

1 A bill to be entitled

2 An act relating to sexual offenses; amending ss. 95.11  
3 and 775.15, F.S.; eliminating statutes of limitations  
4 for commencement of criminal or civil actions relating  
5 to lewd and lascivious acts if the victim is under 16  
6 years of age and the offender is 18 years of age or  
7 older at the time of the offense; providing  
8 applicability; amending s. 794.011, F.S.; revising and  
9 creating offenses involving sexual battery; providing  
10 criminal penalties; increasing felony degree of  
11 certain sexual battery offenses; amending s. 794.0115,  
12 F.S.; imposing a 50-year minimum mandatory sentence  
13 for dangerous sexual felony offenders; amending s.  
14 794.05, F.S.; revising definition of the term "sexual  
15 activity;" amending s. 800.03, F.S.; increasing the  
16 classification of second and subsequent violations of  
17 the provision prohibiting unlawful exposure of sexual  
18 organs; amending s. 800.04, F.S.; revising and  
19 creating offenses involving lewd or lascivious battery  
20 and molestation; providing criminal penalties;  
21 increasing felony degree of certain lewd or lascivious  
22 battery and molestation offenses; amending s. 810.14,  
23 F.S.; providing that voyeurism includes secretly  
24 observing another person's intimate areas in which the  
25 person has a reasonable expectation of privacy, when  
26 the other person is located a public or private

27 dwelling, structure, or conveyance; defining the term  
28 "intimate area"; amending s. 901.15, F.S.; authorizing  
29 an arrest without a warrant if there is probable cause  
30 to believe that a person has committed unlawful  
31 exposure of sexual organs in violation of specified  
32 provisions; amending s. 921.0022, F.S.; assigning new  
33 offense severity rankings for lewd or lascivious  
34 molestation and sexual battery offenses; amending s.  
35 921.0024, F.S.; providing that sentence points are  
36 multiplied for specified sex offenses committed by an  
37 adult upon a minor under certain circumstances;  
38 amending s. 944.275, F.S.; prohibiting award of gain-  
39 time for certain offenses; amending s. 948.012, F.S.;  
40 requiring split sentence for certain sexual offenses;  
41 amending s. 947.1405, F.S.; prohibiting certain  
42 conditional releasees from viewing, accessing, owning,  
43 or possessing any obscene, pornographic, or sexually  
44 stimulating material, regardless of such material's  
45 relevance to the offender's deviant behavior pattern;  
46 amending s. 948.30, F.S.; prohibiting certain  
47 probationers or community controllees from viewing,  
48 accessing, owning, or possessing any obscene,  
49 pornographic, or sexually stimulating material,  
50 regardless of such material's relevance to the  
51 offender's deviant behavior pattern; amending s.  
52 943.0435 and 944.607, F.S.; conforming provisions to

53 changes made by the act; providing an effective date.

54

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

56

57 Section 1. Subsection (9) of section 95.11, Florida  
 58 Statutes, is amended to read:

59 95.11 Limitations other than for the recovery of real  
 60 property.—Actions other than for recovery of real property shall  
 61 be commenced as follows:

62 (9) SEXUAL ~~BATTERY~~ OFFENSES ON VICTIMS UNDER AGE 16.—

63 (a) An action related to an act constituting a violation  
 64 of s. 794.011 involving a victim who was under the age of 16 at  
 65 the time of the act may be commenced at any time. This paragraph  
 66 ~~subsection~~ applies to any such action other than one which would  
 67 have been time barred on or before July 1, 2010.

68 (b) An action related to an act constituting a violation  
 69 of s. 800.04 involving a victim who was under the age of 16 and  
 70 an offender 18 years of age or older at the time of the act may  
 71 be commenced at any time. This paragraph applies to any such  
 72 action other than one which would have been time barred on or  
 73 before October 1, 2014.

74 Section 2. Subsection (18) is added to section 775.15,  
 75 Florida Statutes, to read:

76 775.15 Time limitations; general time limitations;  
 77 exceptions.—

78 (18) If the offense is a violation of s. 800.04, in which

79 the victim was under 16 years of age and the offender was 18 or  
 80 older, a prosecution of the offense may commence at any time.  
 81 This subsection applies to any offense that is not otherwise  
 82 barred from prosecution on or after October 1, 2014.

83 Section 3. Subsections (4), (5), and (6), paragraph (b) of  
 84 subsection (8), and subsections (9) and (10) of section 794.011,  
 85 Florida Statutes, are amended to read:

86 794.011 Sexual battery.—

87 (4) (a) A person 18 years of age or older who commits  
 88 sexual battery upon a person 12 years of age or older but  
 89 younger than 18 years of age without that person's consent,  
 90 under any of the ~~following~~ circumstances listed in paragraph  
 91 (e), commits a felony of the first degree, punishable by a term  
 92 of years not exceeding life or as provided in s. 775.082, s.  
 93 775.083, s. 775.084, or s. 794.0115.†

94 (b) A person 18 years of age or older who commits sexual  
 95 battery upon a person 18 years of age or older without that  
 96 person's consent, under any of the circumstances listed in  
 97 paragraph (e), commits a felony of the first degree, punishable  
 98 as provided in s. 775.082, s. 775.083, s. 775.084, or s.  
 99 794.0115.

100 (c) A person younger than 18 years of age who commits  
 101 sexual battery upon a person 12 years of age or older without  
 102 that person's consent, under any of the circumstances listed in  
 103 paragraph (e), commits a felony of the first degree, punishable  
 104 as provided in s. 775.082, s. 775.083, s. 775.084, or s.

105 794.0115.

106 (d) A person commits a felony of the first degree,  
 107 punishable by a term of years not exceeding life or as provided  
 108 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the  
 109 person commits sexual battery upon a person 12 years of age or  
 110 older without that person's consent, under any of the  
 111 circumstances listed in paragraph (e), and such person was  
 112 previously convicted of a violation of:

113 1. Section 787.01(2) or s. 787.02(2) when the violation  
 114 involved a victim who was a minor and, in the course of  
 115 committing that violation, the defendant committed against the  
 116 minor a sexual battery under this chapter or a lewd act under s.  
 117 800.04 or s. 847.0135(5);

118 2. Section 787.01(3)(a)2. or 3.;

119 3. Section 787.02(3)(a)2. or 3.;

120 4. Section 800.04;

121 5. Section 825.1025;

122 6. Section 847.0135(5); or

123 7. This chapter, excluding subsection (10) of this  
 124 section.

125 (e) The following circumstances apply to paragraphs (a)  
 126 through (d):

127 1. ~~(a) When~~ The victim is physically helpless to resist.

