

Bill No. SB 1216

Barcode 080762

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Smith) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause,

and insert:

Section 1. This act shall be known as the Jessica Lunsford Act.

Section 2. Paragraph (b) of subsection (4), and paragraph (1) of subsection (6) of section 775.21, Florida Statutes, are amended, and a new paragraph (g) is added to subsection (10) of that section, to read:

775.21 The Florida Sexual Predators Act.--

(4) SEXUAL PREDATOR CRITERIA.--

(b) In order to be counted as a prior felony for purposes of this subsection, the felony must have resulted in a conviction ~~sentenced separately,~~ or an adjudication of delinquency ~~entered separately,~~ for an offense committed prior to the current offense and sentenced or adjudicated separately from any other felony conviction that is to be counted as a

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1 ~~prior felony. If the offender's prior enumerated felony was~~  
 2 ~~committed more than 10 years before the primary offense, it~~  
 3 ~~shall not be considered a prior felony under this subsection~~  
 4 ~~if the offender has not been convicted of any other crime for~~  
 5 ~~a period of 10 consecutive years from the most recent date of~~  
 6 ~~release from confinement, supervision, or sanction, whichever~~  
 7 ~~is later.~~

8 (6) REGISTRATION.--

9 (1) A sexual predator must maintain registration with  
 10 the department for the duration of his or her life, unless the  
 11 sexual predator has received a full pardon or has had a  
 12 conviction set aside in a postconviction proceeding for any  
 13 offense that met the criteria for the sexual predator  
 14 designation. However, a sexual predator who was designated as  
 15 a sexual predator by a court before October 1, 1998, and who  
 16 has been lawfully released from confinement, supervision, or  
 17 sanction, whichever is later, for at least 10 years and has  
 18 not been arrested for any felony or misdemeanor offense since  
 19 release, may petition the criminal division of the circuit  
 20 court in the circuit in which the sexual predator resides for  
 21 the purpose of removing the sexual predator designation. A  
 22 sexual predator who was designated a sexual predator by a  
 23 court on or after October 1, 1998, who has been lawfully  
 24 released from confinement, supervision, or sanction, whichever  
 25 is later, for at least 20 years, and who has not been arrested  
 26 for any felony or misdemeanor offense since release may  
 27 petition the criminal division of the circuit court in the  
 28 circuit in which the sexual predator resides for the purpose  
 29 of removing the sexual predator designation. A sexual predator  
 30 who was designated a sexual predator by a court on or after  
 31 October 1, 2005, who has been lawfully released from

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1 confinement, supervision, or sanction, whichever is later, for  
2 at least 30 years, and who has not been arrested for any  
3 felony or misdemeanor offense since release may petition the  
4 criminal division of the circuit court in the circuit in which  
5 the sexual predator resides for the purpose of removing the  
6 sexual predator designation. The court may grant or deny such  
7 relief if the petitioner demonstrates to the court that he or  
8 she has not been arrested for any crime since release, the  
9 requested relief complies with the provisions of the federal  
10 Jacob Wetterling Act, as amended, and any other federal  
11 standards applicable to the removal of the designation as a  
12 sexual predator or required to be met as a condition for the  
13 receipt of federal funds by the state, and the court is  
14 otherwise satisfied that the petitioner is not a current or  
15 potential threat to public safety. The state attorney in the  
16 circuit in which the petition is filed must be given notice of  
17 the petition at least 3 weeks before the hearing on the  
18 matter. The state attorney may present evidence in opposition  
19 to the requested relief or may otherwise demonstrate the  
20 reasons why the petition should be denied. If the court denies  
21 the petition, the court may set a future date at which the  
22 sexual predator may again petition the court for relief,  
23 subject to the standards for relief provided in this  
24 paragraph. Unless specified in the order, a sexual predator  
25 who is granted relief under this paragraph must comply with  
26 the requirements for registration as a sexual offender and  
27 other requirements provided under s. 943.0435 or s. 944.607.  
28 If a petitioner obtains an order from the court that imposed  
29 the order designating the petitioner as a sexual predator  
30 which removes such designation, the petitioner shall forward a  
31 certified copy of the written findings or order to the

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1 department in order to have the sexual predator designation  
2 removed from the sexual predator registry.

3  
4 The sheriff shall promptly provide to the department the  
5 information received from the sexual predator.

6 (10) PENALTIES.--

7 (g) Any person who knows that a sexual predator is not  
8 complying, or has not complied, with the requirements of this  
9 section, and with the intent to assist the sexual predator in  
10 eluding a law enforcement agency that is seeking to find the  
11 sexual predator to question the sexual predator about, or to  
12 arrest the sexual predator for, his or her non-compliance with  
13 the requirements of this section:

14 1. Withholds from, or does not notify, the law  
15 enforcement agency about the sexual predator's non-compliance  
16 with the requirements of this section, and, if known, the  
17 whereabouts of the sexual predator;

18 2. Harbors, or attempts to harbor, or assists another  
19 person in harboring or attempting to harbor, the sexual  
20 predator;

21 3. Hides or attempts to hide, or assists another  
22 person in hiding or attempting to hide, the sexual predator;  
23 or

24 4. Provides information to the law enforcement agency  
25 regarding the sexual predator that the person knows to be  
26 false information,  
27  
28 commits a felony of the third degree, punishable as provided  
29 in s. 775.082, s. 775.083, or s. 775.084. This paragraph does  
30 not apply if the sexual predator is incarcerated in or is in  
31 the custody of a state correctional facility, a private

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1 correctional facility, a local jail, or a federal correctional  
2 facility.

3 Section 3. Subsection (3) of section 775.082, Florida  
4 Statutes, is amended to read:

5 775.082 Penalties; applicability of sentencing  
6 structures; mandatory minimum sentences for certain  
7 reoffenders previously released from prison.--

8 (3) A person who has been convicted of any other  
9 designated felony may be punished as follows:

10 (a)1. For a life felony committed prior to October 1,  
11 1983, by a term of imprisonment for life or for a term of  
12 years not less than 30.

13 2. For a life felony committed on or after October 1,  
14 1983, by a term of imprisonment for life or by a term of  
15 imprisonment not exceeding 40 years.

16 3. Except as provided in paragraph 4. for a life  
17 felony committed on or after July 1, 1995, by a term of  
18 imprisonment for life or by imprisonment for a term of years  
19 not exceeding life imprisonment.

20 4. For a life felony committed on or after October 1,  
21 2005, which is a violation of s. 800.04(5)(b), by:

22 a. A term of imprisonment for life, which shall be  
23 incarceration of the person for the remainder of the person's  
24 natural life; or

25 b. A split sentence that is a term of years not  
26 exceeding life, followed by probation or community control for  
27 the remainder of the person's natural life, as provided in s.  
28 948.012(4).

29 (b) For a felony of the first degree, by a term of  
30 imprisonment not exceeding 30 years or, when specifically  
31 provided by statute, by imprisonment for a term of years not

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1 exceeding life imprisonment.

2 (c) For a felony of the second degree, by a term of  
3 imprisonment not exceeding 15 years.

4 (d) For a felony of the third degree, by a term of  
5 imprisonment not exceeding 5 years.

