



# Bureau of Voter Registration Services

## Quick Reference

### Felony Sexual Offenses and Murder Offenses

(Section 98.0751, Fla. Stat.)

The Legislature has defined ‘felony sexual offense’ and ‘murder’ using the following offenses for purposes of identifying convicted felons for whom clemency remains the only manner in which they may have their voting rights restored per section 8, Article IV of the Florida Constitution.

#### 1. Felony Sexual Offense

a. A violation of any of the following sections or any similar offense committed in another jurisdiction which would be an offense listed in these sections if it had been committed in violation of the laws of this state.

Florida Statutes	Descriptor
491.0112	Sexual misconduct by a psychotherapist
784.049(3)(b)	Sexual cyberharassment, second or subsequent charge
794.08	Female genital mutilation
796.08	Committing or procuring prostitution after testing positive for HIV
800.101	Offenses against students by authority figures
826.04	Incest
847.012	Distributing to minors or using minors in production of sexually explicit media
872.06(2)	Sexually abusing or mutilating a dead human body
944.35(3)(b)2	Sexual misconduct with an inmate/offender by a correctional employee
951.221(1)	Sexual misconduct with an inmate/offender by detention facility employee

b. Any felony offense that serves as a predicate to registration as a sexual offender in accordance with s. 943.0435 or any similar offense committed in another jurisdiction which would be an offense listed in these sections if it had been committed in violation of the laws of this state.

Section Florida Statute	Descriptor
393.135(2)	Sexual misconduct prohibited
394.4593(2)	Sexual misconduct prohibited
787.01	Kidnapping <b>**Only where the victim is a minor** Need to research case file**</b>
787.02	False imprisonment <b>**Only where the victim is a minor** Need to research case file**</b>
787.025(2)(c)	Luring or enticing a child
787.06(3)(b), (d), (f), or (g) and former 787.06(h)	Human trafficking
794.011, <b>**excluding subsection (10)</b>	Sexual battery
794.05	Unlawful sexual activity with certain minors
Former 796.03	Procuring a person under the age of 18 for prostitution
Former 796.035	Selling or buying minors into sex trafficking or prostitution
800.04	Lewd/lascivious offense committed upon or in the presence of persons less than 16 years of age
810.145(8)	Video voyeurism of a minor
825.1025	Lewd/lascivious offense committed upon or in the presence of an elderly person or disabled adult
827.071	Sexual performance by a child
847.0133	Protection of minors; prohibition of certain acts in connection with obscenity
847.0135, <b>**excluding subsection (6)</b>	Computer pornography
847.0137	Transmission of child pornography by electronic device/equipment
847.0138	Transmission of material harmful to minors to a minor by electronic device/equipment
847.0145	Selling or buying of minors (for portrayal in a visual depiction engaging in sexually explicit conduct)
895.03	Offenses concerning racketeering and illegal debts <b>**Only where the court makes a written finding that the racketeering activity involved at least one sexual offense contained in section 943.0435(1)(h)1.a.(I) or at least one offense contained in section 943.0435(1)(h)1.a.(I) with sexual intent or motive **Need to research case file**</b>
916.1075(2)	Sexual misconduct prohibited
985.701(1)	Sexual misconduct prohibited

## 2. Murder

A violation of any of the following sections which results in the actual killing of a human being or any similar offense committed in another jurisdiction which would be an offense listed in these sections if it had been committed in violation of the laws of this state.

Florida Statutes	Descriptor
775.33(4)	Providing material support or resources for terrorism or to terrorist organizations <b>**only if it results in death (not serious bodily injury)**Need to research file**</b>
782.04(1)	Murder in the first degree
782.04(2)	Murder in the second degree
782.04(3)	Murder in the second degree
782.09	Killing of an unborn child by injury to mother

## 3. Reminders on Youthful Offender vs. Adjudicated Delinquent

Per Florida Department of Law Enforcement (FDLE) staff:

- a) A person adjudicated as a Youthful Offender would be considered a felony.
- b) A person adjudicated as an Adjudicated Delinquent would not be a felony.