and subsection (9) of section 944.607, Florida
4864 Statutes, are reenacted to read:

4865 944.607 Notification to Department of Law Enforcement of
4866 information on sexual offenders.—

4867 (4) A sexual offender, as described in this section, who
4868 is under the supervision of the Department of Corrections but is
4869 not incarcerated shall register with the Department of
4870 Corrections within 3 business days after sentencing for a
4871 registrable offense and otherwise provide information as
4872 required by this subsection.

4873 (a) The sexual offender shall provide his or her name;
4874 date of birth; social security number; race; sex; height;
4875 weight; hair and eye color; tattoos or other identifying marks;
4876 all electronic mail addresses and Internet identifiers required
4877 to be provided pursuant to s. 943.0435(4)(e); employment
4878 information required to be provided pursuant to s.
4879 943.0435(4)(e); all home telephone numbers and cellular
4880 telephone numbers required to be provided pursuant to s.
4881 943.0435(4)(e); the make, model, color, vehicle identification
4882 number (VIN), and license tag number of all vehicles owned;
4883 permanent or legal residence and address of temporary residence
4884 within the state or out of state while the sexual offender is
4885 under supervision in this state, including any rural route
4886 address or post office box; if no permanent or temporary
4887 address, any transient residence within the state; and address,

4888 location or description, and dates of any current or known
4889 future temporary residence within the state or out of state. The
4890 sexual offender shall also produce his or her passport, if he or
4891 she has a passport, and, if he or she is an alien, shall produce
4892 or provide information about documents establishing his or her
4893 immigration status. The sexual offender shall also provide
4894 information about any professional licenses he or she has. The
4895 Department of Corrections shall verify the address of each
4896 sexual offender in the manner described in ss. 775.21 and
4897 943.0435. The department shall report to the Department of Law
4898 Enforcement any failure by a sexual predator or sexual offender
4899 to comply with registration requirements.

4900 (9) A sexual offender, as described in this section, who
4901 is under the supervision of the Department of Corrections but
4902 who is not incarcerated shall, in addition to the registration
4903 requirements provided in subsection (4), register and obtain a
4904 distinctive driver license or identification card in the manner
4905 provided in s. 943.0435(3), (4), and (5), unless the sexual
4906 offender is a sexual predator, in which case he or she shall
4907 register and obtain a distinctive driver license or
4908 identification card as required under s. 775.21. A sexual
4909 offender who fails to comply with the requirements of s.
4910 943.0435 is subject to the penalties provided in s. 943.0435(9).

4911 Section 112. For the purpose of incorporating the
4912 amendments made by this act to sections 775.21 and 944.607,

4913 Florida Statutes, in references thereto, subsection (7) of
4914 section 944.608, Florida Statutes, is reenacted to read:

4915 944.608 Notification to Department of Law Enforcement of
4916 information on career offenders.—

4917 (7) A career offender who is under the supervision of the
4918 department but who is not incarcerated shall, in addition to the
4919 registration requirements provided in subsection (3), register
4920 in the manner provided in s. 775.261(4)(c), unless the career
4921 offender is a sexual predator, in which case he or she shall
4922 register as required under s. 775.21, or is a sexual offender,
4923 in which case he or she shall register as required in s.
4924 944.607. A career offender who fails to comply with the
4925 requirements of s. 775.261(4) is subject to the penalties
4926 provided in s. 775.261(8).

4927 Section 113. For the purpose of incorporating the
4928 amendment made by this act to section 775.21, Florida Statutes,
4929 in a reference thereto, subsection (4) of section 944.609,
4930 Florida Statutes, is reenacted to read:

4931 944.609 Career offenders; notification upon release.—

4932 (4) The department or any law enforcement agency may
4933 notify the community and the public of a career offender's
4934 presence in the community. However, with respect to a career
4935 offender who has been found to be a sexual predator under s.
4936 775.21, the Department of Law Enforcement or any other law
4937 enforcement agency must inform the community and the public of

4938 the career offender's presence in the community, as provided in
 4939 s. 775.21.

4940 Section 114. For the purpose of incorporating the
 4941 amendment made by this act to section 947.1405, Florida
 4942 Statutes, in a reference thereto, subsection (1) of section
 4943 944.70, Florida Statutes, is reenacted to read:

4944 944.70 Conditions for release from incarceration.—

4945 (1) (a) A person who is convicted of a crime committed on
 4946 or after October 1, 1983, but before January 1, 1994, may be
 4947 released from incarceration only:

- 4948 1. Upon expiration of the person's sentence;
- 4949 2. Upon expiration of the person's sentence as reduced by
 4950 accumulated gain-time;
- 4951 3. As directed by an executive order granting clemency;
- 4952 4. Upon attaining the provisional release date;
- 4953 5. Upon placement in a conditional release program
 4954 pursuant to s. 947.1405; or
- 4955 6. Upon the granting of control release pursuant to s.
 4956 947.146.