6 Section 4. Paragraph (b) of subsection (5) of section  
7 800.04, Florida Statutes, is amended to read:

8 800.04 Lewd or lascivious offenses committed upon or  
9 in the presence of persons less than 16 years of age.--

10 (5) LEWD OR LASCIVIOUS MOLESTATION.--

11 (b) An offender 18 years of age or older who commits  
12 lewd or lascivious molestation against a victim less than 12  
13 years of age commits a life felony ~~of the first degree,~~  
14 punishable as provided in s. 775.082(3)(a)4. ~~s. 775.082, s.~~  
15 ~~775.083, or s. 775.084.~~

16 Section 5. Paragraphs (f), (g), and (i) of subsection  
17 (3) of section 921.0022, Florida Statutes, are amended to  
18 read:

19 921.0022 Criminal Punishment Code; offense severity  
20 ranking chart.--

21 (3) OFFENSE SEVERITY RANKING CHART

22

23 Florida	Felony	
24 Statute	Degree	Description

25

26 (f) LEVEL 6

27 316.193(2)(b) 3rd Felony DUI, 4th or subsequent  
28 conviction.

29 499.0051(3) 2nd Forgery of pedigree papers.

30 499.0051(4) 2nd Purchase or receipt of legend  
31 drug from unauthorized person.

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1	499.0051(5)	2nd	Sale of legend drug to
2			unauthorized person.
3	775.0875(1)	3rd	Taking firearm from law
4			enforcement officer.
5	<del>775.21(10)</del>	<del>3rd</del>	<del>Sexual predators; failure to</del>
6			<del>register; failure to renew</del>
7			<del>driver's license or</del>
8			<del>identification card.</del>
9	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
10			without intent to kill.
11	784.021(1)(b)	3rd	Aggravated assault; intent to
12			commit felony.
13	784.041	3rd	Felony battery.
14	784.048(3)	3rd	Aggravated stalking; credible
15			threat.
16	784.048(5)	3rd	Aggravated stalking of person
17			under 16.
18	784.07(2)(c)	2nd	Aggravated assault on law
19			enforcement officer.
20	784.074(1)(b)	2nd	Aggravated assault on sexually
21			violent predators facility staff.
22	784.08(2)(b)	2nd	Aggravated assault on a person 65
23			years of age or older.
24	784.081(2)	2nd	Aggravated assault on specified
25			official or employee.
26	784.082(2)	2nd	Aggravated assault by detained
27			person on visitor or other
28			detainee.
29	784.083(2)	2nd	Aggravated assault on code
30			inspector.
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1	787.02(2)	3rd	False imprisonment; restraining
2			with purpose other than those in
3			s. 787.01.
4	790.115(2)(d)	2nd	Discharging firearm or weapon on
5			school property.
6	790.161(2)	2nd	Make, possess, or throw
7			destructive device with intent to
8			do bodily harm or damage
9			property.
10	790.164(1)	2nd	False report of deadly explosive,
11			weapon of mass destruction, or
12			act of arson or violence to state
13			property.
14	790.19	2nd	Shooting or throwing deadly
15			missiles into dwellings, vessels,
16			or vehicles.
17	794.011(8)(a)	3rd	Solicitation of minor to
18			participate in sexual activity by
19			custodial adult.
20	794.05(1)	2nd	Unlawful sexual activity with
21			specified minor.
22	800.04(5)(d)	3rd	Lewd or lascivious molestation;
23			victim 12 years of age or older
24			but less than 16 years; offender
25			less than 18 years.
26	800.04(6)(b)	2nd	Lewd or lascivious conduct;
27			offender 18 years of age or
28			older.
29	806.031(2)	2nd	Arson resulting in great bodily
30			harm to firefighter or any other
31			person.



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1	810.02(3)(c)	2nd	Burglary of occupied structure;
2			unarmed; no assault or battery.
3	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
4			but less than \$100,000, grand
5			theft in 2nd degree.
6	812.015(9)	2nd	Retail theft; property stolen
7			\$300 or more; second or
8			subsequent conviction.
9	812.13(2)(c)	2nd	Robbery, no firearm or other
10			weapon (strong-arm robbery).
11	817.034(4)(a)1.	1st	Communications fraud, value
12			greater than \$50,000.
13	817.4821(5)	2nd	Possess cloning paraphernalia
14			with intent to create cloned
15			cellular telephones.
16	825.102(1)	3rd	Abuse of an elderly person or
17			disabled adult.
18	825.102(3)(c)	3rd	Neglect of an elderly person or
19			disabled adult.
20	825.1025(3)	3rd	Lewd or lascivious molestation of
21			an elderly person or disabled
22			adult.
23	825.103(2)(c)	3rd	Exploiting an elderly person or
24			disabled adult and property is
25			valued at less than \$20,000.
26	827.03(1)	3rd	Abuse of a child.
27	827.03(3)(c)	3rd	Neglect of a child.
28	827.071(2)&(3)	2nd	Use or induce a child in a sexual
29			performance, or promote or direct
30			such performance.
31	836.05	2nd	Threats; extortion.

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1	836.10	2nd	Written threats to kill or do
2			bodily injury.
3	843.12	3rd	Aids or assists person to escape.
4	847.0135(3)	3rd	Solicitation of a child, via a
5			computer service, to commit an
6			unlawful sex act.
7	914.23	2nd	Retaliation against a witness,
8			victim, or informant, with bodily
9			injury.
10	<del>943.0435(9)</del>	<del>3rd</del>	<del>Sex offenders; failure to comply</del>
11			<del>with reporting requirements.</del>
12	944.35(3)(a)2.	3rd	Committing malicious battery upon
13			or inflicting cruel or inhuman
14			treatment on an inmate or
15			offender on community
16			supervision, resulting in great
17			bodily harm.
18	944.40	2nd	Escapes.
19	944.46	3rd	Harboring, concealing, aiding
20			escaped prisoners.
21	944.47(1)(a)5.	2nd	Introduction of contraband
22			(firearm, weapon, or explosive)
23			into correctional facility.
24	951.22(1)	3rd	Intoxicating drug, firearm, or
25			weapon introduced into county
26			facility.
27			(g) LEVEL 7
28	316.027(1)(b)	2nd	Accident involving death, failure
29			to stop; leaving scene.
30	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
31			injury.

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1	316.1935(3)(b)	1st	Causing serious bodily injury or
2			death to another person; driving
3			at high speed or with wanton
4			disregard for safety while
5			fleeing or attempting to elude
6			law enforcement officer who is in
7			a patrol vehicle with siren and
8			lights activated.
9	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
10			bodily injury.
11	402.319(2)	2nd	Misrepresentation and negligence
12			or intentional act resulting in
13			great bodily harm, permanent
14			disfiguration, permanent
15			disability, or death.
16	409.920(2)	3rd	Medicaid provider fraud.
17	456.065(2)	3rd	Practicing a health care
18			profession without a license.
19	456.065(2)	2nd	Practicing a health care
20			profession without a license
21			which results in serious bodily
22			injury.
23	458.327(1)	3rd	Practicing medicine without a
24			license.
25	459.013(1)	3rd	Practicing osteopathic medicine
26			without a license.
27	460.411(1)	3rd	Practicing chiropractic medicine
28			without a license.
29	461.012(1)	3rd	Practicing podiatric medicine
30			without a license.
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1	462.17	3rd	Practicing naturopathy without a
2			license.
3	463.015(1)	3rd	Practicing optometry without a
4			license.
5	464.016(1)	3rd	Practicing nursing without a
6			license.
7	465.015(2)	3rd	Practicing pharmacy without a
8			license.
9	466.026(1)	3rd	Practicing dentistry or dental
10			hygiene without a license.
11	467.201	3rd	Practicing midwifery without a
12			license.
13	468.366	3rd	Delivering respiratory care
14			services without a license.
15	483.828(1)	3rd	Practicing as clinical laboratory
16			personnel without a license.
17	483.901(9)	3rd	Practicing medical physics
18			without a license.
19	484.013(1)(c)	3rd	Preparing or dispensing optical
20			devices without a prescription.
21	484.053	3rd	Dispensing hearing aids without a
22			license.
23	494.0018(2)	1st	Conviction of any violation of
24			ss. 494.001-494.0077 in which the
25			total money and property
26			unlawfully obtained exceeded
27			\$50,000 and there were five or
28			more victims.
29	560.123(8)(b)1.	3rd	Failure to report currency or
30			payment instruments exceeding
31			\$300 but less than \$20,000 by