128 2. ~~(b) When~~ The offender coerces the victim to submit by  
 129 threatening to use force or violence likely to cause serious  
 130 personal injury on the victim, and the victim reasonably

131 believes that the offender has the present ability to execute  
132 the threat.

133 3.(e) ~~When~~ The offender coerces the victim to submit by  
134 threatening to retaliate against the victim, or any other  
135 person, and the victim reasonably believes that the offender has  
136 the ability to execute the threat in the future.

137 4.(d) ~~When~~ The offender, without the prior knowledge or  
138 consent of the victim, administers or has knowledge of someone  
139 else administering to the victim any narcotic, anesthetic, or  
140 other intoxicating substance that ~~which~~ mentally or physically  
141 incapacitates the victim.

142 5.(e) ~~When~~ The victim is mentally defective, and the  
143 offender has reason to believe this or has actual knowledge of  
144 this fact.

145 6.(f) ~~When~~ The victim is physically incapacitated.

146 7.(g) ~~When~~ The offender is a law enforcement officer,  
147 correctional officer, or correctional probation officer as  
148 defined in ~~by~~ s. 943.10(1), (2), (3), (6), (7), (8), or (9), who  
149 is certified under ~~the provisions of~~ s. 943.1395 or is an  
150 elected official exempt from such certification by virtue of s.  
151 943.253, or any other person in a position of control or  
152 authority in a probation, community control, controlled release,  
153 detention, custodial, or similar setting, and such officer,  
154 official, or person is acting in such a manner as to lead the  
155 victim to reasonably believe that the offender is in a position  
156 of control or authority as an agent or employee of government.

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157           (5) (a) A person 18 years of age or older who commits  
158 sexual battery upon a person 12 years of age or older but  
159 younger than 18 years of age, without that person's consent, and  
160 in the process ~~thereof~~ does not use physical force and violence  
161 likely to cause serious personal injury commits a felony of the  
162 first ~~second~~ degree, punishable as provided in s. 775.082, s.  
163 775.083, s. 775.084, or s. 794.0115.

164           (b) A person 18 years of age or older who commits sexual  
165 battery upon a person 18 years of age or older, without that  
166 person's consent, and in the process does not use physical force  
167 and violence likely to cause serious personal injury commits a  
168 felony of the second degree, punishable as provided in s.  
169 775.082, s. 775.083, s. 775.084, or s. 794.0115.

170           (c) A person younger than 18 years of age who commits  
171 sexual battery upon a person 12 years of age or older, without  
172 that person's consent, and in the process does not use physical  
173 force and violence likely to cause serious personal injury  
174 commits a felony of the second degree, punishable as provided in  
175 s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

176           (d) A person commits a felony of the first degree,  
177 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or  
178 s. 794.0115 if the a person commits sexual battery upon a person  
179 12 years of age or older, without that person's consent, and in  
180 the process does not use physical force and violence likely to  
181 cause serious personal injury and the person was previously  
182 convicted of a violation of:

183 1. Section 787.01(2) or s. 787.02(2) when the violation  
 184 involved a victim who was a minor and, in the course of  
 185 committing that violation, the defendant committed against the  
 186 minor a sexual battery under this chapter or a lewd act under s.  
 187 800.04 or s. 847.0135(5);

188 2. Section 787.01(3) (a) 2. or 3.;

189 3. Section 787.02(3) (a) 2. or 3.;

190 4. Section 800.04;

191 5. Section 825.1025;

192 6. Section 847.0135(5); or

193 7. This chapter, excluding subsection (10) of this  
 194 section.

195 (6) (a) The offenses ~~offense~~ described in paragraphs (5) (a)  
 196 through (c) are subsection (5) is included in any sexual battery  
 197 offense charged under subsection (3) ~~or subsection (4).~~

198 (b) The offense described in paragraph (5) (a) is included  
 199 in an offense charged under paragraph (4) (a).

200 (c) The offense described in paragraph (5) (b) is included  
 201 in an offense charged under paragraph (4) (b).

202 (d) The offense described in paragraph (5) (c) is included  
 203 in an offense charged under paragraph (4) (c).

204 (e) The offense described in paragraph (5) (d) is included  
 205 in an offense charged under paragraph (4) (d).

206 (8) Without regard to the willingness or consent of the  
 207 victim, which is not a defense to prosecution under this  
 208 subsection, a person who is in a position of familial or



209 custodial authority to a person less than 18 years of age and  
 210 who:

211 (b) Engages in any act with that person while the person  
 212 is 12 years of age or older but younger ~~less~~ than 18 years of  
 213 age which constitutes sexual battery under paragraph (1) (h)  
 214 commits a felony of the first degree, punishable by a term of  
 215 years not exceeding life or as provided in s. 775.082, s.  
 216 775.083, or s. 775.084.

217 (9) For prosecution under paragraph (4) (a), paragraph  
 218 (4) (b), paragraph (4) (c), or paragraph (4) (d) which involves an  
 219 offense committed under any of the circumstances listed in  
 220 subparagraph (4) (e) 7. ~~paragraph (4) (g),~~ acquiescence to a person  
 221 reasonably believed by the victim to be in a position of  
 222 authority or control does not constitute consent, and it is not  
 223 a defense that the perpetrator was not actually in a position of  
 224 control or authority if the circumstances were such as to lead  
 225 the victim to reasonably believe that the person was in such a  
 226 position.

227 (10) A ~~Any~~ person who falsely accuses a ~~any~~ person listed  
 228 in subparagraph (4) (e) 7. ~~paragraph (4) (g)~~ or other person in a  
 229 position of control or authority as an agent or employee of  
 230 government of violating paragraph (4) (a), paragraph (4) (b),  
 231 paragraph (4) (c), or paragraph (4) (d) commits ~~(4) (g) is guilty~~  
 232 ~~of~~ a felony of the third degree, punishable as provided in s.  
 233 775.082, s. 775.083, or s. 775.084.

234 Section 4. Subsection (2) of section 794.0115, Florida

235 Statutes, is amended to read:

236 794.0115 Dangerous sexual felony offender; mandatory  
237 sentencing.—

238 (2) Any person who is convicted of a violation of s.  
239 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.  
240 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or  
241 (4); or s. 847.0145; or of any similar offense under a former  
242 designation, which offense the person committed when he or she  
243 was 18 years of age or older, and the person:

244 (a) Caused serious personal injury to the victim as a  
245 result of the commission of the offense;

246 (b) Used or threatened to use a deadly weapon during the  
247 commission of the offense;

248 (c) Victimized more than one person during the course of  
249 the criminal episode applicable to the offense;

250 (d) Committed the offense while under the jurisdiction of  
251 a court for a felony offense under the laws of this state, for  
252 an offense that is a felony in another jurisdiction, or for an  
253 offense that would be a felony if that offense were committed in  
254 this state; or

255 (e) Has previously been convicted of a violation of s.  
256 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.  
257 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or  
258 (4); s. 847.0145; of any offense under a former statutory  
259 designation which is similar in elements to an offense described  
260 in this paragraph; or of any offense that is a felony in another

261 jurisdiction, or would be a felony if that offense were  
 262 committed in this state, and which is similar in elements to an  
 263 offense described in this paragraph,

264  
 265 is a dangerous sexual felony offender, who must be sentenced to  
 266 a mandatory minimum term of 25 years imprisonment up to, and  
 267 including, life imprisonment. If the offense described in this  
 268 subsection was committed on or after October 1, 2014, a person  
 269 who qualifies as a dangerous sexual felony offender pursuant to  
 270 this subsection must be sentenced to a mandatory minimum term of  
 271 50 years imprisonment up to, and including, life imprisonment.

