

Bill No. CS for CS for SB 1216

Barcode 541738

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

1		.	
	2/AD/2R	.	
2	04/20/2005 02:46 PM	.	
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11 Senator Argenziano moved the following amendment:

12

13 **Senate Amendment (with title amendment)**

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On page 4, line 28, through page 32, line 13, delete those lines

16
17

and insert:

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19
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Section 2. Paragraph (1) of subsection (6), subsection (8), and subsection (10) of section 775.21, Florida Statutes, are amended to read:

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22

775.21 The Florida Sexual Predators Act.--
(6) REGISTRATION.--

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(1) A sexual predator must maintain registration with the department for the duration of his or her life, unless the sexual predator has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that met the criteria for the sexual predator

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designation. However, a sexual predator who was designated as a sexual predator by a court before October 1, 1998, and who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 10 years and has

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1 not been arrested for any felony or misdemeanor offense since
2 release, may petition the criminal division of the circuit
3 court in the circuit in which the sexual predator resides for
4 the purpose of removing the sexual predator designation. A
5 sexual predator who was designated a sexual predator by a
6 court on or after October 1, 1998, who has been lawfully
7 released from confinement, supervision, or sanction, whichever
8 is later, for at least 20 years, and who has not been arrested
9 for any felony or misdemeanor offense since release may
10 petition the criminal division of the circuit court in the
11 circuit in which the sexual predator resides for the purpose
12 of removing the sexual predator designation. A sexual predator
13 who was designated as a sexual predator by a court on or after
14 October 1, 2005, who has been lawfully released from
15 confinement, supervision, or sanction, whichever is later, for
16 at least 30 years, and who has not been arrested for any
17 felony or misdemeanor offense since release may petition the
18 criminal division of the circuit court in the circuit in which
19 the sexual predator resides for the purpose of removing the
20 sexual predator designation. The court may grant or deny such
21 relief if the petitioner demonstrates to the court that he or
22 she has not been arrested for any crime since release, the
23 requested relief complies with the provisions of the federal
24 Jacob Wetterling Act, as amended, and any other federal
25 standards applicable to the removal of the designation as a
26 sexual predator or required to be met as a condition for the
27 receipt of federal funds by the state, and the court is
28 otherwise satisfied that the petitioner is not a current or
29 potential threat to public safety. The state attorney in the
30 circuit in which the petition is filed must be given notice of
31 the petition at least 3 weeks before the hearing on the

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1 matter. The state attorney may present evidence in opposition
2 to the requested relief or may otherwise demonstrate the
3 reasons why the petition should be denied. If the court denies
4 the petition, the court may set a future date at which the
5 sexual predator may again petition the court for relief,
6 subject to the standards for relief provided in this
7 paragraph. Unless specified in the order, a sexual predator
8 who is granted relief under this paragraph must comply with
9 the requirements for registration as a sexual offender and
10 other requirements provided under s. 943.0435 or s. 944.607.
11 If a petitioner obtains an order from the court that imposed
12 the order designating the petitioner as a sexual predator
13 which removes such designation, the petitioner shall forward a
14 certified copy of the written findings or order to the
15 department in order to have the sexual predator designation
16 removed from the sexual predator registry.

17
18 The sheriff shall promptly provide to the department the
19 information received from the sexual predator.

20 (8) VERIFICATION.--The department and the Department
21 of Corrections shall implement a system for verifying the
22 addresses of sexual predators. The system must be consistent
23 with the provisions of the federal Jacob Wetterling Act, as
24 amended, and any other federal standards applicable to such
25 verification or required to be met as a condition for the
26 receipt of federal funds by the state. The Department of
27 Corrections shall verify the addresses of sexual predators who
28 are not incarcerated but who reside in the community under the
29 supervision of the Department of Corrections. County and local
30 law enforcement agencies, in conjunction with the department,
31 shall verify the addresses of sexual predators who are not

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1 under the care, custody, control, or supervision of the
2 Department of Corrections.