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1			money transmitter.
2	560.125(5)(a)	3rd	Money transmitter business by
3			unauthorized person, currency or
4			payment instruments exceeding
5			\$300 but less than \$20,000.
6	655.50(10)(b)1.	3rd	Failure to report financial
7			transactions exceeding \$300 but
8			less than \$20,000 by financial
9			institution.
10	<u>775.21(10)(a)</u>	<u>3rd</u>	<u>Sexual predator; failure to</u>
11			<u>register; failure to renew</u>
12			<u>driver's license or</u>
13			<u>identification card.</u>
14	<u>775.21(10)(g)</u>	<u>3rd</u>	<u>Failing to report or providing</u>
15			<u>false information about a sexual</u>
16			<u>predator; harboring or hiding a</u>
17			<u>sexual predator.</u>
18	782.051(3)	2nd	Attempted felony murder of a
19			person by a person other than the
20			perpetrator or the perpetrator of
21			an attempted felony.
22	782.07(1)	2nd	Killing of a human being by the
23			act, procurement, or culpable
24			negligence of another
25			(manslaughter).
26	782.071	2nd	Killing of human being or viable
27			fetus by the operation of a motor
28			vehicle in a reckless manner
29			(vehicular homicide).
30	782.072	2nd	Killing of a human being by the
31			operation of a vessel in a

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1			reckless manner (vessel
2			homicide).
3	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
4			causing great bodily harm or
5			disfigurement.
6	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
7			weapon.
8	784.045(1)(b)	2nd	Aggravated battery; perpetrator
9			aware victim pregnant.
10	784.048(4)	3rd	Aggravated stalking; violation of
11			injunction or court order.
12	784.048(7)	3rd	Aggravated stalking; violation of
13			court order.
14	784.07(2)(d)	1st	Aggravated battery on law
15			enforcement officer.
16	784.074(1)(a)	1st	Aggravated battery on sexually
17			violent predators facility staff.
18	784.08(2)(a)	1st	Aggravated battery on a person 65
19			years of age or older.
20	784.081(1)	1st	Aggravated battery on specified
21			official or employee.
22	784.082(1)	1st	Aggravated battery by detained
23			person on visitor or other
24			detainee.
25	784.083(1)	1st	Aggravated battery on code
26			inspector.
27	790.07(4)	1st	Specified weapons violation
28			subsequent to previous conviction
29			of s. 790.07(1) or (2).
30	790.16(1)	1st	Discharge of a machine gun under
31			specified circumstances.

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1	790.165(2)	2nd	Manufacture, sell, possess, or
2			deliver hoax bomb.
3	790.165(3)	2nd	Possessing, displaying, or
4			threatening to use any hoax bomb
5			while committing or attempting to
6			commit a felony.
7	790.166(3)	2nd	Possessing, selling, using, or
8			attempting to use a hoax weapon
9			of mass destruction.
10	790.166(4)	2nd	Possessing, displaying, or
11			threatening to use a hoax weapon
12			of mass destruction while
13			committing or attempting to
14			commit a felony.
15	796.03	2nd	Procuring any person under 16
16			years for prostitution.
17	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
18			victim less than 12 years of age;
19			offender less than 18 years.
20	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
21			victim 12 years of age or older
22			but less than 16 years; offender
23			18 years or older.
24	806.01(2)	2nd	Maliciously damage structure by
25			fire or explosive.
26	810.02(3)(a)	2nd	Burglary of occupied dwelling;
27			unarmed; no assault or battery.
28	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
29			unarmed; no assault or battery.
30	810.02(3)(d)	2nd	Burglary of occupied conveyance;
31			unarmed; no assault or battery.

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1	812.014(2)(a)1.	1st	Property stolen, valued at
2			\$100,000 or more; property stolen
3			while causing other property
4			damage; 1st degree grand theft.
5	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
6			less than \$50,000, grand theft in
7			2nd degree.
8	812.014(2)(b)3.	2nd	Property stolen, emergency
9			medical equipment; 2nd degree
10			grand theft.
11	812.0145(2)(a)	1st	Theft from person 65 years of age
12			or older; \$50,000 or more.
13	812.019(2)	1st	Stolen property; initiates,
14			organizes, plans, etc., the theft
15			of property and traffics in
16			stolen property.
17	812.131(2)(a)	2nd	Robbery by sudden snatching.
18	812.133(2)(b)	1st	Carjacking; no firearm, deadly
19			weapon, or other weapon.
20	817.234(8)(a)	2nd	Solicitation of motor vehicle
21			accident victims with intent to
22			defraud.
23	817.234(9)	2nd	Organizing, planning, or
24			participating in an intentional
25			motor vehicle collision.
26	817.234(11)(c)	1st	Insurance fraud; property value
27			\$100,000 or more.
28	817.2341(2)(b)&		
29	(3)(b)	1st	Making false entries of material
30			fact or false statements
31			regarding property values



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1			relating to the solvency of an
2			insuring entity which are a
3			significant cause of the
4			insolvency of that entity.
5	825.102(3)(b)	2nd	Neglecting an elderly person or
6			disabled adult causing great
7			bodily harm, disability, or
8			disfigurement.
9	825.103(2)(b)	2nd	Exploiting an elderly person or
10			disabled adult and property is
11			valued at \$20,000 or more, but
12			less than \$100,000.
13	827.03(3)(b)	2nd	Neglect of a child causing great
14			bodily harm, disability, or
15			disfigurement.
16	827.04(3)	3rd	Impregnation of a child under 16
17			years of age by person 21 years
18			of age or older.
19	837.05(2)	3rd	Giving false information about
20			alleged capital felony to a law
21			enforcement officer.
22	838.015	2nd	Bribery.
23	838.016	2nd	Unlawful compensation or reward
24			for official behavior.
25	838.021(3)(a)	2nd	Unlawful harm to a public
26			servant.
27	838.22	2nd	Bid tampering.
28	872.06	2nd	Abuse of a dead human body.
29	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
30			cocaine (or other drug prohibited
31			under s. 893.03(1)(a), (1)(b),