4957 (b) A person who is convicted of a crime committed on or
 4958 after January 1, 1994, may be released from incarceration only:

- 4959 1. Upon expiration of the person's sentence;
- 4960 2. Upon expiration of the person's sentence as reduced by
 4961 accumulated meritorious or incentive gain-time;
- 4962 3. As directed by an executive order granting clemency;

4963 4. Upon placement in a conditional release program
 4964 pursuant to s. 947.1405 or a conditional medical release program
 4965 pursuant to s. 947.149; or

4966 5. Upon the granting of control release, including
 4967 emergency control release, pursuant to s. 947.146.

4968 Section 115. For the purpose of incorporating the
 4969 amendment made by this act to section 947.1405, Florida
 4970 Statutes, in a reference thereto, paragraph (f) of subsection
 4971 (1) of section 947.13, Florida Statutes, is reenacted to read:

4972 947.13 Powers and duties of commission.—

4973 (1) The commission shall have the powers and perform the
 4974 duties of:

4975 (f) Establishing the terms and conditions of persons
 4976 released on conditional release under s. 947.1405, and
 4977 determining subsequent ineligibility for conditional release due
 4978 to a violation of the terms or conditions of conditional release
 4979 and taking action with respect to such a violation.

4980 Section 116. For the purpose of incorporating the
 4981 amendments made by this act to sections 775.21, 943.0435, and
 4982 943.4354, Florida Statutes, in references thereto, paragraph (c)
 4983 of subsection (2) and subsection (12) of section 947.1405,
 4984 Florida Statutes, are reenacted to read:

4985 947.1405 Conditional release program.—

4986 (2) Any inmate who:

4987 (c) Is found to be a sexual predator under s. 775.21 or

4988 former s. 775.23,
4989
4990 shall, upon reaching the tentative release date or provisional
4991 release date, whichever is earlier, as established by the
4992 Department of Corrections, be released under supervision subject
4993 to specified terms and conditions, including payment of the cost
4994 of supervision pursuant to s. 948.09. Such supervision shall be
4995 applicable to all sentences within the overall term of sentences
4996 if an inmate's overall term of sentences includes one or more
4997 sentences that are eligible for conditional release supervision
4998 as provided herein. Effective July 1, 1994, and applicable for
4999 offenses committed on or after that date, the commission may
5000 require, as a condition of conditional release, that the
5001 releasee make payment of the debt due and owing to a county or
5002 municipal detention facility under s. 951.032 for medical care,
5003 treatment, hospitalization, or transportation received by the
5004 releasee while in that detention facility. The commission, in
5005 determining whether to order such repayment and the amount of
5006 such repayment, shall consider the amount of the debt, whether
5007 there was any fault of the institution for the medical expenses
5008 incurred, the financial resources of the releasee, the present
5009 and potential future financial needs and earning ability of the
5010 releasee, and dependents, and other appropriate factors. If any
5011 inmate placed on conditional release supervision is also subject
5012 to probation or community control, resulting from a probationary

5013 or community control split sentence within the overall term of
5014 sentences, the Department of Corrections shall supervise such
5015 person according to the conditions imposed by the court and the
5016 commission shall defer to such supervision. If the court revokes
5017 probation or community control and resentsences the offender to a
5018 term of incarceration, such revocation also constitutes a
5019 sufficient basis for the revocation of the conditional release
5020 supervision on any nonprobationary or noncommunity control
5021 sentence without further hearing by the commission. If any such
5022 supervision on any nonprobationary or noncommunity control
5023 sentence is revoked, such revocation may result in a forfeiture
5024 of all gain-time, and the commission may revoke the resulting
5025 deferred conditional release supervision or take other action it
5026 considers appropriate. If the term of conditional release
5027 supervision exceeds that of the probation or community control,
5028 then, upon expiration of the probation or community control,
5029 authority for the supervision shall revert to the commission and
5030 the supervision shall be subject to the conditions imposed by
5031 the commission. A panel of no fewer than two commissioners shall
5032 establish the terms and conditions of any such release. If the
5033 offense was a controlled substance violation, the conditions
5034 shall include a requirement that the offender submit to random
5035 substance abuse testing intermittently throughout the term of
5036 conditional release supervision, upon the direction of the
5037 correctional probation officer as defined in s. 943.10(3). The

5038 | commission shall also determine whether the terms and conditions
5039 | of such release have been violated and whether such violation
5040 | warrants revocation of the conditional release.