3 (a) A sexual predator must report in person each year
4 during the month of the sexual predator's birthday and during
5 the sixth month following the sexual predator's birth month to
6 the sheriff's office in the county in which he or she resides
7 or is otherwise located to reregister. The sheriff's office
8 may determine the appropriate times and days for reporting by
9 the sexual predator, which shall be consistent with the
10 reporting requirements of this paragraph. Reregistration shall
11 include any changes to the following information:

12 1. Name; social security number; age; race; sex; date
13 of birth; height; weight; hair and eye color; address of any
14 permanent residence and address of any current temporary
15 residence, within the state or out of state, including a rural
16 route address and a post office box; date and place of any
17 employment; vehicle make, model, color, and license tag
18 number; fingerprints; and photograph. A post office box shall
19 not be provided in lieu of a physical residential address.

20 2. If the sexual predator is enrolled, employed, or
21 carrying on a vocation at an institution of higher education
22 in this state, the sexual predator shall also provide to the
23 department the name, address, and county of each institution,
24 including each campus attended, and the sexual predator's
25 enrollment or employment status.

26 3. If the sexual predator's place of residence is a
27 motor vehicle, trailer, mobile home, or manufactured home, as
28 defined in chapter 320, the sexual predator shall also provide
29 vehicle identification number; the license tag number; the
30 registration number; and a description, including color
31 scheme, of the motor vehicle, trailer, mobile home, or

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1 manufactured home. If the sexual predator's place of residence
 2 is a vessel, live-aboard vessel, or houseboat, as defined in
 3 chapter 327, the sexual predator shall also provide the hull
 4 identification number; the manufacturer's serial number; the
 5 name of the vessel, live-aboard vessel, or houseboat; the
 6 registration number; and a description, including color
 7 scheme, of the vessel, live-aboard vessel, or houseboat.

8 (b) The sheriff's office shall, within 2 working days,
 9 electronically submit and update all information provided by
 10 the sexual predator to the department in a manner prescribed
 11 by the department. This procedure shall be implemented by
 12 December 1, 2005.

13 (10) PENALTIES.--.

14 (a) Except as otherwise specifically provided, a
 15 sexual predator who fails to register; who fails, after
 16 registration, to maintain, acquire, or renew a driver's
 17 license or identification card; who fails to provide required
 18 location information or change-of-name information; who fails
 19 to make a required report in connection with vacating a
 20 permanent residence; who fails to reregister as required; who
 21 fails to respond to any address verification correspondence
 22 from the department within three weeks of the date of the
 23 correspondence; or who otherwise fails, by act or omission, to
 24 comply with the requirements of this section, commits a felony
 25 of the third degree, punishable as provided in s. 775.082, s.
 26 775.083, or s. 775.084.

27 (b) A sexual predator who has been convicted of or
 28 found to have committed, or has pled nolo contendere or guilty
 29 to, regardless of adjudication, any violation, or attempted
 30 violation, of s. 787.01, s. 787.02, or s. 787.025, where the
 31 victim is a minor and the defendant is not the victim's

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1 parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s.
2 796.03; s. 800.04; s. 827.071; s. 847.0133; or s. 847.0145, or
3 a violation of a similar law of another jurisdiction, when the
4 victim of the offense was a minor, and who works, whether for
5 compensation or as a volunteer, at any business, school, day
6 care center, park, playground, or other place where children
7 regularly congregate, commits a felony of the third degree,
8 punishable as provided in s. 775.082, s. 775.083, or s.
9 775.084.

10 (c) Any person who misuses public records information
11 relating to a sexual predator, as defined in this section, or
12 a sexual offender, as defined in s. 943.0435 or s. 944.607, to
13 secure a payment from such a predator or offender; who
14 knowingly distributes or publishes false information relating
15 to such a predator or offender which the person misrepresents
16 as being public records information; or who materially alters
17 public records information with the intent to misrepresent the
18 information, including documents, summaries of public records
19 information provided by law enforcement agencies, or public
20 records information displayed by law enforcement agencies on
21 websites or provided through other means of communication,
22 commits a misdemeanor of the first degree, punishable as
23 provided in s. 775.082 or s. 775.083.

24 (d) A sexual predator who commits any act or omission
25 in violation of this section may be prosecuted for the act or
26 omission in the county in which the act or omission was
27 committed, the county of the last registered address of the
28 sexual predator, or the county in which the conviction
29 occurred for the offense or offenses that meet the criteria
30 for designating a person as a sexual predator. In addition, a
31 sexual predator may be prosecuted for any such act or omission

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1 in the county in which he or she was designated a sexual
2 predator.