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1			(1)(d), (2)(a), (2)(b), or
2			(2)(c)4.) within 1,000 feet of a
3			child care facility, school, or
4			state, county, or municipal park
5			or publicly owned recreational
6			facility or community center.
7	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
8			cocaine or other drug prohibited
9			under s. 893.03(1)(a), (1)(b),
10			(1)(d), (2)(a), (2)(b), or
11			(2)(c)4., within 1,000 feet of
12			property used for religious
13			services or a specified business
14			site.
15	893.13(4)(a)	1st	Deliver to minor cocaine (or
16			other s. 893.03(1)(a), (1)(b),
17			(1)(d), (2)(a), (2)(b), or
18			(2)(c)4. drugs).
19	893.135(1)(a)1.	1st	Trafficking in cannabis, more
20			than 25 lbs., less than 2,000
21			lbs.
22	893.135		
23	(1)(b)1.a.	1st	Trafficking in cocaine, more than
24			28 grams, less than 200 grams.
25	893.135		
26	(1)(c)1.a.	1st	Trafficking in illegal drugs,
27			more than 4 grams, less than 14
28			grams.
29	893.135		
30	(1)(d)1.	1st	Trafficking in phencyclidine,
31			more than 28 grams, less than 200

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1			grams.
2	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
3			than 200 grams, less than 5
4			kilograms.
5	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
6			than 14 grams, less than 28
7			grams.
8	893.135		
9	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
10			grams or more, less than 14
11			grams.
12	893.135		
13	(1)(h)1.a.	1st	Trafficking in
14			gamma-hydroxybutyric acid (GHB),
15			1 kilogram or more, less than 5
16			kilograms.
17	893.135		
18	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
19			kilogram or more, less than 5
20			kilograms.
21	893.135		
22	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
23			10 grams or more, less than 200
24			grams.
25	896.101(5)(a)	3rd	Money laundering, financial
26			transactions exceeding \$300 but
27			less than \$20,000.
28	896.104(4)(a)1.	3rd	Structuring transactions to evade
29			reporting or registration
30			requirements, financial
31			transactions exceeding \$300 but

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1			less than \$20,000.
2	<u>943.0435(4)(c)</u>	<u>3rd</u>	<u>Sexual offender vacating</u>
3			<u>permanent residence; failure to</u>
4			<u>comply with reporting</u>
5			<u>requirements.</u>
6	<u>943.0435(8)</u>	<u>2nd</u>	<u>Sexual offender; remains in state</u>
7			<u>after indicating intent to leave;</u>
8			<u>failure to comply with reporting</u>
9			<u>requirements.</u>
10	<u>943.0435(9)(a)</u>	<u>3rd</u>	<u>Sexual offender; failure to</u>
11			<u>comply with reporting</u>
12			<u>requirements.</u>
13	<u>943.0435(13)</u>	<u>3rd</u>	<u>Failing to report or providing</u>
14			<u>false information about a sexual</u>
15			<u>offender; harboring or hiding a</u>
16			<u>sexual offender.</u>
17	<u>944.607(9)</u>	<u>3rd</u>	<u>Sexual offender; failure to</u>
18			<u>comply with reporting</u>
19			<u>requirements.</u>
20	<u>944.607(10)(a)</u>	<u>3rd</u>	<u>Sexual offender; failure to</u>
21			<u>submit to the taking of a</u>
22			<u>digitized photograph.</u>
23	<u>944.607(12)</u>	<u>3rd</u>	<u>Failing to report or providing</u>
24			<u>false information about a sexual</u>
25			<u>offender.</u>
26			(i) LEVEL 9
27	316.193		
28	(3)(c)3.b.	1st	DUI manslaughter; failing to
29			render aid or give information.
30	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to
31			render aid or give information.

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1	499.0053	1st	Sale or purchase of contraband
2			legend drugs resulting in great
3			bodily harm.
4	560.123(8)(b)3.	1st	Failure to report currency or
5			payment instruments totaling or
6			exceeding \$100,000 by money
7			transmitter.
8	560.125(5)(c)	1st	Money transmitter business by
9			unauthorized person, currency, or
10			payment instruments totaling or
11			exceeding \$100,000.
12	655.50(10)(b)3.	1st	Failure to report financial
13			transactions totaling or
14			exceeding \$100,000 by financial
15			institution.
16	775.0844	1st	Aggravated white collar crime.
17	782.04(1)	1st	Attempt, conspire, or solicit to
18			commit premeditated murder.
19	782.04(3)	1st,PBL	Accomplice to murder in
20			connection with arson, sexual
21			battery, robbery, burglary, and
22			other specified felonies.
23	782.051(1)	1st	Attempted felony murder while
24			perpetrating or attempting to
25			perpetrate a felony enumerated in
26			s. 782.04(3).
27	782.07(2)	1st	Aggravated manslaughter of an
28			elderly person or disabled adult.
29	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
30			reward or as a shield or hostage.
31			

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1	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
2			or facilitate commission of any
3			felony.
4	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
5			interfere with performance of any
6			governmental or political
7			function.
8	787.02(3)(a)	1st	False imprisonment; child under
9			age 13; perpetrator also commits
10			aggravated child abuse, sexual
11			battery, or lewd or lascivious
12			battery, molestation, conduct, or
13			exhibition.
14	790.161	1st	Attempted capital destructive
15			device offense.
16	790.166(2)	1st,PBL	Possessing, selling, using, or
17			attempting to use a weapon of
18			mass destruction.
19	794.011(2)	1st	Attempted sexual battery; victim
20			less than 12 years of age.
21	794.011(2)	Life	Sexual battery; offender younger
22			than 18 years and commits sexual
23			battery on a person less than 12
24			years.
25	794.011(4)	1st	Sexual battery; victim 12 years
26			or older, certain circumstances.
27	794.011(8)(b)	1st	Sexual battery; engage in sexual
28			conduct with minor 12 to 18 years
29			by person in familial or
30			custodial authority.
31			

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1	800.04(5)(b)	<u>Life</u> <del>1st</del>	Lewd or lascivious molestation;
2			victim less than 12 years;
3			offender 18 years or older.
4	812.13(2)(a)	1st,PBL	Robbery with firearm or other
5			deadly weapon.
6	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
7			deadly weapon.
8	812.135(2)(b)	1st	Home-invasion robbery with
9			weapon.
10	817.568(7)	2nd,PBL	Fraudulent use of personal
11			identification information of an
12			individual under the age of 18 by
13			his or her parent, legal
14			guardian, or person exercising
15			custodial authority.
16	827.03(2)	1st	Aggravated child abuse.
17	847.0145(1)	1st	Selling, or otherwise
18			transferring custody or control,
19			of a minor.
20	847.0145(2)	1st	Purchasing, or otherwise
21			obtaining custody or control, of
22			a minor.
23	859.01	1st	Poisoning or introducing
24			bacteria, radioactive materials,
25			viruses, or chemical compounds
26			into food, drink, medicine, or
27			water with intent to kill or
28			injure another person.
29	893.135	1st	Attempted capital trafficking
30			offense.
31			

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1	893.135(1)(a)3.	1st	Trafficking in cannabis, more
2			than 10,000 lbs.
3	893.135		
4	(1)(b)1.c.	1st	Trafficking in cocaine, more than
5			400 grams, less than 150
6			kilograms.
7	893.135		
8	(1)(c)1.c.	1st	Trafficking in illegal drugs,
9			more than 28 grams, less than 30
10			kilograms.
11	893.135		
12	(1)(d)1.c.	1st	Trafficking in phencyclidine,
13			more than 400 grams.
14	893.135		
15	(1)(e)1.c.	1st	Trafficking in methaqualone, more
16			than 25 kilograms.
17	893.135		
18	(1)(f)1.c.	1st	Trafficking in amphetamine, more
19			than 200 grams.
20	893.135		
21	(1)(h)1.c.	1st	Trafficking in
22			gamma-hydroxybutyric acid (GHB),
23			10 kilograms or more.
24	893.135		
25	(1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10
26			kilograms or more.
27	893.135		
28	(1)(k)2.c.	1st	Trafficking in Phenethylamines,
29			400 grams or more.
30	896.101(5)(c)	1st	Money laundering, financial
31			instruments totaling or exceeding





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1           2. Harbors, or attempts to harbor, or assists another  
2 person in harboring or attempting to harbor, the sexual  
3 offender; or

4           3. Hides or attempts to hide, or assists another  
5 person in hiding or attempting to hide, the sexual offender;  
6 or

7           4. Provides information to the law enforcement agency  
8 regarding the sexual offender that the person knows to be  
9 false information,

10  
11 commits a felony of the third degree, punishable as provided  
12 in s. 775.082, s. 775.083, or s. 775.084.