5041 | (12) In addition to all other conditions imposed, for a
5042 | releasee who is subject to conditional release for a crime that
5043 | was committed on or after May 26, 2010, and who has been
5044 | convicted at any time of committing, or attempting, soliciting,
5045 | or conspiring to commit, any of the criminal offenses listed in
5046 | s. 943.0435(1)(h)1.a.(I), or a similar offense in another
5047 | jurisdiction against a victim who was under 18 years of age at
5048 | the time of the offense, if the releasee has not received a
5049 | pardon for any felony or similar law of another jurisdiction
5050 | necessary for the operation of this subsection, if a conviction
5051 | of a felony or similar law of another jurisdiction necessary for
5052 | the operation of this subsection has not been set aside in any
5053 | postconviction proceeding, or if the releasee has not been
5054 | removed from the requirement to register as a sexual offender or
5055 | sexual predator pursuant to s. 943.04354, the commission must
5056 | impose the following conditions:

5057 | (a) A prohibition on visiting schools, child care
5058 | facilities, parks, and playgrounds without prior approval from
5059 | the releasee's supervising officer. The commission may also
5060 | designate additional prohibited locations to protect a victim.
5061 | The prohibition ordered under this paragraph does not prohibit
5062 | the releasee from visiting a school, child care facility, park,

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5063 or playground for the sole purpose of attending a religious
5064 service as defined in s. 775.0861 or picking up or dropping off
5065 the releasee's child or grandchild at a child care facility or
5066 school.

5067 (b) A prohibition on distributing candy or other items to
5068 children on Halloween; wearing a Santa Claus costume, or other
5069 costume to appeal to children, on or preceding Christmas;
5070 wearing an Easter Bunny costume, or other costume to appeal to
5071 children, on or preceding Easter; entertaining at children's
5072 parties; or wearing a clown costume without prior approval from
5073 the commission.

5074

5075 Section 117. For the purpose of incorporating the
5076 amendment made by this act to section 947.1405, Florida
5077 Statutes, in references thereto, subsections (1), (2), and (7)
5078 of section 947.141, Florida Statutes, are reenacted to read:

5079 947.141 Violations of conditional release, control
5080 release, or conditional medical release or addiction-recovery
5081 supervision.—

5082 (1) If a member of the commission or a duly authorized
5083 representative of the commission has reasonable grounds to
5084 believe that an offender who is on release supervision under s.
5085 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
5086 the terms and conditions of the release in a material respect,
5087 such member or representative may cause a warrant to be issued

5088 for the arrest of the releasee; if the offender was found to be
5089 a sexual predator, the warrant must be issued.

5090 (2) Upon the arrest on a felony charge of an offender who
5091 is on release supervision under s. 947.1405, s. 947.146, s.
5092 947.149, or s. 944.4731, the offender must be detained without
5093 bond until the initial appearance of the offender at which a
5094 judicial determination of probable cause is made. If the trial
5095 court judge determines that there was no probable cause for the
5096 arrest, the offender may be released. If the trial court judge
5097 determines that there was probable cause for the arrest, such
5098 determination also constitutes reasonable grounds to believe
5099 that the offender violated the conditions of the release. Within
5100 24 hours after the trial court judge's finding of probable
5101 cause, the detention facility administrator or designee shall
5102 notify the commission and the department of the finding and
5103 transmit to each a facsimile copy of the probable cause
5104 affidavit or the sworn offense report upon which the trial court
5105 judge's probable cause determination is based. The offender must
5106 continue to be detained without bond for a period not exceeding
5107 72 hours excluding weekends and holidays after the date of the
5108 probable cause determination, pending a decision by the
5109 commission whether to issue a warrant charging the offender with
5110 violation of the conditions of release. Upon the issuance of the
5111 commission's warrant, the offender must continue to be held in
5112 custody pending a revocation hearing held in accordance with

5113 | this section.

5114 | (7) If a law enforcement officer has probable cause to
 5115 | believe that an offender who is on release supervision under s.
 5116 | 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
 5117 | the terms and conditions of his or her release by committing a
 5118 | felony offense, the officer shall arrest the offender without a
 5119 | warrant, and a warrant need not be issued in the case.

5120 | Section 118. For the purpose of incorporating the
 5121 | amendment made by this act to section 775.21, Florida Statutes,
 5122 | in references thereto, paragraphs (b) and (d) of subsection (8)
 5123 | of section 948.06, Florida Statutes, are reenacted to read:

5124 | 948.06 Violation of probation or community control;
 5125 | revocation; modification; continuance; failure to pay
 5126 | restitution or cost of supervision.—

5127 | (8)

5128 | (b) For purposes of this section and ss. 903.0351,
 5129 | 948.064, and 921.0024, the term "violent felony offender of
 5130 | special concern" means a person who is on:

5131 | 1. Felony probation or community control related to the
 5132 | commission of a qualifying offense committed on or after the
 5133 | effective date of this act;

5134 | 2. Felony probation or community control for any offense
 5135 | committed on or after the effective date of this act, and has
 5136 | previously been convicted of a qualifying offense;