3 (e) An arrest on charges of failure to register, the
4 service of an information or a complaint for a violation of
5 this section, or an arraignment on charges for a violation of
6 this section constitutes actual notice of the duty to register
7 when the predator has been provided and advised of his or her
8 statutory obligation to register under subsection (6). A
9 sexual predator's failure to immediately register as required
10 by this section following such arrest, service, or arraignment
11 constitutes grounds for a subsequent charge of failure to
12 register. A sexual predator charged with the crime of failure
13 to register who asserts, or intends to assert, a lack of
14 notice of the duty to register as a defense to a charge of
15 failure to register shall immediately register as required by
16 this section. A sexual predator who is charged with a
17 subsequent failure to register may not assert the defense of a
18 lack of notice of the duty to register.

19 (f) Registration following such arrest, service, or
20 arraignment is not a defense and does not relieve the sexual
21 predator of criminal liability for the failure to register.

22 (g) Any person who knows that a sexual predator is not
23 complying, or has not complied, with the requirements of this
24 section and who, with the intent to assist the sexual predator
25 in eluding a law enforcement agency that is seeking to find
26 the sexual predator to question the sexual predator about, or
27 to arrest the sexual predator for, his or her noncompliance
28 with the requirements of this section:

29 1. Withholds information from, or does not notify, the
30 law enforcement agency about the sexual predator's
31 noncompliance with the requirements of this section, and, if

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1 known, the whereabouts of the sexual predator;

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

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

8 4. Provides information to the law enforcement agency
9 regarding the sexual predator which the person knows to be
10 false information,

11
12 commits a felony of the third degree, punishable as provided
13 in s. 775.082, s. 775.083, or s. 775.084. This paragraph does
14 not apply if the sexual predator is incarcerated in or is in
15 the custody of a state correctional facility, a private
16 correctional facility, a local jail, or a federal correctional
17 facility.

18 Section 3. Paragraph (a) of subsection (3) of section
19 775.082, Florida Statutes, is amended to read:

20 775.082 Penalties; applicability of sentencing
21 structures; mandatory minimum sentences for certain
22 reoffenders previously released from prison.--

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

25 (a)1. For a life felony committed prior to October 1,
26 1983, by a term of imprisonment for life or for a term of
27 years not less than 30.

28 2. For a life felony committed on or after October 1,
29 1983, by a term of imprisonment for life or by a term of
30 imprisonment not exceeding 40 years.

31 3. Except as provided in subparagraph 4., for a life

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1 felony committed on or after July 1, 1995, by a term of
2 imprisonment for life or by imprisonment for a term of years
3 not exceeding life imprisonment.

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

6 a. A term of imprisonment for life, which shall be
7 incarceration of the person for the remainder of the person's
8 natural life; or

9 b. A split sentence that is a term of years not
10 exceeding life, followed by probation or community control for
11 the remainder of the person's natural life, as provided in s.
12 948.012(4).

13 Section 4. Paragraph (b) of subsection (5) of section
14 800.04, Florida Statutes, is amended to read:

15 800.04 Lewd or lascivious offenses committed upon or
16 in the presence of persons less than 16 years of age.--

17 (5) LEWD OR LASCIVIOUS MOLESTATION.--

18 (b) An offender 18 years of age or older who commits
19 lewd or lascivious molestation against a victim less than 12
20 years of age commits a life felony ~~of the first degree,~~
21 punishable as provided in s. 775.082(3)(a)4. ~~s. 775.082, s.~~
22 ~~775.083, or s. 775.084.~~

23 Section 5. Paragraphs (f), (g), and (i) of subsection
24 (3) of section 921.0022, Florida Statutes, are amended to
25 read:

26 921.0022 Criminal Punishment Code; offense severity
27 ranking chart.--

28 (3) OFFENSE SEVERITY RANKING CHART

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30
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1	Florida	Felony	
2	Statute	Degree	Description
3			
4			
5			(f) LEVEL 6
6	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
7			
8	499.0051(3)	2nd	Forgery of pedigree papers.
9	499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
10			
11	499.0051(5)	2nd	Sale of legend drug to unauthorized person.
12			
13	775.0875(1)	3rd	Taking firearm from law enforcement officer.
14			
15	775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
16			
17			
18			
19	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
20			
21	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
22			
23	784.041	3rd	Felony battery.
24	784.048(3)	3rd	Aggravated stalking; credible threat.
25			
26	784.048(5)	3rd	Aggravated stalking of person under 16.
27			
28	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
29			
30	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
31			