13           Section 8. Section 943.04352, Florida Statutes, is  
14 created to read:

15           943.04352 Search of registration information regarding  
16 sexual predators and sexual offenders required when placement  
17 on misdemeanor probation.--When the court places a defendant  
18 on misdemeanor probation pursuant to s. 948.01 and 948.15, the  
19 public or private entity providing probation services must  
20 conduct a search of the probationer's name or other  
21 identifying information against the registration information  
22 regarding sexual predators and sexual offenders maintained by  
23 the Department of Law Enforcement under 943.043. The probation  
24 services provider may conduct the search using the Internet  
25 site maintained by the Department of Law Enforcement.

26           Section 9. Subsection (12) of section 944.607, Florida  
27 Statutes, is created to read:

28           944.607 Notification to Department of Law Enforcement  
29 of information on sexual offenders.--

30           (12) Any person who knows that a sexual offender is  
31 not complying, or has not complied, with the requirements of

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1 this section, and with the intent to assist the sexual  
 2 offender in eluding a law enforcement agency that is seeking  
 3 to find the sexual offender to question the sexual offender  
 4 about, or to arrest the sexual offender for, his or her  
 5 non-compliance with the requirements of this section:

6       1. Withholds from, or does not notify, the law  
 7 enforcement agency about the sexual offender's non-compliance  
 8 with the requirements of this section, and, if known, the  
 9 whereabouts of the sexual offender;

10       2. Harbors, or attempts to harbor, or assists another  
 11 person in harboring or attempting to harbor, the sexual  
 12 offender; or

13       3. Hides or attempts to hide, or assists another  
 14 person in hiding or attempting to hide, the sexual offender;  
 15 or

16       4. Provides information to the law enforcement agency  
 17 regarding the sexual offender that the person knows to be  
 18 false information,

19  
 20 commits a felony of the third degree, punishable as provided  
 21 in s. 775.082, s. 775.083, or s. 775.084. This subsection does  
 22 not apply if the sexual offender is incarcerated in or is in  
 23 the custody of a state correctional facility, a private  
 24 correctional facility, a local jail, or a federal correctional  
 25 facility.

26       Section 10. Subsection (10) is added to section  
 27 947.1405, Florida Statutes, to read:

28       947.1405 Conditional release program.--

29       (10) Effective for a releasee whose crime was  
 30 committed on or after October 1, 2005, in violation of ch.  
 31 794, s. 800.04, s. 827.071, or s. 847.0145 and the unlawful

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1 sexual activity involved a victim 12 years of age or under, or  
 2 who is designated a sexual predator pursuant to s. 775.21, in  
 3 addition to any other provision of this section, the  
 4 commission must order electronic monitoring for the duration  
 5 of the releasees' supervision.

6 Section 11. Subsection (4) of section 948.012, Florida  
 7 Statutes, is created to read:

8 948.012 Split sentence of probation or community  
 9 control and imprisonment.--

10 Effective for offenses committed on or after October 1,  
 11 2005, the court must impose a split sentence pursuant to  
 12 subsection (1) for any person convicted of a life felony for  
 13 lewd and lascivious molestation pursuant to 800.04(5)(b) if  
 14 the court imposes a term of years in accordance with s.  
 15 775.082(3)4.b. rather than life imprisonment. The probation or  
 16 community control portion of the split sentence imposed by the  
 17 court for a defendant must extend for the duration of the  
 18 defendant's natural life and include a condition that he or  
 19 she be electronically monitored.

20 Section 12. Section 948.061, Florida Statutes, is  
 21 created to read:

22 948.061 Identifying, assessing, and monitoring certain  
 23 high-risk offenders on community supervision; providing  
 24 cumulative criminal and supervision histories to the court.--

25 (1) By December 1, 2005, the department shall develop  
 26 a graduated risk assessment and alert system that continuously  
 27 identifies, assesses, and closely monitors high risk offenders  
 28 who are placed on probation or in community control and who:

29 (a) Have previously been placed on probation or in  
 30 community control and have a history of committing multiple  
 31 violations of community supervision in this state or in any

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1 other jurisdiction or have previously been incarcerated in  
2 this state or in any other jurisdiction; and  
3 (b) Have experienced more than one of the following  
4 risk factors that could potentially make the offender more  
5 likely to pose a danger to others:  
6 1. Attempted suicide or severe depression;  
7 2. Marital instability or a history of domestic  
8 violence;  
9 3. A history of substance abuse;  
10 4. Unemployment or substantial financial difficulties;  
11 5. A history of violence or sex acts against children,  
12 particularly involving strangers; or  
13 6. Any other risk factor identified by the department.  
14 (2) Recognizing that an offender having an extensive  
15 criminal history and multiple risk factors may pose a serious  
16 threat to the community, the department shall consider the  
17 cumulative impact of these risk factors and, if necessary,  
18 place an offender on an elevated alert status and provide a  
19 high level of supervision for the offender until the situation  
20 stabilizes and the department no longer believes that the  
21 offender poses a threat to others. In providing such  
22 supervision and surveillance, the department shall increase  
23 the number of office and home visits conducted by the  
24 correctional probation officer; expand the number of and type  
25 of employment, family, community, and neighborhood contacts by  
26 the correctional probation officer; increase referrals to  
27 available community mental health facilities and community  
28 assistance programs; develop emergency communication plans and  
29 alert systems for law enforcement agencies and the court in  
30 order to quickly detain the offender in response to a  
31 violation; and prioritize departmental resources in order to

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1 more closely monitor the offender's activities in an effort to  
2 prevent escalating criminal behavior.

3 (3) In providing criminal history and background  
4 information to the court for these high risk offenders, the  
5 correctional probation officer shall provide in each report  
6 submitted to the court and at each hearing before the court a  
7 clear, complete, and concise cumulative and integrated  
8 chronology of the offender's criminal history and prior terms  
9 of probation or community control, including all substantive  
10 or technical violations of probation or community control. The  
11 department shall have authority to adopt rules as necessary to  
12 implement this section.