5137 | 3. Felony probation or community control for any offense

5138 committed on or after the effective date of this act, and is
 5139 found to have violated that probation or community control by
 5140 committing a qualifying offense;

5141 4. Felony probation or community control and has
 5142 previously been found by a court to be a habitual violent felony
 5143 offender as defined in s. 775.084(1)(b) and has committed a
 5144 qualifying offense on or after the effective date of this act;

5145 5. Felony probation or community control and has
 5146 previously been found by a court to be a three-time violent
 5147 felony offender as defined in s. 775.084(1)(c) and has committed
 5148 a qualifying offense on or after the effective date of this act;
 5149 or

5150 6. Felony probation or community control and has
 5151 previously been found by a court to be a sexual predator under
 5152 s. 775.21 and has committed a qualifying offense on or after the
 5153 effective date of this act.

5154 (d) In the case of an alleged violation of probation or
 5155 community control other than a failure to pay costs, fines, or
 5156 restitution, the following individuals shall remain in custody
 5157 pending the resolution of the probation or community control
 5158 violation:

5159 1. A violent felony offender of special concern, as
 5160 defined in this section;

5161 2. A person who is on felony probation or community
 5162 control for any offense committed on or after the effective date

5163 | of this act and who is arrested for a qualifying offense as
 5164 | defined in this section; or

5165 | 3. A person who is on felony probation or community
 5166 | control and has previously been found by a court to be a
 5167 | habitual violent felony offender as defined in s. 775.084(1)(b),
 5168 | a three-time violent felony offender as defined in s.
 5169 | 775.084(1)(c), or a sexual predator under s. 775.21, and who is
 5170 | arrested for committing a qualifying offense as defined in this
 5171 | section on or after the effective date of this act.

5172 |
 5173 | The court shall not dismiss the probation or community control
 5174 | violation warrant pending against an offender enumerated in this
 5175 | paragraph without holding a recorded violation-of-probation
 5176 | hearing at which both the state and the offender are
 5177 | represented.

5178 | Section 119. For the purpose of incorporating the
 5179 | amendments made by this act to sections 775.21, 943.0435, and
 5180 | 944.607, Florida Statutes, in references thereto, section
 5181 | 948.063, Florida Statutes, is reenacted to read:

5182 | 948.063 Violations of probation or community control by
 5183 | designated sexual offenders and sexual predators.—

5184 | (1) If probation or community control for any felony
 5185 | offense is revoked by the court pursuant to s. 948.06(2)(e) and
 5186 | the offender is designated as a sexual offender pursuant to s.
 5187 | 943.0435 or s. 944.607 or as a sexual predator pursuant to s.

5188 775.21 for unlawful sexual activity involving a victim 15 years
5189 of age or younger and the offender is 18 years of age or older,
5190 and if the court imposes a subsequent term of supervision
5191 following the revocation of probation or community control, the
5192 court must order electronic monitoring as a condition of the
5193 subsequent term of probation or community control.

5194 (2) If the probationer or offender is required to register
5195 as a sexual predator under s. 775.21 or as a sexual offender
5196 under s. 943.0435 or s. 944.607 for unlawful sexual activity
5197 involving a victim 15 years of age or younger and the
5198 probationer or offender is 18 years of age or older and has
5199 violated the conditions of his or her probation or community
5200 control, but the court does not revoke the probation or
5201 community control, the court shall nevertheless modify the
5202 probation or community control to include electronic monitoring
5203 for any probationer or offender not then subject to electronic
5204 monitoring.

5205 Section 120. For the purpose of incorporating the
5206 amendment made by this act to section 775.21, Florida Statutes,
5207 in a reference thereto, subsection (4) of section 948.064,
5208 Florida Statutes, is reenacted to read:

5209 948.064 Notification of status as a violent felony
5210 offender of special concern.—

5211 (4) The state attorney, or the statewide prosecutor if
5212 applicable, shall advise the court at each critical stage in the

5213 | judicial process, at which the state attorney or statewide
5214 | prosecutor is represented, whether an alleged or convicted
5215 | offender is a violent felony offender of special concern; a
5216 | person who is on felony probation or community control for any
5217 | offense committed on or after the effective date of this act and
5218 | who is arrested for a qualifying offense; or a person who is on
5219 | felony probation or community control and has previously been
5220 | found by a court to be a habitual violent felony offender as
5221 | defined in s. 775.084(1)(b), a three-time violent felony
5222 | offender as defined in s. 775.084(1)(c), or a sexual predator
5223 | under s. 775.21, and who is arrested for committing a qualifying
5224 | offense on or after the effective date of this act.