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1	784.08(2)(b)	2nd	Aggravated assault on a person 65
2			years of age or older.
3	784.081(2)	2nd	Aggravated assault on specified
4			official or employee.
5	784.082(2)	2nd	Aggravated assault by detained
6			person on visitor or other
7			detainee.
8	784.083(2)	2nd	Aggravated assault on code
9			inspector.
10	787.02(2)	3rd	False imprisonment; restraining
11			with purpose other than those in
12			s. 787.01.
13	790.115(2)(d)	2nd	Discharging firearm or weapon on
14			school property.
15	790.161(2)	2nd	Make, possess, or throw
16			destructive device with intent to
17			do bodily harm or damage
18			property.
19	790.164(1)	2nd	False report of deadly explosive,
20			weapon of mass destruction, or
21			act of arson or violence to state
22			property.
23	790.19	2nd	Shooting or throwing deadly
24			missiles into dwellings, vessels,
25			or vehicles.
26	794.011(8)(a)	3rd	Solicitation of minor to
27			participate in sexual activity by
28			custodial adult.
29	794.05(1)	2nd	Unlawful sexual activity with
30			specified minor.
31			

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1	800.04(5)(d)	3rd	Lewd or lascivious molestation;
2			victim 12 years of age or older
3			but less than 16 years; offender
4			less than 18 years.
5	800.04(6)(b)	2nd	Lewd or lascivious conduct;
6			offender 18 years of age or
7			older.
8	806.031(2)	2nd	Arson resulting in great bodily
9			harm to firefighter or any other
10			person.
11	810.02(3)(c)	2nd	Burglary of occupied structure;
12			unarmed; no assault or battery.
13	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
14			but less than \$100,000, grand
15			theft in 2nd degree.
16	812.015(9)	2nd	Retail theft; property stolen
17			\$300 or more; second or
18			subsequent conviction.
19	812.13(2)(c)	2nd	Robbery, no firearm or other
20			weapon (strong-arm robbery).
21	817.034(4)(a)1.	1st	Communications fraud, value
22			greater than \$50,000.
23	817.4821(5)	2nd	Possess cloning paraphernalia
24			with intent to create cloned
25			cellular telephones.
26	825.102(1)	3rd	Abuse of an elderly person or
27			disabled adult.
28	825.102(3)(c)	3rd	Neglect of an elderly person or
29			disabled adult.
30	825.1025(3)	3rd	Lewd or lascivious molestation of
31			an elderly person or disabled

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1			adult.
2	825.103(2)(c)	3rd	Exploiting an elderly person or
3			disabled adult and property is
4			valued at less than \$20,000.
5	827.03(1)	3rd	Abuse of a child.
6	827.03(3)(c)	3rd	Neglect of a child.
7	827.071(2)&(3)	2nd	Use or induce a child in a sexual
8			performance, or promote or direct
9			such performance.
10	836.05	2nd	Threats; extortion.
11	836.10	2nd	Written threats to kill or do
12			bodily injury.
13	843.12	3rd	Aids or assists person to escape.
14	847.0135(3)	3rd	Solicitation of a child, via a
15			computer service, to commit an
16			unlawful sex act.
17	914.23	2nd	Retaliation against a witness,
18			victim, or informant, with bodily
19			injury.
20	943.0435(9)	3rd	Sex offenders; failure to comply
21			with reporting requirements.
22	944.35(3)(a)2.	3rd	Committing malicious battery upon
23			or inflicting cruel or inhuman
24			treatment on an inmate or
25			offender on community
26			supervision, resulting in great
27			bodily harm.
28	944.40	2nd	Escapes.
29	944.46	3rd	Harboring, concealing, aiding
30			escaped prisoners.
31			