13 Section 13. Section 948.062, Florida Statutes, is  
14 created to read:

15 948.062 Reviewing and reporting serious offenses  
16 committed by offenders placed on probation or community  
17 control.--

18 (1) The department shall review the circumstances  
19 related to offenders placed on probation or community control  
20 who have been arrested while on supervision for the following  
21 offenses:

22 (a) Any murder as provided in s. 782.04;

23 (b) Any sexual battery as provided in s. 794.011 or s.  
24 794.023;

25 (c) Any sexual performance by a child as provided in  
26 s. 827.071;

27 (d) Any kidnapping, false imprisonment, or luring of a  
28 child as provided in s. 787.01, s. 782.07, or s. 787.025;

29 (e) Any lewd and lascivious battery or lewd and  
30 lascivious molestation as provided in s. 800.04(4) or s.  
31 800.04(5);

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1       (f) Any aggravated child abuse as provided in s.  
2 827.03(2);

3       (g) Any robbery with a firearm or other deadly weapon,  
4 home invasion robbery, or carjacking as provided in s.  
5 812.13(2)(a), s. 812.135, or s. 812.133;

6       (h) Any aggravated stalking as provided in s.  
7 784.048(3), (4), or (5);

8       (i) Any forcible felony as provided in s. 776.08,  
9 committed by any person on probation or community control who  
10 is designated as a sexual predator; or

11       (j) Any DUI manslaughter as provided in s.  
12 316.193(3)(c), or vehicular or vessel homicide as provided in  
13 s. 782.071 or s. 787.072, committed by any person who is on  
14 probation or community control for an offense involving death  
15 or injury resulting from a driving incident.

16  
17 The review shall document whether the supervision of the  
18 offender met enumerated rules, policies, and procedures and  
19 whether supervision practices were followed.

20       (2) The department shall provide these reviews to the  
21 Office of Program Policy Analysis and Government  
22 Accountability. The Office of Program Policy Analysis and  
23 Government Accountability shall analyze these reviews and  
24 provide a written report to the President of the Senate and  
25 the Speaker of the House of Representatives by March 1, 2006.  
26 The report must include, at a minimum, any identified systemic  
27 deficiencies in managing high-risk offenders on community  
28 supervision; any patterns of noncompliance by correctional  
29 probation officers; and recommendations for improving the  
30 community supervision program.

31       Section 14. Section 948.063, Florida Statutes, is

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1 created to read:

2 948.063 Violations of probation or community control  
3 by designated sex offenders and sexual predators.--If  
4 probation or community control is revoked by the court  
5 pursuant to s. 948.06(2)(e), and the offender is designated a  
6 sex offender or sexual predator pursuant to s. 775.21 and the  
7 unlawful sexual activity involved a victim 12 years of age or  
8 under, and the court imposes a subsequent term of supervision  
9 following the revocation of probation or community control,  
10 then the court must order electronic monitoring as a condition  
11 of the subsequent term of probation or community control.

12 Section 15. Present subsection (2) of section 948.11,  
13 F.S., is redesignated as subsection (3), and new subsections  
14 (2) and (7) are added to the section to read:

15 948.11 Electronic monitoring devices.--

16 (1)(a) The Department of Corrections may, at its  
17 discretion, electronically monitor an offender sentenced to  
18 community control.

19 (b) The Department of Corrections shall electronically  
20 monitor an offender sentenced to criminal quarantine community  
21 control 24 hours per day.

22 (2) The department shall develop and implement  
23 procedures to notify by the close of normal weekly business  
24 hours, the chief circuit judge, the state attorney, and the  
25 public defender, of the type and number of electronic  
26 monitoring devices or units available for utilization. Such  
27 notification shall include both a written notification and  
28 notification by electronic mail where available.

29 (3)~~(2)~~ Any offender placed on community control who  
30 violates the terms and conditions of community control and is  
31 restored to community control may be supervised by means of an



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1 | electronic monitoring device or system.

2 |       ~~(4)(3)~~ For those offenders being electronically  
3 | monitored, the Department of Corrections shall develop  
4 | procedures to determine, investigate, and report the  
5 | offender's noncompliance with the terms and conditions of  
6 | sentence 24 hours per day. All reports of noncompliance shall  
7 | be immediately investigated by a community control officer.

8 |       ~~(5)(4)~~ The Department of Corrections may contract  
9 | with local law enforcement agencies to assist in the location  
10 | and apprehension of offenders who are in noncompliance as  
11 | reported by the electronic monitoring system. This contract is  
12 | intended to provide the department a means for providing  
13 | immediate investigation of noncompliance reports, especially  
14 | after normal office hours.

15 |       ~~(6)(5)~~ Any person being electronically monitored by  
16 | the department as a result of placement on community control  
17 | shall be required to pay a surcharge as provided in s.  
18 | 948.09(2).

19 |       (7) For probationers, community controllees or  
20 | conditional releasees with current or prior convictions for  
21 | violent or sex offenses, the department, in carrying out a  
22 | court or commission order to electronically monitor an  
23 | offender, must use a system that actively, and in real time,  
24 | monitors and identifies the offender's location and timely  
25 | reports or records the offender's presence in a prohibited  
26 | area or departure from specified geographic limitations.

27 |       Section 16. Subsection (3) of section 948.15, Florida  
28 | Statutes, is amended to read:

29 |       948.15 Misdemeanor probation services.--

30 |       (3) Any private entity providing services for the  
31 | supervision of misdemeanor probationers must contract with the

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1 county in which the services are to be rendered. In a county  
 2 with a population of less than 70,000, the county court judge,  
 3 or the administrative judge of the county court in a county  
 4 that has more than one county court judge, must approve the  
 5 contract. Terms of the contract must state, but are not  
 6 limited to:

7 (a) The extent of the services to be rendered by the  
 8 entity providing supervision or rehabilitation.

9 (b) Staff qualifications and criminal record checks of  
 10 staff in accordance with essential standards established by  
 11 the American Correctional Association as of January 1, 1991.

12 (c) Staffing levels.

13 (d) The number of face-to-face contacts with the  
 14 offender.

15 (e) Procedures for handling the collection of all  
 16 offender fees and restitution.

17 (f) Procedures for handling indigent offenders which  
 18 ensure placement irrespective of ability to pay.

19 (g) Circumstances under which revocation of an  
 20 offender's probation may be recommended.

21 (h) Reporting and recordkeeping requirements.

22 (i) Default and contract termination procedures.

23 (j) Procedures that aid offenders with job assistance.

24 (k) Procedures for accessing criminal history records  
 25 of the probationers.

26  
 27 In addition, the entity shall supply the chief judge's office  
 28 with a quarterly report summarizing the number of offenders  
 29 supervised by the private entity, payment of the required  
 30 contribution under supervision or rehabilitation, and the  
 31 number of offenders for whom supervision or rehabilitation

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1 will be terminated. All records of the entity must be open to  
 2 inspection upon the request of the county, the court, the  
 3 Auditor General, the Office of Program Policy Analysis and  
 4 Government Accountability, or agents thereof.

5 Section 17. Section 948.30, Florida Statutes, is  
 6 amended to read:

7 948.30 Additional terms and conditions of probation or  
 8 community control for certain sex offenses.--Conditions  
 9 imposed pursuant to this section do not require oral  
 10 pronouncement at the time of sentencing and shall be  
 11 considered standard conditions of probation or community  
 12 control for offenders specified in this section.

13 (1) Effective for probationers or community  
 14 controllees whose crime was committed on or after October 1,  
 15 1995, and who are placed under supervision for violation of  
 16 chapter 794, s. 800.04, s. 827.071, or s. 847.0145, the court  
 17 must impose the following conditions in addition to all other  
 18 standard and special conditions imposed:

19 (a) A mandatory curfew from 10 p.m. to 6 a.m. The  
 20 court may designate another 8-hour period if the offender's  
 21 employment precludes the above specified time, and such  
 22 alternative is recommended by the Department of Corrections.  
 23 If the court determines that imposing a curfew would endanger  
 24 the victim, the court may consider alternative sanctions.