272 Section 5. Subsection (1) of section 794.05, Florida  
 273 Statutes, is amended to read:

274 794.05 Unlawful sexual activity with certain minors.—

275 (1) A person 24 years of age or older who engages in  
 276 sexual activity with a person 16 or 17 years of age commits a  
 277 felony of the second degree, punishable as provided in s.  
 278 775.082, s. 775.083, or s. 775.084. As used in this section,  
 279 "sexual activity" means oral, anal, or vaginal penetration by,  
 280 or union with, the sexual organ of another or the anal or  
 281 vaginal penetration of another by any other object; however,  
 282 sexual activity does not include an act done for a bona fide  
 283 medical purpose.

284 Section 6. Section 800.03, Florida Statutes, is amended to  
 285 read:

286 800.03 Exposure of sexual organs.—

287           (1) It is unlawful to expose or exhibit one's sexual  
 288 organs in public or on the private premises of another, or so  
 289 near thereto as to be seen from such private premises, in a  
 290 vulgar or indecent manner, or to be naked in public except in  
 291 any place provided or set apart for that purpose. ~~Violation of~~  
 292 ~~this section is a misdemeanor of the first degree, punishable as~~  
 293 ~~provided in s. 775.082 or s. 775.083.~~ A mother's breastfeeding  
 294 of her baby does not under any circumstance violate this  
 295 section.

296           (2) A person who violates this section commits:

297           (a) For a first offense, a misdemeanor of the first  
 298 degree, punishable as provided in s. 775.082 or s. 775.083.

299           (b) For a second or subsequent offense, a felony of the  
 300 third degree, punishable as provided in s. 775.082, s. 775.083,  
 301 or s. 775.084.

302           Section 7. Subsections (4) and (5) of section 800.04,  
 303 Florida Statutes, are amended to read:

304           800.04 Lewd or lascivious offenses committed upon or in  
 305 the presence of persons less than 16 years of age.—

306           (4) LEWD OR LASCIVIOUS BATTERY. ~~A person who:~~

307           (a) A person commits lewd or lascivious battery by:

308           1. Engaging in sexual activity with a person 12 years of  
 309 age or older but less than 16 years of age; or

310           2. Encouraging, forcing, or enticing any person less than  
 311 16 years of age to engage in sadomasochistic abuse, sexual  
 312 bestiality, prostitution, or any other act involving sexual

313 activity.

314 (b) Except as provided in paragraph (c), an offender who  
 315 commits lewd or lascivious battery commits a felony of the  
 316 second degree, punishable as provided in s. 775.082, s. 775.083,  
 317 or s. 775.084.

318 (c) A person commits a felony of the first degree,  
 319 punishable as provided in s. 775.082, s. 775.083, or s. 775.084  
 320 if the person is an offender 18 years of age or older who  
 321 commits lewd or lascivious battery and was previously convicted  
 322 of a violation of:

323 1. Section 787.01(2) or s. 787.02(2) when the violation  
 324 involved a victim who was a minor and, in the course of  
 325 committing that violation, the defendant committed against the  
 326 minor a sexual battery under chapter 794 or a lewd act under  
 327 this section or s. 847.0135(5);

328 2. Section 787.01(3)(a)2. or 3.;

329 3. Section 787.02(3)(a)2. or 3.;

330 4. Chapter 794, excluding s. 794.011(10);

331 5. Section 825.1025;

332 6. Section 847.0135(5); or

333 7. This section.

334 ~~(a) Engages in sexual activity with a person 12 years of~~  
 335 ~~age or older but less than 16 years of age; or~~

336 ~~(b) Encourages, forces, or entices any person less than 16~~  
 337 ~~years of age to engage in sadomasochistic abuse, sexual~~  
 338 ~~bestiality, prostitution, or any other act involving sexual~~

339 activity

340

341 ~~commits lewd or lascivious battery, a felony of the second~~  
 342 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~  
 343 ~~775.084.~~

344 (5) LEWD OR LASCIVIOUS MOLESTATION.—

345 (a) A person who intentionally touches in a lewd or  
 346 lascivious manner the breasts, genitals, genital area, or  
 347 buttocks, or the clothing covering them, of a person less than  
 348 16 years of age, or forces or entices a person under 16 years of  
 349 age to so touch the perpetrator, commits lewd or lascivious  
 350 molestation.

351 (b) An offender 18 years of age or older who commits lewd  
 352 or lascivious molestation against a victim less than 12 years of  
 353 age commits a life felony, punishable as provided in s.  
 354 775.082(3)(a)4.

355 (c)1. An offender less than 18 years of age who commits  
 356 lewd or lascivious molestation against a victim less than 12  
 357 years of age; or

358 2. An offender 18 years of age or older who commits lewd  
 359 or lascivious molestation against a victim 12 years of age or  
 360 older but less than 16 years of age

361  
 362 commits a felony of the second degree, punishable as provided in  
 363 s. 775.082, s. 775.083, or s. 775.084.

364 (d) An offender less than 18 years of age who commits lewd

365 or lascivious molestation against a victim 12 years of age or  
 366 older but less than 16 years of age commits a felony of the  
 367 third degree, punishable as provided in s. 775.082, s. 775.083,  
 368 or s. 775.084.

369 (e) A person commits a felony of the first degree,  
 370 punishable as provided in s. 775.082, s. 775.083, or s. 775.084  
 371 if the person is 18 years of age or older and commits lewd or  
 372 lascivious molestation against a victim 12 years of age or older  
 373 but less than 16 years of age and the person was previously  
 374 convicted of a violation of:

375 1. Section 787.01(2) or s. 787.02(2) when the violation  
 376 involved a victim who was a minor and, in the course of  
 377 committing the violation, the defendant committed against the  
 378 minor a sexual battery under chapter 794 or a lewd act under  
 379 this section or s. 847.0135(5);

380 2. Section 787.01(3)(a)2. or 3.;

381 3. Section 787.02(3)(a)2. or 3.;

382 4. Chapter 794, excluding s. 794.011(10);

383 5. Section 825.1025;

384 6. Section 847.0135(5); or

385 7. This section.