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1	944.47(1)(a)5.	2nd	Introduction of contraband
2			(firearm, weapon, or explosive)
3			into correctional facility.
4	951.22(1)	3rd	Intoxicating drug, firearm, or
5			weapon introduced into county
6			facility.
7			(g) LEVEL 7
8	316.027(1)(b)	2nd	Accident involving death, failure
9			to stop; leaving scene.
10	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
11			injury.
12	316.1935(3)(b)	1st	Causing serious bodily injury or
13			death to another person; driving
14			at high speed or with wanton
15			disregard for safety while
16			fleeing or attempting to elude
17			law enforcement officer who is in
18			a patrol vehicle with siren and
19			lights activated.
20	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
21			bodily injury.
22	402.319(2)	2nd	Misrepresentation and negligence
23			or intentional act resulting in
24			great bodily harm, permanent
25			disfiguration, permanent
26			disability, or death.
27	409.920(2)	3rd	Medicaid provider fraud.
28	456.065(2)	3rd	Practicing a health care
29			profession without a license.
30	456.065(2)	2nd	Practicing a health care
31			profession without a license

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1			which results in serious bodily
2			injury.
3	458.327(1)	3rd	Practicing medicine without a
4			license.
5	459.013(1)	3rd	Practicing osteopathic medicine
6			without a license.
7	460.411(1)	3rd	Practicing chiropractic medicine
8			without a license.
9	461.012(1)	3rd	Practicing podiatric medicine
10			without a license.
11	462.17	3rd	Practicing naturopathy without a
12			license.
13	463.015(1)	3rd	Practicing optometry without a
14			license.
15	464.016(1)	3rd	Practicing nursing without a
16			license.
17	465.015(2)	3rd	Practicing pharmacy without a
18			license.
19	466.026(1)	3rd	Practicing dentistry or dental
20			hygiene without a license.
21	467.201	3rd	Practicing midwifery without a
22			license.
23	468.366	3rd	Delivering respiratory care
24			services without a license.
25	483.828(1)	3rd	Practicing as clinical laboratory
26			personnel without a license.
27	483.901(9)	3rd	Practicing medical physics
28			without a license.
29	484.013(1)(c)	3rd	Preparing or dispensing optical
30			devices without a prescription.
31			

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1	484.053	3rd	Dispensing hearing aids without a
2			license.
3	494.0018(2)	1st	Conviction of any violation of
4			ss. 494.001-494.0077 in which the
5			total money and property
6			unlawfully obtained exceeded
7			\$50,000 and there were five or
8			more victims.
9	560.123(8)(b)1.	3rd	Failure to report currency or
10			payment instruments exceeding
11			\$300 but less than \$20,000 by
12			money transmitter.
13	560.125(5)(a)	3rd	Money transmitter business by
14			unauthorized person, currency or
15			payment instruments exceeding
16			\$300 but less than \$20,000.
17	655.50(10)(b)1.	3rd	Failure to report financial
18			transactions exceeding \$300 but
19			less than \$20,000 by financial
20			institution.
21	<u>775.21(10)(a)</u>	<u>3rd</u>	<u>Sexual predator; failure to</u>
22			<u>register; failure to renew</u>
23			<u>driver's license or</u>
24			<u>identification card; other</u>
25			<u>registration violations.</u>
26	<u>775.21(10)(b)</u>	<u>3rd</u>	<u>Sexual predator working where</u>
27			<u>children regularly congregate.</u>
28	<u>775.21(10)(g)</u>	<u>3rd</u>	<u>Failure to report or providing</u>
29			<u>false information about a sexual</u>
30			<u>predator; harbor or hide a sexual</u>
31			<u>predator.</u>

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1	782.051(3)	2nd	Attempted felony murder of a
2			person by a person other than the
3			perpetrator or the perpetrator of
4			an attempted felony.
5	782.07(1)	2nd	Killing of a human being by the
6			act, procurement, or culpable
7			negligence of another
8			(manslaughter).
9	782.071	2nd	Killing of human being or viable
10			fetus by the operation of a motor
11			vehicle in a reckless manner
12			(vehicular homicide).
13	782.072	2nd	Killing of a human being by the
14			operation of a vessel in a
15			reckless manner (vessel
16			homicide).
17	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
18			causing great bodily harm or
19			disfigurement.
20	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
21			weapon.
22	784.045(1)(b)	2nd	Aggravated battery; perpetrator
23			aware victim pregnant.
24	784.048(4)	3rd	Aggravated stalking; violation of
25			injunction or court order.
26	784.048(7)	3rd	Aggravated stalking; violation of
27			court order.
28	784.07(2)(d)	1st	Aggravated battery on law
29			enforcement officer.
30	784.074(1)(a)	1st	Aggravated battery on sexually
31			violent predators facility staff.