5225 | Section 121. For the purpose of incorporating the
5226 | amendment made by this act to section 948.06, Florida Statutes,
5227 | in a reference thereto, paragraph (a) of subsection (7) of
5228 | section 948.08, Florida Statutes, is reenacted to read:

5229 | 948.08 Pretrial intervention program.—

5230 | (7) (a) Notwithstanding any provision of this section, a
5231 | person who is charged with a felony, other than a felony listed
5232 | in s. 948.06(8)(c), and identified as a veteran, as defined in
5233 | s. 1.01, including a veteran who is discharged or released under
5234 | a general discharge, or servicemember, as defined in s. 250.01,
5235 | who suffers from a military service-related mental illness,
5236 | traumatic brain injury, substance abuse disorder, or
5237 | psychological problem, is eligible for voluntary admission into

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5238 a pretrial veterans' treatment intervention program approved by
5239 the chief judge of the circuit, upon motion of either party or
5240 the court's own motion, except:

5241 1. If a defendant was previously offered admission to a
5242 pretrial veterans' treatment intervention program at any time
5243 before trial and the defendant rejected that offer on the
5244 record, the court may deny the defendant's admission to such a
5245 program.

5246 2. If a defendant previously entered a court-ordered
5247 veterans' treatment program, the court may deny the defendant's
5248 admission into the pretrial veterans' treatment program.

5249 Section 122. For the purpose of incorporating the
5250 amendment made by this act to section 775.21, Florida Statutes,
5251 in a reference thereto, subsection (3) of section 948.12,
5252 Florida Statutes, is reenacted to read:

5253 948.12 Intensive supervision for postprison release of
5254 violent offenders.—It is the finding of the Legislature that the
5255 population of violent offenders released from state prison into
5256 the community poses the greatest threat to the public safety of
5257 the groups of offenders under community supervision. Therefore,
5258 for the purpose of enhanced public safety, any offender released
5259 from state prison who:

5260 (3) Has been found to be a sexual predator pursuant to s.
5261 775.21,
5262

5263 and who has a term of probation to follow the period of
 5264 incarceration shall be provided intensive supervision by
 5265 experienced correctional probation officers. Subject to specific
 5266 appropriation by the Legislature, caseloads may be restricted to
 5267 a maximum of 40 offenders per officer to provide for enhanced
 5268 public safety as well as to effectively monitor conditions of
 5269 electronic monitoring or curfews, if such was ordered by the
 5270 court.

5271 Section 123. For the purpose of incorporating the
 5272 amendments made by this act to sections 775.21 and 943.0435,
 5273 Florida Statutes, in references thereto, paragraph (b) of
 5274 subsection (3) and subsection (4) of section 948.30, Florida
 5275 Statutes, are reenacted to read:

5276 948.30 Additional terms and conditions of probation or
 5277 community control for certain sex offenses.—Conditions imposed
 5278 pursuant to this section do not require oral pronouncement at
 5279 the time of sentencing and shall be considered standard
 5280 conditions of probation or community control for offenders
 5281 specified in this section.

5282 (3) Effective for a probationer or community controllee
 5283 whose crime was committed on or after September 1, 2005, and
 5284 who:

5285 (b) Is designated a sexual predator pursuant to s. 775.21;
 5286 or

5287

5288 | the court must order, in addition to any other provision of this
5289 | section, mandatory electronic monitoring as a condition of the
5290 | probation or community control supervision.

5291 | (4) In addition to all other conditions imposed, for a
5292 | probationer or community controllee who is subject to
5293 | supervision for a crime that was committed on or after May 26,
5294 | 2010, and who has been convicted at any time of committing, or
5295 | attempting, soliciting, or conspiring to commit, any of the
5296 | criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a
5297 | similar offense in another jurisdiction, against a victim who
5298 | was under the age of 18 at the time of the offense; if the
5299 | offender has not received a pardon for any felony or similar law
5300 | of another jurisdiction necessary for the operation of this
5301 | subsection, if a conviction of a felony or similar law of
5302 | another jurisdiction necessary for the operation of this
5303 | subsection has not been set aside in any postconviction
5304 | proceeding, or if the offender has not been removed from the
5305 | requirement to register as a sexual offender or sexual predator
5306 | pursuant to s. 943.04354, the court must impose the following
5307 | conditions:

5308 | (a) A prohibition on visiting schools, child care
5309 | facilities, parks, and playgrounds, without prior approval from
5310 | the offender's supervising officer. The court may also designate
5311 | additional locations to protect a victim. The prohibition
5312 | ordered under this paragraph does not prohibit the offender from

5313 | visiting a school, child care facility, park, or playground for
5314 | the sole purpose of attending a religious service as defined in
5315 | s. 775.0861 or picking up or dropping off the offender's
5316 | children or grandchildren at a child care facility or school.