386 Section 8. Subsection (1) of section 810.14, Florida  
 387 Statutes, is amended to read:

388 810.14 Voyeurism prohibited; penalties.—

389 (1) A person commits the offense of voyeurism when he or  
 390 she, with lewd, lascivious, or indecent intent:7

391 (a) Secretly observes another person when the other person  
 392 is located in a dwelling, structure, or conveyance and such  
 393 location provides a reasonable expectation of privacy; or

394 (b) Secretly observes another person's intimate areas in  
 395 which the person has a reasonable expectation of privacy, when  
 396 the other person is located in a public or private dwelling,  
 397 structure, or conveyance. As used in this paragraph, the term  
 398 "intimate area" mans any portion of a person's body or  
 399 undergarments that is covered by clothing and intended to be  
 400 protected from public view.

401 Section 9. Paragraph (d) is added to subsection (9) of  
 402 section 901.15, Florida Statutes, to read:

403 901.15 When arrest by officer without warrant is lawful.—A  
 404 law enforcement officer may arrest a person without a warrant  
 405 when:

406 (9) There is probable cause to believe that the person has  
 407 committed:

408 (d) Exposure of sexual organs in violation of s. 800.03.

409 Section 10. Paragraphs (g), (h), and (i) of subsection (3)  
 410 of section 921.0022, Florida Statutes, are amended to read:

411 921.0022 Criminal Punishment Code; offense severity  
 412 ranking chart.—

413 (3) OFFENSE SEVERITY RANKING CHART

414 (g) LEVEL 7

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	Florida Statute	Felony Degree	Description
416	316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
417	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
418	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.
419	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
420	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration,

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permanent disability, or death.

421

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

422

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

423

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

424

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

425

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

426

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

427

460.411 (1) 3rd Practicing chiropractic  
medicine without a license.

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429	461.012 (1)	3rd	Practicing podiatric medicine without a license.
430	462.17	3rd	Practicing naturopathy without a license.
431	463.015 (1)	3rd	Practicing optometry without a license.
432	464.016 (1)	3rd	Practicing nursing without a license.
433	465.015 (2)	3rd	Practicing pharmacy without a license.
434	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
435	467.201	3rd	Practicing midwifery without a license.
436	468.366	3rd	Delivering respiratory care services without a license.
	483.828 (1)	3rd	Practicing as clinical

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laboratory personnel without a license.

437

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

438

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

439

484.053 3rd Dispensing hearing aids without a license.

440

494.0018 (2) 1st Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

441

560.123 (8) (b) 1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.

442

560.125 (5) (a) 3rd Money services business by

unauthorized person, currency  
or payment instruments  
exceeding \$300 but less than  
\$20,000.

443 655.50 (10) (b) 1. 3rd Failure to report financial  
transactions exceeding \$300 but  
less than \$20,000 by financial  
institution.

444 775.21 (10) (a) 3rd Sexual predator; failure to  
register; failure to renew  
driver ~~driver's~~ license or  
identification card; other  
registration violations.

445 775.21 (10) (b) 3rd Sexual predator working where  
children regularly congregate.

446 775.21 (10) (g) 3rd Failure to report or providing  
false information about a  
sexual predator; harbor or  
conceal a sexual predator.

447 782.051 (3) 2nd Attempted felony murder of a

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

448

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

449

782.071                        2nd      Killing of a human being or  
viable fetus by the operation  
of a motor vehicle in a  
reckless manner (vehicular  
homicide).

450

782.072                        2nd      Killing of a human being by the  
operation of a vessel in a  
reckless manner (vessel  
homicide).

451

784.045(1)(a)1.              2nd      Aggravated battery;  
intentionally causing great  
bodily harm or disfigurement.

452

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453	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
454	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
455	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
456	784.048 (7)	3rd	Aggravated stalking; violation of court order.
457	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
458	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
459	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
460	784.081 (1)	1st	Aggravated battery on specified official or employee.

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461	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
462	784.083 (1)	1st	Aggravated battery on code inspector.
463	787.06 (3) (a)	1st	Human trafficking using coercion for labor and services.
464	787.06 (3) (e)	1st	Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.
465	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2) .
466	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.



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467	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
468	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
469	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
470	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
471	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian,

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or a person in custodial  
authority to a victim younger  
than 18 years of age.

472

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

473

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

474

800.04 (5) (c) 2.            2nd      Lewd or lascivious molestation;  
victim 12 years of age or older  
but younger ~~less~~ than 16 years;  
offender 18 years or older.

475

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.

476

806.01 (2)                      2nd      Maliciously damage structure by

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fire or explosive.

477

478

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

479

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

480

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

481

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

482

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.

483

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484	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
485	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
486	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
487	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
488	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
489	812.131 (2) (a)	2nd	Robbery by sudden snatching.
490	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.

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491	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
492	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
493	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
494	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
495	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.
496	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.

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497	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
498	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
499	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
500	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
501	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
502	838.015	2nd	Bribery.
	838.016	2nd	Unlawful compensation or reward

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for official behavior.

503

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

504

838.22 2nd Bid tampering.

505

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

506

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

507

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

508

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

509

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

510

872.06 2nd Abuse of a dead human body.

511

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512	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
513	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
514	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
	893.13 (1) (e) 1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s.



893.03(1)(a), (1)(b), (1)(d),  
 (2)(a), (2)(b), or (2)(c)4.,  
 within 1,000 feet of property  
 used for religious services or  
 a specified business site.

515

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

516

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

517

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

518

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

519

893.135(1)(d)1. 1st Trafficking in phencyclidine,  
 more than 28 grams, less than

200 grams.

520

893.135 (1) (e) 1. 1st Trafficking in methaqualone,  
more than 200 grams, less than  
5 kilograms.

521

893.135 (1) (f) 1. 1st Trafficking in amphetamine,  
more than 14 grams, less than  
28 grams.

522

893.135 1st Trafficking in flunitrazepam, 4  
(1) (g) 1.a. grams or more, less than 14  
grams.

523

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

524

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

525

893.135 1st Trafficking in Phenethylamines,  
(1) (k) 2.a. 10 grams or more, less than 200

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grams.

526

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

527

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

528

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

529

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

530

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

531

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532	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
533	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
534	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
535	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
536	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or

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conceal a sexual offender.

537

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

538

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

539

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

540

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

541

542 (h) LEVEL 8

543

Florida	Felony	
Statute	Degree	Description

544

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545	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
546	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
547	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
548	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
549	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
550	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.
	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling

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or exceeding \$20,000, but less than \$100,000.