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1	784.08(2)(a)	1st	Aggravated battery on a person 65
2			years of age or older.
3	784.081(1)	1st	Aggravated battery on specified
4			official or employee.
5	784.082(1)	1st	Aggravated battery by detained
6			person on visitor or other
7			detainee.
8	784.083(1)	1st	Aggravated battery on code
9			inspector.
10	790.07(4)	1st	Specified weapons violation
11			subsequent to previous conviction
12			of s. 790.07(1) or (2).
13	790.16(1)	1st	Discharge of a machine gun under
14			specified circumstances.
15	790.165(2)	2nd	Manufacture, sell, possess, or
16			deliver hoax bomb.
17	790.165(3)	2nd	Possessing, displaying, or
18			threatening to use any hoax bomb
19			while committing or attempting to
20			commit a felony.
21	790.166(3)	2nd	Possessing, selling, using, or
22			attempting to use a hoax weapon
23			of mass destruction.
24	790.166(4)	2nd	Possessing, displaying, or
25			threatening to use a hoax weapon
26			of mass destruction while
27			committing or attempting to
28			commit a felony.
29	796.03	2nd	Procuring any person under 16
30			years for prostitution.
31			

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1	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
2			victim less than 12 years of age;
3			offender less than 18 years.
4	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
5			victim 12 years of age or older
6			but less than 16 years; offender
7			18 years or older.
8	806.01(2)	2nd	Maliciously damage structure by
9			fire or explosive.
10	810.02(3)(a)	2nd	Burglary of occupied dwelling;
11			unarmed; no assault or battery.
12	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
13			unarmed; no assault or battery.
14	810.02(3)(d)	2nd	Burglary of occupied conveyance;
15			unarmed; no assault or battery.
16	812.014(2)(a)1.	1st	Property stolen, valued at
17			\$100,000 or more; property stolen
18			while causing other property
19			damage; 1st degree grand theft.
20	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
21			less than \$50,000, grand theft in
22			2nd degree.
23	812.014(2)(b)3.	2nd	Property stolen, emergency
24			medical equipment; 2nd degree
25			grand theft.
26	812.0145(2)(a)	1st	Theft from person 65 years of age
27			or older; \$50,000 or more.
28	812.019(2)	1st	Stolen property; initiates,
29			organizes, plans, etc., the theft
30			of property and traffics in
31			stolen property.

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1	812.131(2)(a)	2nd	Robbery by sudden snatching.
2	812.133(2)(b)	1st	Carjacking; no firearm, deadly
3			weapon, or other weapon.
4	817.234(8)(a)	2nd	Solicitation of motor vehicle
5			accident victims with intent to
6			defraud.
7	817.234(9)	2nd	Organizing, planning, or
8			participating in an intentional
9			motor vehicle collision.
10	817.234(11)(c)	1st	Insurance fraud; property value
11			\$100,000 or more.
12	817.2341(2)(b)&		
13	(3)(b)	1st	Making false entries of material
14			fact or false statements
15			regarding property values
16			relating to the solvency of an
17			insuring entity which are a
18			significant cause of the
19			insolvency of that entity.
20	825.102(3)(b)	2nd	Neglecting an elderly person or
21			disabled adult causing great
22			bodily harm, disability, or
23			disfigurement.
24	825.103(2)(b)	2nd	Exploiting an elderly person or
25			disabled adult and property is
26			valued at \$20,000 or more, but
27			less than \$100,000.
28	827.03(3)(b)	2nd	Neglect of a child causing great
29			bodily harm, disability, or
30			disfigurement.
31			

