

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 537 — Custody and Supervision of Specified Offenders

by Criminal Justice Subcommittee and Rep. Silvers (CS/SB 528 by Criminal Justice Committee and Senators Davis and Book)

The bill amends s. 794.011, F.S., to prohibit basic gain-time for persons convicted of committing or attempting, soliciting, or conspiring to commit a sexual battery on or after July 1, 2023.

The bill amends s. 944.275, F.S., to prohibit incentive gain-time for persons convicted of committing or attempting, soliciting, or conspiring to commit the following offenses committed on or after July 1, 2023:

- Section 782.04(1)(a)2.c., F.S., Unlawful killing of a human being when committed by a person engaged in the perpetration of, or in the attempt to perpetrate sexual battery.
- Section 787.01(3)(a)2. or 3., F.S., Kidnapping of a child under the age of 13, and in the course of committing the offense, commits sexual battery against the child or lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition.
- Section 787.02(3)(a)2. or 3., F.S., False imprisonment of a child under the age of 13, and in the course of committing the offense commits sexual battery against the child or lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition.
- Section 794.011, F.S., Sexual battery, excluding subsection (10).
- Section 800.04, F.S., Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.
- Section 825.1025, F.S., Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.
- Section 847.0135(5), F.S., Transmission of certain images over a computer to a person who is less than 16 years of age.

The bill amends s. 948.05, F.S., to prohibit reduction in the term of supervision for probationers or offenders in community control who are placed under supervision for committing or attempting, soliciting, or conspiring to commit a violation of any offense listed in the sexual offender or sexual predator registration statutes, or who qualify as a violent felony offender of special concern.

The bill amends s. 948.30, F.S., requiring a court to impose additional specified terms and conditions of probation or community control in addition to all other conditions imposed for offenders whose crime was committed on or after July 1, 2023, for attempting, soliciting, or conspiring to commit the following sexual offenses:

- Section 787.06(3)(b), (d), (f), or (g), F.S., Human Trafficking.
- Chapter 794, F.S., Sexual Battery.
- Section 800.04, F.S., Lewd or Lascivious offenses committed upon or in the presence of persons less than 16 years of age.

- Section 827.071, F.S., Sexual Performance by a child; Child Pornography.
- Section 847.0135(5), F.S., Transmission of certain images over a computer to a person who is less than 16 years of age.
- Section 847.0145, F.S., Selling or Buying of Minors.

The bill amends s. 948.30, F.S., requiring a court to impose additional specified terms and conditions of probation and community control for offenders who are placed on sex offender probation for attempting, soliciting, or conspiring to commit the above listed sexual offenses on or after July 1, 2023.

Additionally, the bill requires the court to impose electronic monitoring for offenders who are placed on probation or community control on or after July 1, 2023, for attempting, soliciting, or conspiring to commit certain sexual offenses. The court must order electronic monitoring for the following offenses when the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older:

- Chapter 794, F.S., Sexual Battery.
- Section 800.04(4), (5), or (6), F.S., Lewd or Lascivious offenses committed upon or in the presence of persons less than 16 years of age.
- Section 827.071, F.S., Sexual Performance by a child; Child Pornography.
- Section 847.0145, F.S., Selling or Buying of Minors.

The bill also requires the court to impose a condition prohibiting an offender who is placed on probation or community control for attempting, soliciting, or conspiring to commit certain sexual offenses on or after July 1, 2023, from viewing, accessing, owning, or possessing any obscene pornographic or sexually stimulating material. The court must order such condition for the following offenses:

- Chapter 794, F.S., Sexual Battery.
- Section 800.04, F.S., Lewd or Lascivious offenses committed upon or in the presence of persons less than 16 years of age.
- Section 827.071, F.S., Sexual Performance by a child; Child Pornography.
- Section 847.0135(5), F.S., Transmission of certain images over a computer to a person who is less than 16 years of age.
- Section 847.0145, F.S., Selling or Buying of Minors.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 99-4