551

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

552

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

553

782.04(4)            2nd    Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.

554

782.051(2)            1st    Attempted felony murder while perpetrating or attempting to perpetrate a felony not

enumerated in s. 782.04(3).

555

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

556

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

557

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

558

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

559

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

560



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561	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
562	<u>794.011(5)(a)</u>	<u>1st</u>	<u>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.</u>
563	<u>794.011(5)(b)</u>	<u>2nd</u>	<u>Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.</u>
564	<u>794.011(5)(c)</u>	<u>2nd</u>	<u>Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.</u>
	<u>794.011(5)(d)</u>	<u>1st</u>	<u>Sexual battery; victim 12 years</u>

of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.

565

~~794.011(5)~~                      2nd      ~~Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.~~

566

794.08(3)                      2nd      Female genital mutilation, removal of a victim younger than 18 years of age from this state.

567

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

568

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

569

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

570

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571	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
572	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
573	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
574	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
575	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
576	812.13 (2) (b)	1st	Robbery with a weapon.
577	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.

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578	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
579	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
580	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
581	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.
582	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.

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583	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
584	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
585	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
586	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
587	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
588	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

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589	860.16	1st	Aircraft piracy.
590	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).
591	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
592	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
593	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
594	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
	893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than

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28 grams.

595

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

596

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

597

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

598

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

599

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

600

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

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601			10 kilograms.
602	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
603	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
604	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
605	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
606	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
	896.101 (5) (b)	2nd	Money laundering, financial



transactions totaling or exceeding \$20,000, but less than \$100,000.

607  
 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.

608  
 609            (i)    LEVEL 9

610	Florida Statute	Felony Degree	Description
611	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
612	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
613	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.

614

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615	499.0051(9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
616	560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
617	560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
618	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
619	775.0844	1st	Aggravated white collar crime.
620	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
	782.04(3)	1st, PBL	Accomplice to murder in

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

621

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

622

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

623

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

624

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

625

787.01(1)(a)4. 1st,PBL Kidnapping with intent to

			interfere with performance of any governmental or political function.
626	787.02 (3) (a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
627	787.06 (3) (d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized alien.
628	787.06 (3) (g)	1st, PBL	Human trafficking for commercial sexual activity of a child under the age of 18.
629	787.06 (4)	1st	Selling or buying of minors into human trafficking.
630	790.161	1st	Attempted capital destructive

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device offense.

631

790.166 (2)            1st, PBL    Possessing, selling, using, or  
attempting to use a weapon of  
mass destruction.

632

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

633

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

634

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

635

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

636

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637	<u>794.011(4)(c)</u>	<u>1st</u>	<u>Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.</u>
638	<u>794.011(4)(d)</u>	<u>1st, PBL</u>	<u>Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.</u>
639	<del>794.011(4)</del>	<del>1st</del>	<del>Sexual battery; victim 12 years or older, certain circumstances.</del>
640	794.011(8)(b)	1st, <u>PBL</u>	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
641	794.08(2)	1st	Female genital mutilation; victim younger than 18 years of age.
	796.035	1st	Selling or buying of minors

into prostitution.

642

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

643

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

644

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

645

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

646

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

647

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

648

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649	817.535 (5) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.
650	817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
651	827.03 (2) (a)	1st	Aggravated child abuse.
652	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
653	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
	859.01	1st	Poisoning or introducing



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

654

893.135 1st Attempted capital trafficking offense.

655

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

656

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

657

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

658

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

659

893.135 1st Trafficking in methaqualone,

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660	(1) (e) 1.c.		more than 25 kilograms.
661	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
662	893.135 (1) (h) 1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.
663	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
664	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
665	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
666	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
667	Section 11. Subsection (1) of section 921.0024, Florida		

668 Statutes, is amended to read:

669 921.0024 Criminal Punishment Code; worksheet computations;  
670 scoresheets.—

671 (1) (a) The Criminal Punishment Code worksheet is used to  
672 compute the subtotal and total sentence points as follows:

673 FLORIDA CRIMINAL PUNISHMENT CODE

674 WORKSHEET

675 OFFENSE SCORE

676 Primary Offense

677	Level	Sentence Points		Total
678	10	116	=	.....
679	9	92	=	.....
680	8	74	=	.....
681	7	56	=	.....
682	6	36	=	.....
683	5	28	=	.....
684				

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685	4	22	=	.....
686	3	16	=	.....
687	2	10	=	.....
688	1	4	=	.....

Total

Additional Offenses

Level	Sentence Points		Counts		Total
693	10	58	x	.....	= .....
694	9	46	x	.....	= .....
695	8	37	x	.....	= .....
696	7	28	x	.....	= .....

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698	6	18	x	....	=	....
699	5	5.4	x	....	=	....
700	4	3.6	x	....	=	....
701	3	2.4	x	....	=	....
702	2	1.2	x	....	=	....
703	1	0.7	x	....	=	....
704	M	0.2	x	....	=	....

Total

Victim Injury

Level	Sentence Points		Number		Total
2nd degree	240	x	....	=	....

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710	murder- death					
711	Death	120	x	....	=	....
712	Severe	40	x	....	=	....
713	Moderate	18	x	....	=	....
714	Slight	4	x	....	=	....
715	Sexual penetration	80	x	....	=	....
716	Sexual contact	40	x	....	=	....
717						Total
718						
719	Primary Offense + Additional Offenses + Victim Injury =					
720	TOTAL OFFENSE SCORE					
721	PRIOR RECORD SCORE					
722						

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	Prior Record				
	Level	Sentence Points		Number	Total
723					
724	10	29	x	.....	= .....
725	9	23	x	.....	= .....
726	8	19	x	.....	= .....
727	7	14	x	.....	= .....
728	6	9	x	.....	= .....
729	5	3.6	x	.....	= .....
730	4	2.4	x	.....	= .....
731	3	1.6	x	.....	= .....
732	2	0.8	x	.....	= .....
733	1	0.5	x	.....	= .....
734					

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735	M	0.2	x	....	=	....
736						
737						Total
738		TOTAL OFFENSE SCORE.....				
739		TOTAL PRIOR RECORD SCORE.....				
740		LEGAL STATUS.....				
741		COMMUNITY SANCTION VIOLATION.....				
742		PRIOR SERIOUS FELONY.....				
743		PRIOR CAPITAL FELONY.....				
744		FIREARM OR SEMIAUTOMATIC WEAPON.....				
745						SUBTOTAL.....
746		PRISON RELEASEE REOFFENDER (no) (yes).....				
747		VIOLENT CAREER CRIMINAL (no) (yes).....				
748		HABITUAL VIOLENT OFFENDER (no) (yes).....				
749		HABITUAL OFFENDER (no) (yes).....				
750		DRUG TRAFFICKER (no) (yes) (x multiplier).....				
751		LAW ENF. PROTECT. (no) (yes) (x multiplier).....				
752		MOTOR VEHICLE THEFT (no) (yes) (x multiplier).....				
753		CRIMINAL GANG OFFENSE (no) (yes) (x multiplier).....				
754		DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no) (yes)				
755		(x multiplier).....				
756		<u>ADULT-ON-MINOR SEX OFFENSE (no) (yes) (x multiplier).....</u>				
757		.....				