5317 | (b) A prohibition on distributing candy or other items to
5318 | children on Halloween; wearing a Santa Claus costume, or other
5319 | costume to appeal to children, on or preceding Christmas;
5320 | wearing an Easter Bunny costume, or other costume to appeal to
5321 | children, on or preceding Easter; entertaining at children's
5322 | parties; or wearing a clown costume; without prior approval from
5323 | the court.

5324 | Section 124. For the purpose of incorporating the
5325 | amendments made by this act to sections 775.21, 943.0435,
5326 | 944.606, and 944.607, Florida Statutes, in references thereto,
5327 | section 948.31, Florida Statutes, is reenacted to read:

5328 | 948.31 Evaluation and treatment of sexual predators and
5329 | offenders on probation or community control.—The court may
5330 | require any probationer or community controllee who is required
5331 | to register as a sexual predator under s. 775.21 or sexual
5332 | offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
5333 | an evaluation, at the probationer or community controllee's
5334 | expense, by a qualified practitioner to determine whether such
5335 | probationer or community controllee needs sexual offender
5336 | treatment. If the qualified practitioner determines that sexual
5337 | offender treatment is needed and recommends treatment, the

5338 | probationer or community controllee must successfully complete
5339 | and pay for the treatment. Such treatment must be obtained from
5340 | a qualified practitioner as defined in s. 948.001. Treatment may
5341 | not be administered by a qualified practitioner who has been
5342 | convicted or adjudicated delinquent of committing, or
5343 | attempting, soliciting, or conspiring to commit, any offense
5344 | that is listed in s. 943.0435(1)(h)1.a.(I).

5345 | Section 125. For the purpose of incorporating the
5346 | amendment made by this act to section 775.0877, Florida
5347 | Statutes, in a reference thereto, section 951.27, Florida
5348 | Statutes, is reenacted to read:

5349 | 951.27 Blood tests of inmates.—

5350 | (1) Each county and each municipal detention facility
5351 | shall have a written procedure developed, in consultation with
5352 | the facility medical provider, establishing conditions under
5353 | which an inmate will be tested for infectious disease, including
5354 | human immunodeficiency virus pursuant to s. 775.0877, which
5355 | procedure is consistent with guidelines of the Centers for
5356 | Disease Control and Prevention and recommendations of the
5357 | Correctional Medical Authority. It is not unlawful for the
5358 | person receiving the test results to divulge the test results to
5359 | the sheriff or chief correctional officer.

5360 | (2) Except as otherwise provided in this subsection,
5361 | serologic blood test results obtained pursuant to subsection (1)
5362 | are confidential and exempt from the provisions of s. 119.07(1)

5363 and s. 24(a), Art. I of the State Constitution. However, such
5364 results may be provided to employees or officers of the sheriff
5365 or chief correctional officer who are responsible for the
5366 custody and care of the affected inmate and have a need to know
5367 such information, and as provided in ss. 775.0877 and 960.003.
5368 In addition, upon request of the victim or the victim's legal
5369 guardian, or the parent or legal guardian of the victim if the
5370 victim is a minor, the results of any HIV test performed on an
5371 inmate who has been arrested for any sexual offense involving
5372 oral, anal, or vaginal penetration by, or union with, the sexual
5373 organ of another, shall be disclosed to the victim or the
5374 victim's legal guardian, or to the parent or legal guardian of
5375 the victim if the victim is a minor. In such cases, the county
5376 or municipal detention facility shall furnish the test results
5377 to the Department of Health, which is responsible for disclosing
5378 the results to public health agencies as provided in s. 775.0877
5379 and to the victim or the victim's legal guardian, or the parent
5380 or legal guardian of the victim if the victim is a minor, as
5381 provided in s. 960.003(3).

5382 (3) The results of any serologic blood test on an inmate
5383 are a part of that inmate's permanent medical file. Upon
5384 transfer of the inmate to any other correctional facility, such
5385 file is also transferred, and all relevant authorized persons
5386 must be notified of positive HIV test results, as required in s.
5387 775.0877.

5388 Section 126. For the purpose of incorporating the
 5389 amendment made by this act to section 775.0877, Florida
 5390 Statutes, in references thereto, paragraphs (a) and (b) of
 5391 subsection (2) and paragraph (a) of subsection (3) of section
 5392 960.003, Florida Statutes, are reenacted to read:

5393 960.003 Hepatitis and HIV testing for persons charged with
 5394 or alleged by petition for delinquency to have committed certain
 5395 offenses; disclosure of results to victims.—

5396 (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION
 5397 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.—

5398 (a) In any case in which a person has been charged by
 5399 information or indictment with or alleged by petition for
 5400 delinquency to have committed any offense enumerated in s.
 5401 775.0877(1)(a)-(n), which involves the transmission of body
 5402 fluids from one person to another, upon request of the victim or
 5403 the victim's legal guardian, or of the parent or legal guardian
 5404 of the victim if the victim is a minor, the court shall order
 5405 such person to undergo hepatitis and HIV testing within 48 hours
 5406 after the information, indictment, or petition for delinquency
 5407 is filed. In the event the victim or, if the victim is a minor,
 5408 the victim's parent or legal guardian requests hepatitis and HIV
 5409 testing after 48 hours have elapsed from the filing of the
 5410 indictment, information, or petition for delinquency, the
 5411 testing shall be done within 48 hours after the request.