25 (b) If the victim was under the age of 18, a  
 26 prohibition on living within 1,000 feet of a school, day care  
 27 center, park, playground, or other place where children  
 28 regularly congregate, as prescribed by the court. The  
 29 1,000-foot distance shall be measured in a straight line from  
 30 the offender's place of residence to the nearest boundary line  
 31 of the school, day care center, park, playground, or other

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1 place where children congregate. The distance may not be  
2 measured by a pedestrian route or automobile route.

3 (c) Active participation in and successful completion  
4 of a sex offender treatment program with therapists  
5 specifically trained to treat sex offenders, at the  
6 probationer's or community controllee's own expense. If a  
7 specially trained therapist is not available within a 50-mile  
8 radius of the probationer's or community controllee's  
9 residence, the offender shall participate in other appropriate  
10 therapy.

11 (d) A prohibition on any contact with the victim,  
12 directly or indirectly, including through a third person,  
13 unless approved by the victim, the offender's therapist, and  
14 the sentencing court.

15 (e) If the victim was under the age of 18, a  
16 prohibition, until successful completion of a sex offender  
17 treatment program, on unsupervised contact with a child under  
18 the age of 18, unless authorized by the sentencing court  
19 without another adult present who is responsible for the  
20 child's welfare, has been advised of the crime, and is  
21 approved by the sentencing court.

22 (f) If the victim was under age 18, a prohibition on  
23 working for pay or as a volunteer at any school, day care  
24 center, park, playground, or other place where children  
25 regularly congregate.

26 (g) Unless otherwise indicated in the treatment plan  
27 provided by the sexual offender treatment program, a  
28 prohibition on viewing, owning, or possessing any obscene,  
29 pornographic, or sexually stimulating visual or auditory  
30 material, including telephone, electronic media, computer  
31 programs, or computer services that are relevant to the

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1 offender's deviant behavior pattern.

2 (h) A requirement that the probationer or community  
3 controllee must submit a specimen of blood or other approved  
4 biological specimen to the Department of Law Enforcement to be  
5 registered with the DNA data bank.

6 (i) A requirement that the probationer or community  
7 controllee make restitution to the victim, as ordered by the  
8 court under s. 775.089, for all necessary medical and related  
9 professional services relating to physical, psychiatric, and  
10 psychological care.

11 (j) Submission to a warrantless search by the  
12 community control or probation officer of the probationer's or  
13 community controllee's person, residence, or vehicle.

14 (2) Effective for a probationer or community  
15 controllee whose crime was committed on or after October 1,  
16 1997, and who is placed on sex offender probation for a  
17 violation of chapter 794, s. 800.04, s. 827.071, or s.  
18 847.0145, in addition to any other provision of this  
19 subsection, the court must impose the following conditions of  
20 probation or community control:

21 (a) As part of a treatment program, participation at  
22 least annually in polygraph examinations to obtain information  
23 necessary for risk management and treatment and to reduce the  
24 sex offender's denial mechanisms. A polygraph examination must  
25 be conducted by a polygrapher trained specifically in the use  
26 of the polygraph for the monitoring of sex offenders, where  
27 available, and shall be paid for by the sex offender. The  
28 results of the polygraph examination shall not be used as  
29 evidence in court to prove that a violation of community  
30 supervision has occurred.

31 (b) Maintenance of a driving log and a prohibition

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1 against driving a motor vehicle alone without the prior  
2 approval of the supervising officer.

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

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

10 (e) Electronic monitoring when deemed necessary by the  
11 community control or probation officer and his or her  
12 supervisor, and ordered by the court at the recommendation of  
13 the Department of Corrections.

14 (3) Effective for a probationer or community  
15 controllee whose crime was committed on or after October 1,  
16 2005, and who:

17 (a) is placed on probation or community control for a  
18 violation of ch. 794, s. 800.04, s. 827.071, or s. 847.0145  
19 and the unlawful sexual activity involved a victim 12 years of  
20 age or under; or

21 (b) is designated a sexual predator pursuant to s.  
22 775.21; or

23 (c) has previously been convicted of a violation of  
24 ch. 794, s. 800.04, s. 827.071, or s. 847.0145 and the prior  
25 unlawful sexual activity involved a victim 12 years of age or  
26 under

27  
28 the court must order, in addition to any other provision of  
29 this section, mandatory electronic monitoring as a condition  
30 of the probation or community control supervision.

31 Section 18.

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1           (1)(a) There is created within the Florida Department  
 2 of Law Enforcement a Task Force for the purpose of examining  
 3 the collection and dissemination of offender information  
 4 within the criminal justice system and community. The Task  
 5 Force shall recommend strategies and actions that may be  
 6 implemented to enhance coordination and cooperation among the  
 7 various entities within the criminal justice system with a  
 8 common goal of public safety.

9           (b) The task force shall consist of the following 10  
 10 members:

11           1. The Director of the Florida Department of Law  
 12 Enforcement or a designee.

13           2. The President of the Florida Sheriff's Association  
 14 or a designee.

15           3. The President of the Florida Prosecuting Attorney's  
 16 Association or a designee.

17           4. The President of the Florida Association of Court  
 18 Clerks or a designee.

19           5. The President of the Florida Police Chiefs  
 20 Association.

21           6. A representative of county probation services.

22           7. The Secretary of the Department of Corrections.

23           8. The President of the Florida Public Defenders  
 24 Association or a designee.

25           9. A representative of a Pretrial Court Services  
 26 program responsible for advising the court on matters at First  
 27 Appearance hearings.

28           10. The Director of the State Court Administrator's  
 29 Office or a designee.

30           (c) Members of the task force described in  
 31 subparagraphs (b)6 and 9 shall be appointed by the Governor by

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1 July 1, 2005, and shall be representative of the geographic  
 2 regions of this state. The first meeting of the task force  
 3 shall be held by July 15, 2005, at which time the members  
 4 shall select by majority vote a chairperson from among the  
 5 task force members. All recommendations of the task force  
 6 shall be by majority vote.

7 (d) The task force shall meet at the call of the  
 8 chairperson and shall conduct at least three public meetings,  
 9 which shall be held in localities throughout this state which  
 10 are representative of the diverse populations and regions of  
 11 the state.

12 (e) Meetings of the task force shall be open to the  
 13 public and are subject to the requirements of chapter 119,  
 14 Florida Statutes. Records of the task force are public records  
 15 and subject to the requirements of chapter 119, Florida  
 16 Statutes, except to the extent that public access to any of  
 17 those records may be restricted pursuant to that chapter.

18 (f) Members of the task force shall serve without  
 19 compensation, but are entitled to reimbursement for per diem  
 20 and travel expenses in accordance with section 112.061,  
 21 Florida Statutes.

22 (g) The Florida Department of Law Enforcement shall  
 23 provide staff support for the task force within existing  
 24 appropriations.

25 (2)(a) The task force shall study and take testimony  
 26 regarding:

27 1. The collection and dissemination of offender  
 28 information, including criminal history and any other  
 29 pertinent matters, to the court, the prosecuting attorney and  
 30 defense counsel at First Appearance hearings.

31 2. The collection and dissemination of offender



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1 information, including criminal history and any other  
2 pertinent matters, to the court, the prosecuting attorney and  
3 defense counsel at all court appearances subsequent to First  
4 Appearance.