TOTAL SENTENCE POINTS.....

(b) WORKSHEET KEY:

Legal status points are assessed when any form of legal status existed at the time the offender committed an offense before the court for sentencing. Four (4) sentence points are assessed for an offender's legal status.

Community sanction violation points are assessed when a community sanction violation is before the court for sentencing. Six (6) sentence points are assessed for each community sanction violation and each successive community sanction violation, unless any of the following apply:

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

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

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

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

II. The community sanction violation is not based solely on the probationer or offender's failure to pay costs or fines

784 or make restitution payments.

785       b. Twenty-four (24) community sanction violation points  
786 are assessed for the violation and for each successive violation  
787 of felony probation or community control where the violation  
788 includes a new felony conviction.

789

790 Multiple counts of community sanction violations before the  
791 sentencing court shall not be a basis for multiplying the  
792 assessment of community sanction violation points.

793

794 Prior serious felony points: If the offender has a primary  
795 offense or any additional offense ranked in level 8, level 9, or  
796 level 10, and one or more prior serious felonies, a single  
797 assessment of thirty (30) points shall be added. For purposes of  
798 this section, a prior serious felony is an offense in the  
799 offender's prior record that is ranked in level 8, level 9, or  
800 level 10 under s. 921.0022 or s. 921.0023 and for which the  
801 offender is serving a sentence of confinement, supervision, or  
802 other sanction or for which the offender's date of release from  
803 confinement, supervision, or other sanction, whichever is later,  
804 is within 3 years before the date the primary offense or any  
805 additional offense was committed.

806

807 Prior capital felony points: If the offender has one or more  
808 prior capital felonies in the offender's criminal record, points  
809 shall be added to the subtotal sentence points of the offender

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810 equal to twice the number of points the offender receives for  
811 the primary offense and any additional offense. A prior capital  
812 felony in the offender's criminal record is a previous capital  
813 felony offense for which the offender has entered a plea of nolo  
814 contendere or guilty or has been found guilty; or a felony in  
815 another jurisdiction which is a capital felony in that  
816 jurisdiction, or would be a capital felony if the offense were  
817 committed in this state.

818

819 Possession of a firearm, semiautomatic firearm, or machine gun:  
820 If the offender is convicted of committing or attempting to  
821 commit any felony other than those enumerated in s. 775.087(2)  
822 while having in his or her possession: a firearm as defined in  
823 s. 790.001(6), an additional eighteen (18) sentence points are  
824 assessed; or if the offender is convicted of committing or  
825 attempting to commit any felony other than those enumerated in  
826 s. 775.087(3) while having in his or her possession a  
827 semiautomatic firearm as defined in s. 775.087(3) or a machine  
828 gun as defined in s. 790.001(9), an additional twenty-five (25)  
829 sentence points are assessed.

830

831 Sentencing multipliers:

832

833 Drug trafficking: If the primary offense is drug trafficking  
834 under s. 893.135, the subtotal sentence points are multiplied,  
835 at the discretion of the court, for a level 7 or level 8

836 offense, by 1.5. The state attorney may move the sentencing  
837 court to reduce or suspend the sentence of a person convicted of  
838 a level 7 or level 8 offense, if the offender provides  
839 substantial assistance as described in s. 893.135(4).

840 Law enforcement protection: If the primary offense is a  
841 violation of the Law Enforcement Protection Act under s.  
842 775.0823(2), (3), or (4), the subtotal sentence points are  
843 multiplied by 2.5. If the primary offense is a violation of s.  
844 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
845 are multiplied by 2.0. If the primary offense is a violation of  
846 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
847 Protection Act under s. 775.0823(10) or (11), the subtotal  
848 sentence points are multiplied by 1.5.

849  
850 Grand theft of a motor vehicle: If the primary offense is grand  
851 theft of the third degree involving a motor vehicle and in the  
852 offender's prior record, there are three or more grand thefts of  
853 the third degree involving a motor vehicle, the subtotal  
854 sentence points are multiplied by 1.5.

855  
856 Offense related to a criminal gang: If the offender is convicted  
857 of the primary offense and committed that offense for the  
858 purpose of benefiting, promoting, or furthering the interests of  
859 a criminal gang as defined in s. 874.03, the subtotal sentence  
860 points are multiplied by 1.5. If applying the multiplier results  
861 in the lowest permissible sentence exceeding the statutory

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862 maximum sentence for the primary offense under chapter 775, the  
863 court may not apply the multiplier and must sentence the  
864 defendant to the statutory maximum sentence.

865  
866 Domestic violence in the presence of a child: If the offender is  
867 convicted of the primary offense and the primary offense is a  
868 crime of domestic violence, as defined in s. 741.28, which was  
869 committed in the presence of a child under 16 years of age who  
870 is a family or household member as defined in s. 741.28(3) with  
871 the victim or perpetrator, the subtotal sentence points are  
872 multiplied by 1.5.

873  
874 Adult-on-minor sex offense: If the offender was 18 years of age  
875 or older and the victim was younger than 18 years of age at the  
876 time the offender committed the primary offense, and if the  
877 primary offense was an offense committed on or after October 1,  
878 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the  
879 violation involved a victim who was a minor and, in the course  
880 of committing that violation, the defendant committed a sexual  
881 battery under chapter 794 or a lewd act under s. 800.04 or s.  
882 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.  
883 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
884 800.04; or s. 847.0135(5), the subtotal sentence points are  
885 multiplied by 2.0. If applying the multiplier results in the  
886 lowest permissible sentence exceeding the statutory maximum  
887 sentence for the primary offense under chapter 775, the court

888 may not apply the multiplier and must sentence the defendant to  
 889 the statutory maximum sentence.

890 Section 12. Paragraph (e) is added to subsection (4) of  
 891 section 944.275, Florida Statutes, to read:

892 944.275 Gain-time.—

893 (4)

894 (e) Notwithstanding subparagraph (b)3., for sentences  
 895 imposed for offenses committed on or after October 1, 2014, the  
 896 department may not grant incentive gain-time if the offense is a  
 897 violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s.  
 898 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
 899 800.04; s. 825.1025; or s. 847.0135(5).