5412 (b) However, when a victim of any sexual offense

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5413 enumerated in s. 775.0877(1)(a)-(n) is under the age of 18 at
5414 the time the offense was committed or when a victim of any
5415 sexual offense enumerated in s. 775.0877(1)(a)-(n) or s.
5416 825.1025 is a disabled adult or elderly person as defined in s.
5417 825.1025 regardless of whether the offense involves the
5418 transmission of bodily fluids from one person to another, then
5419 upon the request of the victim or the victim's legal guardian,
5420 or of the parent or legal guardian, the court shall order such
5421 person to undergo hepatitis and HIV testing within 48 hours
5422 after the information, indictment, or petition for delinquency
5423 is filed. In the event the victim or, if the victim is a minor,
5424 the victim's parent or legal guardian requests hepatitis and HIV
5425 testing after 48 hours have elapsed from the filing of the
5426 indictment, information, or petition for delinquency, the
5427 testing shall be done within 48 hours after the request. The
5428 testing shall be performed under the direction of the Department
5429 of Health in accordance with s. 381.004. The results of a
5430 hepatitis and HIV test performed on a defendant or juvenile
5431 offender pursuant to this subsection shall not be admissible in
5432 any criminal or juvenile proceeding arising out of the alleged
5433 offense.

5434 (3) DISCLOSURE OF RESULTS.—

5435 (a) The results of the test shall be disclosed no later
5436 than 2 weeks after the court receives such results, under the
5437 direction of the Department of Health, to the person charged

5438 | with or alleged by petition for delinquency to have committed or
5439 | to the person convicted of or adjudicated delinquent for any
5440 | offense enumerated in s. 775.0877(1)(a)-(n), which involves the
5441 | transmission of body fluids from one person to another, and,
5442 | upon request, to the victim or the victim's legal guardian, or
5443 | the parent or legal guardian of the victim if the victim is a
5444 | minor, and to public health agencies pursuant to s. 775.0877. If
5445 | the alleged offender is a juvenile, the test results shall also
5446 | be disclosed to the parent or guardian. When the victim is a
5447 | victim as described in paragraph (2)(b), the test results must
5448 | also be disclosed no later than 2 weeks after the court receives
5449 | such results, to the person charged with or alleged by petition
5450 | for delinquency to have committed or to the person convicted of
5451 | or adjudicated delinquent for any offense enumerated in s.
5452 | 775.0877(1)(a)-(n), or s. 825.1025 regardless of whether the
5453 | offense involves the transmission of bodily fluids from one
5454 | person to another, and, upon request, to the victim or the
5455 | victim's legal guardian, or the parent or legal guardian of the
5456 | victim, and to public health agencies pursuant to s. 775.0877.
5457 | Otherwise, hepatitis and HIV test results obtained pursuant to
5458 | this section are confidential and exempt from the provisions of
5459 | s. 119.07(1) and s. 24(a), Art. I of the State Constitution and
5460 | shall not be disclosed to any other person except as expressly
5461 | authorized by law or court order.

5462 | Section 127. For the purpose of incorporating the

5463 amendment made by this act to section 39.01, Florida Statutes,
 5464 in a reference thereto, subsection (5) of section 960.065,
 5465 Florida Statutes, is reenacted to read:

5466 960.065 Eligibility for awards.—

5467 (5) A person is not ineligible for an award pursuant to
 5468 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that
 5469 person is a victim of sexual exploitation of a child as defined
 5470 in s. 39.01(70) (g).

5471 Section 128. For the purpose of incorporating the
 5472 amendment made by this act to section 39.01, Florida Statutes,
 5473 in a reference thereto, subsection (2) of section 984.03,
 5474 Florida Statutes, is reenacted to read:

5475 984.03 Definitions.—When used in this chapter, the term:

5476 (2) "Abuse" means any willful act that results in any
 5477 physical, mental, or sexual injury that causes or is likely to
 5478 cause the child's physical, mental, or emotional health to be
 5479 significantly impaired. Corporal discipline of a child by a
 5480 parent or guardian for disciplinary purposes does not in itself
 5481 constitute abuse when it does not result in harm to the child as
 5482 defined in s. 39.01.