5 3. The collection and dissemination of offender  
6 information, including criminal history and any other  
7 pertinent matters, to county-level probation officers or  
8 officials.

9 4. The current practice of local-level law enforcement  
10 agencies as it relates to the collection and dissemination of  
11 registered sexual predator and registered sex offender  
12 information to the public.

13 5. The current practice of local-level law enforcement  
14 agencies as it relates to monitoring known registered sexual  
15 predators and registered sex offenders within their  
16 jurisdiction.

17 6. The current practice of local-level law enforcement  
18 agencies as it relates to disseminating missing persons  
19 information within their jurisdiction.

20 7. Any other subject that the task force deems  
21 relevant to the collection and dissemination of offender  
22 information within the criminal justice system and community.

23 (b) The task force shall submit a preliminary draft  
24 report of its findings and recommendations to the Governor,  
25 the President of the Senate, and the Speaker of the House of  
26 Representatives at least 45 days before the first day of the  
27 2006 Regular Session of the Legislature. The final report  
28 shall be filed with the Governor, the President of the Senate,  
29 and the Speaker of the House of Representatives at least 30  
30 days before the first day of the 2006 Regular Session. In  
31 addition to the findings and recommendations included in the

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1 final report, the report must include a draft of proposed  
2 rules and proposed legislation for any recommendations  
3 requiring proposed rules and proposed legislation.

4 (c) Each state agency shall fully cooperate with the  
5 task force in the performance of its duties.

6 (3) All meetings of the task force and all business of  
7 the task force for which reimbursement may be requested shall  
8 be concluded before the final report is filed. The task force  
9 is abolished July 1, 2006.

10 Section 19. The Office of Program Policy Analysis and  
11 Governmental Accountability shall perform a study of the  
12 effectiveness of Florida's sexual predator and sexual offender  
13 registries and community and public notification provisions.  
14 In addition to determining the effectiveness of the registries  
15 and the notification provisions, the report will focus on the  
16 question of whether the registries and notification provisions  
17 are sufficient to apprise communities of the presence of  
18 sexual predators and sexual offenders who have committed  
19 sexual offenses against children. The report will also examine  
20 how local law enforcement agencies notify the public and  
21 communities of the presence of sexual predators and offenders.  
22 If the report finds deficiencies in the registries, the  
23 notification provisions, or both, the report shall provide  
24 options for correcting those deficiencies and shall include  
25 the projected cost of implementing those options. The report  
26 shall be submitted to the President of the Senate and the  
27 Speaker of the House of Representatives by January 1, 2006.

28 Section 20. The sum of \$5,200,000 is appropriated from  
29 the General Revenue Fund to the Department of Corrections for  
30 the 2005-2006 fiscal year for the purpose of increasing by  
31 1,200 units the number of active Global Positioning System

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1 electronic monitoring devices available to the court when  
2 placing offenders on felony probation or other forms of  
3 community supervision authorized in chapters 948 and 947.

4 Section 21. This act shall take effect October 1,  
5 2005.

6  
7  
8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 Delete everything before the enacting clause,

11  
12 and insert:

13 A bill to be entitled  
14 An act relating to high risk offenders;  
15 amending s. 755.21, F.S.; revising criteria for  
16 sexual predator designation; extending period  
17 for petition to remove sexual predator  
18 designation; creating criminal offenses for  
19 failing to report or providing false  
20 information about a sexual predator, and  
21 harboring or hiding a sexual predator; amending  
22 s. 775.082, F.S.; providing for specified  
23 sentencing of persons convicted of the life  
24 felony offense in s. 800.04(5)(b), F.S.;  
25 amending s. 800.04, F.S.; providing that it is  
26 a life felony for an offender 18 years of age  
27 or older to commit lewd or lascivious  
28 molestation against a victim less than 12 years  
29 of age; amending s. 921.0022, F.S.; deleting  
30 ranking for offenses involving sexual predators  
31 and sexual offenders failing to comply with

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1 registration requirements; ranking offenses  
2 involving sexual predators and sexual offenders  
3 failing to comply with registration  
4 requirements and other requirements; ranking  
5 new criminal offenses for failing to report or  
6 providing false information about a sexual  
7 predator and harboring or hiding a sexual  
8 predator; correcting a reference to the felony  
9 degree of a lewd or lascivious offense;  
10 amending s. 921.141, F.S.; creating an  
11 aggravating circumstance pertaining to sexual  
12 predators for the purpose of imposing the death  
13 penalty; amending s. 943.0435, F.S.; creating  
14 criminal offenses for failing to report or  
15 providing false information about a sexual  
16 offender, and harboring or hiding a sexual  
17 offender; creating s. 943.04352, F.S.;

18 requiring a search of the sex offender and  
19 sexual predator registry by entities providing  
20 probation services; amending s. 944.607, F.S.;

21 creating criminal offenses for failing to  
22 report or providing false information about a  
23 sexual offender, and harboring or hiding a  
24 sexual offender; amending s. 947.1405, F.S.;

25 requiring electronic monitoring for certain  
26 offenders placed on conditional release  
27 supervision; amending s. 948.012, F.S.;

28 requiring the court to impose a split sentence  
29 in certain circumstances; creating s. 948.061,  
30 F.S.; requiring the Department of Corrections  
31 to develop a risk assessment and alert system

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1 to monitor certain offenders placed on  
2 probation or community control; requiring  
3 increased supervision of such offenders under  
4 certain circumstances; requiring that  
5 information be provided to the court by the  
6 correctional probation officer; creating s.  
7 948.062, F.S.; requiring the Department of  
8 Corrections to review the circumstances of  
9 certain arrests of offenders on probation or  
10 community control; requiring the Office of  
11 Program Policy Analysis and Government  
12 Accountability to analyze the reviews and  
13 report to the President of the Senate and the  
14 Speaker of the House of Representatives;  
15 creating s. 948.063, F.S.; requiring the court  
16 to order electronic monitoring for designated  
17 sex offenders and predators who violate  
18 probation or community control; amending s.  
19 948.11, F.S.; requiring the department to  
20 develop and implement procedures to notify  
21 certain officials on the availability of  
22 electronic monitoring units; requiring the  
23 department to use certain electronic monitoring  
24 systems on high risk offenders; amending s.  
25 948.15, F.S.; specifying that terms of contract  
26 must contain procedures for accessing criminal  
27 history records; amending s. 948.30, F.S.;  
28 requiring certain sex offenders and sexual  
29 predators on probation or community control to  
30 be placed on electronic monitoring; creating  
31 the Offender Information Task Force within the

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1 Florida Department of Law Enforcement;  
2 prescribing task force membership; providing  
3 for meetings and duties of the task force;  
4 providing that meetings and records of the task  
5 force are subject to the public-records  
6 requirements of ch. 119, F. S.; providing for  
7 members of the task force to be reimbursed for  
8 per diem and travel expenses; requiring the  
9 Florida Department of Law Enforcement to  
10 provide staff support; requiring cooperation by  
11 state agencies; providing for abolishing the  
12 task force on a specified date; requiring the  
13 Office of Program Policy Analysis and  
14 Governmental Accountability to perform a study  
15 of the effectiveness of Florida's sexual  
16 predator and sexual offender registries and  
17 community and public notification provisions;  
18 providing an appropriation; providing an  
19 effective date.

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