900 Section 13. Subsection (1) of section 948.012, Florida  
 901 Statutes, is amended, and subsection (5) is added to that  
 902 section, to read:

903 948.012 Split sentence of probation or community control  
 904 and imprisonment.—

905 (1) If ~~Whenever~~ punishment by imprisonment for a  
 906 misdemeanor or a felony, except for a capital felony, is  
 907 prescribed, the court, ~~in its discretion,~~ may, at the time of  
 908 sentencing, impose a split sentence whereby the defendant is to  
 909 be placed on probation or, with respect to any such felony, into  
 910 community control upon completion of any specified period of  
 911 such sentence which may include a term of years or less. In such  
 912 case, the court shall stay and withhold the imposition of the  
 913 remainder of sentence imposed upon the defendant and direct that

914 the defendant be placed upon probation or into community control  
 915 after serving such period as may be imposed by the court. The  
 916 period of probation or community control shall commence  
 917 immediately upon the release of the defendant from  
 918 incarceration, whether by parole or gain-time allowances.

919 (5) (a) Effective for offenses committed on or after  
 920 October 1, 2014, if the court imposes a term of years in  
 921 accordance with s. 775.082 that is less than the maximum  
 922 sentence for the offense, the court must impose a split sentence  
 923 pursuant to subsection (1) for any person who is convicted of a  
 924 violation of:

- 925 1. Section 782.04(1) (a) 2.c.;
- 926 2. Section 787.01(3) (a) 2. or 3.;
- 927 3. Section 787.02(3) (a) 2. or 3.;
- 928 4. Section 794.011, excluding s. 794.011(10);
- 929 5. Section 800.04;
- 930 6. Section 825.1025; or
- 931 7. Section 847.0135(5).

932 (b) The probation or community control portion of the  
 933 split sentence imposed by the court must extend for at least 2  
 934 years. However, if the term of years imposed by the court  
 935 extends to within 2 years of the maximum sentence for the  
 936 offense, the probation or community control portion of the split  
 937 sentence must extend for the remainder of the maximum sentence.

938 Section 14. Subsection (13) is added to section 947.1405,  
 939 Florida Statutes, to read:

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940 947.1405 Conditional release program.—

941 (13) Effective for a releasee whose crime was committed on  
942 or after October 1, 2014, in violation of chapter 794, s.  
943 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, in addition  
944 to any other provision of this section, the commission must  
945 impose a condition prohibiting the releasee from viewing,  
946 accessing, owning, or possessing any obscene, pornographic, or  
947 sexually stimulating visual or auditory material, unless  
948 otherwise indicated in the treatment plan provided by a  
949 qualified practitioner in the sexual offender treatment program.  
950 Visual or auditory material includes, but is not limited to,  
951 telephone, electronic media, computer programs, and computer  
952 services.

953 Section 15. Subsection (5) is added to section 948.30,  
954 Florida Statutes, to read:

955 948.30 Additional terms and conditions of probation or  
956 community control for certain sex offenses.—Conditions imposed  
957 pursuant to this section do not require oral pronouncement at  
958 the time of sentencing and shall be considered standard  
959 conditions of probation or community control for offenders  
960 specified in this section.

961 (5) Effective for a probationer or community controllee  
962 whose crime was committed on or after October 1, 2014, and who  
963 is placed on probation or community control for a violation of  
964 chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.  
965 847.0145, in addition to all other conditions imposed, the court



966 must impose a condition prohibiting the probationer or community  
967 controllee from viewing, accessing, owning, or possessing any  
968 obscene, pornographic, or sexually stimulating visual or  
969 auditory material, unless otherwise indicated in the treatment  
970 plan provided by a qualified practitioner in the sexual offender  
971 treatment program. Visual or auditory material includes, but is  
972 not limited to, telephone, electronic media, computer programs,  
973 and computer services.

974 Section 16. Paragraph (a) of subsection (1), paragraph (a)  
975 of subsection (11), and paragraph (b) of subsection (14) of  
976 section 943.0435, Florida Statutes, are amended to read:

977 943.0435 Sexual offenders required to register with the  
978 department; penalty.—

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

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

983 a.(I) Has been convicted of committing, or attempting,  
984 soliciting, or conspiring to commit, any of the criminal  
985 offenses proscribed in the following statutes in this state or  
986 similar offenses in another jurisdiction: s. 787.01, s. 787.02,  
987 or s. 787.025(2)(c), where the victim is a minor and the  
988 defendant is not the victim's parent or guardian; s.  
989 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.  
990 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
991 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,

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992 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;  
993 or s. 985.701(1); or any similar offense committed in this state  
994 which has been redesignated from a former statute number to one  
995 of those listed in this sub-sub-subparagraph; and

996 (II) Has been released on or after October 1, 1997, from  
997 the sanction imposed for any conviction of an offense described  
998 in sub-sub-subparagraph (I). For purposes of sub-sub-  
999 subparagraph (I), a sanction imposed in this state or in any  
1000 other jurisdiction includes, but is not limited to, a fine,  
1001 probation, community control, parole, conditional release,  
1002 control release, or incarceration in a state prison, federal  
1003 prison, private correctional facility, or local detention  
1004 facility;

1005 b. Establishes or maintains a residence in this state and  
1006 who has not been designated as a sexual predator by a court of  
1007 this state but who has been designated as a sexual predator, as  
1008 a sexually violent predator, or by another sexual offender  
1009 designation in another state or jurisdiction and was, as a  
1010 result of such designation, subjected to registration or  
1011 community or public notification, or both, or would be if the  
1012 person were a resident of that state or jurisdiction, without  
1013 regard to whether the person otherwise meets the criteria for  
1014 registration as a sexual offender;

1015 c. Establishes or maintains a residence in this state who  
1016 is in the custody or control of, or under the supervision of,  
1017 any other state or jurisdiction as a result of a conviction for

1018 committing, or attempting, soliciting, or conspiring to commit,  
 1019 any of the criminal offenses proscribed in the following  
 1020 statutes or similar offense in another jurisdiction: s. 787.01,  
 1021 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
 1022 the defendant is not the victim's parent or guardian; s.  
 1023 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.  
 1024 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
 1025 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,  
 1026 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;  
 1027 or s. 985.701(1); or any similar offense committed in this state  
 1028 which has been redesignated from a former statute number to one  
 1029 of those listed in this sub-subparagraph; or

1030 d. On or after July 1, 2007, has been adjudicated  
 1031 delinquent for committing, or attempting, soliciting, or  
 1032 conspiring to commit, any of the criminal offenses proscribed in  
 1033 the following statutes in this state or similar offenses in  
 1034 another jurisdiction when the juvenile was 14 years of age or  
 1035 older at the time of the offense:

1036 (I) Section 794.011, excluding s. 794.011(10);

1037 (II) Section 800.04(4)(a) ~~800.04(4)(b)~~ where the victim is  
 1038 under 12 years of age or where the court finds sexual activity  
 1039 by the use of force or coercion;

1040 (III) Section 800.04(5)(c)1. where the court finds  
 1041 molestation involving unclothed genitals; or

1042 (IV) Section 800.04(5)(d) where the court finds the use of  
 1043 force or coercion and unclothed genitals.