5483 Section 129. For the purpose of incorporating the
 5484 amendment made by this act to section 985.475, Florida Statutes,
 5485 in a reference thereto, paragraph (c) of subsection (5) of
 5486 section 985.0301, Florida Statutes, is reenacted to read:

5487 985.0301 Jurisdiction.—

5488 (5)

5489 (c) The court shall retain jurisdiction over a juvenile
 5490 sexual offender, as defined in s. 985.475, who has been placed
 5491 on community-based treatment alternative with supervision or who
 5492 has been placed in a program or facility for juvenile sexual
 5493 offenders, pursuant to s. 985.48, until the juvenile sexual
 5494 offender reaches 21 years of age, specifically for the purpose
 5495 of allowing the juvenile to complete the program.

5496 Section 130. For the purpose of incorporating the
 5497 amendments made by this act to sections 775.21, 943.0435,
 5498 944.606 and 944.607, Florida Statutes, in references thereto,
 5499 paragraph (b) of subsection (6) of section 985.04, Florida
 5500 Statutes, is reenacted to read:

5501 985.04 Oaths; records; confidential information.—

5502 (6)

5503 (b) Sexual offender and predator registration information
 5504 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
 5505 and 985.4815 is a public record pursuant to s. 119.07(1) and as
 5506 otherwise provided by law.

5507 Section 131. For the purpose of incorporating the
 5508 amendment made by this act to section 985.475, Florida Statutes,
 5509 in a reference thereto, paragraph (c) of subsection (1) of
 5510 section 985.441, Florida Statutes, is reenacted to read:

5511 985.441 Commitment.—

5512 (1) The court that has jurisdiction of an adjudicated

5513 delinquent child may, by an order stating the facts upon which a
5514 determination of a sanction and rehabilitative program was made
5515 at the disposition hearing:

5516 (c) Commit the child to the department for placement in a
5517 program or facility for juvenile sexual offenders in accordance
5518 with s. 985.48, subject to specific appropriation for such a
5519 program or facility.

5520 1. The child may only be committed for such placement
5521 pursuant to determination that the child is a juvenile sexual
5522 offender under the criteria specified in s. 985.475.

5523 2. Any commitment of a juvenile sexual offender to a
5524 program or facility for juvenile sexual offenders must be for an
5525 indeterminate period of time, but the time may not exceed the
5526 maximum term of imprisonment that an adult may serve for the
5527 same offense.

5528 Section 132. For the purpose of incorporating the
5529 amendments made by this act to sections 775.21 and 943.0435
5530 Florida Statutes, in references thereto, subsection (9) of
5531 section 985.4815, Florida Statutes, is reenacted to read:

5532 985.4815 Notification to Department of Law Enforcement of
5533 information on juvenile sexual offenders.—

5534 (9) A sexual offender, as described in this section, who
5535 is under the care, jurisdiction, or supervision of the
5536 department but who is not incarcerated shall, in addition to the
5537 registration requirements provided in subsection (4), register

5538 in the manner provided in s. 943.0435(3), (4), and (5), unless
5539 the sexual offender is a sexual predator, in which case he or
5540 she shall register as required under s. 775.21. A sexual
5541 offender who fails to comply with the requirements of s.
5542 943.0435 is subject to the penalties provided in s. 943.0435(9).

5543 Section 133. For the purpose of incorporating the
5544 amendment made by this act to section 943.0435, Florida
5545 Statutes, in a reference thereto, paragraph (g) of subsection
5546 (2) of section 1012.467, Florida Statutes, is reenacted to read:

5547 1012.467 Noninstructional contractors who are permitted
5548 access to school grounds when students are present; background
5549 screening requirements.—

5550 (2)

5551 (g) A noninstructional contractor for whom a criminal
5552 history check is required under this section may not have been
5553 convicted of any of the following offenses designated in the
5554 Florida Statutes, any similar offense in another jurisdiction,
5555 or any similar offense committed in this state which has been
5556 redesignated from a former provision of the Florida Statutes to
5557 one of the following offenses:

5558 1. Any offense listed in s. 943.0435(1)(h)1., relating to
5559 the registration of an individual as a sexual offender.

5560 2. Section 393.135, relating to sexual misconduct with
5561 certain developmentally disabled clients and the reporting of
5562 such sexual misconduct.

- 5563 | 3. Section 394.4593, relating to sexual misconduct with
5564 | certain mental health patients and the reporting of such sexual
5565 | misconduct.
- 5566 | 4. Section 775.30, relating to terrorism.
- 5567 | 5. Section 782.04, relating to murder.
- 5568 | 6. Section 787.01, relating to kidnapping.
- 5569 | 7. Any offense under chapter 800, relating to lewdness and
5570 | indecent exposure.
- 5571 | 8. Section 826.04, relating to incest.
- 5572 | 9. Section 827.03, relating to child abuse, aggravated
5573 | child abuse, or neglect of a child.
- 5574 | Section 134. This act shall take effect October 1, 2017.