1044           2. For all qualifying offenses listed in sub-subparagraph  
 1045 (1)(a)1.d., the court shall make a written finding of the age of  
 1046 the offender at the time of the offense.

1047  
 1048 For each violation of a qualifying offense listed in this  
 1049 subsection, the court shall make a written finding of the age of  
 1050 the victim at the time of the offense. For a violation of s.  
 1051 800.04(4), the court shall additionally make a written finding  
 1052 indicating that the offense did or did not involve sexual  
 1053 activity and indicating that the offense did or did not involve  
 1054 force or coercion. For a violation of s. 800.04(5), the court  
 1055 shall additionally make a written finding that the offense did  
 1056 or did not involve unclothed genitals or genital area and that  
 1057 the offense did or did not involve the use of force or coercion.

1058           (11) Except as provided in s. 943.04354, a sexual offender  
 1059 must maintain registration with the department for the duration  
 1060 of his or her life, unless the sexual offender has received a  
 1061 full pardon or has had a conviction set aside in a  
 1062 postconviction proceeding for any offense that meets the  
 1063 criteria for classifying the person as a sexual offender for  
 1064 purposes of registration. However, a sexual offender:

1065           (a)1. Who has been lawfully released from confinement,  
 1066 supervision, or sanction, whichever is later, for at least 25  
 1067 years and has not been arrested for any felony or misdemeanor  
 1068 offense since release, provided that the sexual offender's  
 1069 requirement to register was not based upon an adult conviction:

- 1070 a. For a violation of s. 787.01 or s. 787.02;
- 1071 b. For a violation of s. 794.011, excluding s.
- 1072 794.011(10);
- 1073 c. For a violation of s. 800.04(4)(a) ~~800.04(4)(b)~~ where
- 1074 the court finds the offense involved a victim under 12 years of
- 1075 age or sexual activity by the use of force or coercion;
- 1076 d. For a violation of s. 800.04(5)(b);
- 1077 e. For a violation of s. 800.04(5)c.2. where the court
- 1078 finds the offense involved unclothed genitals or genital area;
- 1079 f. For any attempt or conspiracy to commit any such
- 1080 offense; or
- 1081 g. For a violation of similar law of another jurisdiction,
- 1082
- 1083 may petition the criminal division of the circuit court of the
- 1084 circuit in which the sexual offender resides for the purpose of
- 1085 removing the requirement for registration as a sexual offender.
- 1086 2. The court may grant or deny relief if the offender
- 1087 demonstrates to the court that he or she has not been arrested
- 1088 for any crime since release; the requested relief complies with
- 1089 the provisions of the federal Adam Walsh Child Protection and
- 1090 Safety Act of 2006 and any other federal standards applicable to
- 1091 the removal of registration requirements for a sexual offender
- 1092 or required to be met as a condition for the receipt of federal
- 1093 funds by the state; and the court is otherwise satisfied that
- 1094 the offender is not a current or potential threat to public
- 1095 safety. The state attorney in the circuit in which the petition

1096 is filed must be given notice of the petition at least 3 weeks  
 1097 before the hearing on the matter. The state attorney may present  
 1098 evidence in opposition to the requested relief or may otherwise  
 1099 demonstrate the reasons why the petition should be denied. If  
 1100 the court denies the petition, the court may set a future date  
 1101 at which the sexual offender may again petition the court for  
 1102 relief, subject to the standards for relief provided in this  
 1103 subsection.

1104 3. The department shall remove an offender from  
 1105 classification as a sexual offender for purposes of registration  
 1106 if the offender provides to the department a certified copy of  
 1107 the court's written findings or order that indicates that the  
 1108 offender is no longer required to comply with the requirements  
 1109 for registration as a sexual offender.

1110 (14)

1111 (b) However, a sexual offender who is required to register  
 1112 as a result of a conviction for:

1113 1. Section 787.01 or s. 787.02 where the victim is a minor  
 1114 and the offender is not the victim's parent or guardian;

1115 2. Section 794.011, excluding s. 794.011(10);

1116 3. Section 800.04(4)(a) ~~800.04(4)(b)~~ where the court finds  
 1117 the offense involved a victim under 12 years of age or sexual  
 1118 activity by the use of force or coercion;

1119 4. Section 800.04(5)(b);

1120 5. Section 800.04(5)(c)1. where the court finds  
 1121 molestation involving unclothed genitals or genital area;

1122 6. Section 800.04(5)c.2. where the court finds molestation  
 1123 involving unclothed genitals or genital area;

1124 7. Section 800.04(5)(d) where the court finds the use of  
 1125 force or coercion and unclothed genitals or genital area;

1126 8. Any attempt or conspiracy to commit such offense; or

1127 9. A violation of a similar law of another jurisdiction,  
 1128

1129 must reregister each year during the month of the sexual  
 1130 offender's birthday and every third month thereafter.

1131 Section 17. Paragraph (b) of subsection (13) of section  
 1132 944.607, Florida Statutes, is amended to read:

1133 944.607 Notification to Department of Law Enforcement of  
 1134 information on sexual offenders.—

1135 (13)

1136 (b) However, a sexual offender who is required to register  
 1137 as a result of a conviction for:

1138 1. Section 787.01 or s. 787.02 where the victim is a minor  
 1139 and the offender is not the victim's parent or guardian;

1140 2. Section 794.011, excluding s. 794.011(10);

1141 3. Section 800.04(4)(a) ~~800.04(4)(b)~~ where the victim is  
 1142 under 12 years of age or where the court finds sexual activity  
 1143 by the use of force or coercion;

1144 4. Section 800.04(5)(b);

1145 5. Section 800.04(5)(c)1. where the court finds  
 1146 molestation involving unclothed genitals or genital area;

1147 6. Section 800.04(5)c.2. where the court finds molestation

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1148 involving unclothed genitals or genital area;  
 1149         7. Section 800.04(5)(d) where the court finds the use of  
 1150 force or coercion and unclothed genitals or genital area;  
 1151         8. Any attempt or conspiracy to commit such offense; or  
 1152         9. A violation of a similar law of another jurisdiction,  
 1153  
 1154 must reregister each year during the month of the sexual  
 1155 offender's birthday and every third month thereafter.  
 1156         Section 18. This act shall take effect October 1, 2014.