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1	827.04(3)	3rd	Impregnation of a child under 16
2			years of age by person 21 years
3			of age or older.
4	837.05(2)	3rd	Giving false information about
5			alleged capital felony to a law
6			enforcement officer.
7	838.015	2nd	Bribery.
8	838.016	2nd	Unlawful compensation or reward
9			for official behavior.
10	838.021(3)(a)	2nd	Unlawful harm to a public
11			servant.
12	838.22	2nd	Bid tampering.
13	872.06	2nd	Abuse of a dead human body.
14	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
15			cocaine (or other drug prohibited
16			under s. 893.03(1)(a), (1)(b),
17			(1)(d), (2)(a), (2)(b), or
18			(2)(c)4.) within 1,000 feet of a
19			child care facility, school, or
20			state, county, or municipal park
21			or publicly owned recreational
22			facility or community center.
23	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
24			cocaine or other drug prohibited
25			under s. 893.03(1)(a), (1)(b),
26			(1)(d), (2)(a), (2)(b), or
27			(2)(c)4., within 1,000 feet of
28			property used for religious
29			services or a specified business
30			site.
31			

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1	893.13(4)(a)	1st	Deliver to minor cocaine (or
2			other s. 893.03(1)(a), (1)(b),
3			(1)(d), (2)(a), (2)(b), or
4			(2)(c)4. drugs).
5	893.135(1)(a)1.	1st	Trafficking in cannabis, more
6			than 25 lbs., less than 2,000
7			lbs.
8	893.135		
9	(1)(b)1.a.	1st	Trafficking in cocaine, more than
10			28 grams, less than 200 grams.
11	893.135		
12	(1)(c)1.a.	1st	Trafficking in illegal drugs,
13			more than 4 grams, less than 14
14			grams.
15	893.135		
16	(1)(d)1.	1st	Trafficking in phencyclidine,
17			more than 28 grams, less than 200
18			grams.
19	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
20			than 200 grams, less than 5
21			kilograms.
22	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
23			than 14 grams, less than 28
24			grams.
25	893.135		
26	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
27			grams or more, less than 14
28			grams.
29	893.135		
30	(1)(h)1.a.	1st	Trafficking in
31			gamma-hydroxybutyric acid (GHB),

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1			1 kilogram or more, less than 5
2			kilograms.
3	893.135		
4	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
5			kilogram or more, less than 5
6			kilograms.
7	893.135		
8	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
9			10 grams or more, less than 200
10			grams.
11	896.101(5)(a)	3rd	Money laundering, financial
12			transactions exceeding \$300 but
13			less than \$20,000.
14	896.104(4)(a)1.	3rd	Structuring transactions to evade
15			reporting or registration
16			requirements, financial
17			transactions exceeding \$300 but
18			less than \$20,000.
19	<u>943.0435(4)(c)</u>	<u>2nd</u>	<u>Sexual offender vacating</u>
20			<u>permanent residence; failure to</u>
21			<u>comply with reporting</u>
22			<u>requirements.</u>
23	<u>943.0435(8)</u>	<u>2nd</u>	<u>Sexual offender; remains in state</u>
24			<u>after indicating intent to leave;</u>
25			<u>failure to comply with reporting</u>
26			<u>requirements.</u>
27	<u>943.0435(9)(a)</u>	<u>3rd</u>	<u>Sexual offender; failure to</u>
28			<u>comply with reporting</u>
29			<u>requirements.</u>
30	<u>943.0435(13)</u>	<u>3rd</u>	<u>Failure to report or providing</u>
31			<u>false information about a sexual</u>

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1			<u>offender; harbor or hide a sexual</u>
2			<u>offender.</u>
3	<u>943.0435(14)</u>	<u>3rd</u>	<u>Sexual offender; failure to</u>
4			<u>report and reregister; failure to</u>
5			<u>respond to address verification.</u>
6	<u>944.607(9)</u>	<u>3rd</u>	<u>Sexual offender; failure to</u>
7			<u>comply with reporting</u>
8			<u>requirements.</u>
9	<u>944.607(10)(a)</u>	<u>3rd</u>	<u>Sexual offender; failure to</u>
10			<u>submit to the taking of a</u>
11			<u>digitized photograph.</u>
12	<u>944.607(12)</u>	<u>3rd</u>	<u>Failure to report or providing</u>
13			<u>false information about a sexual</u>
14			<u>offender; harbor or hide a sexual</u>
15			<u>offender.</u>
16	<u>944.607(13)</u>	<u>3rd</u>	<u>Sexual offender; failure to</u>
17			<u>report and reregister; failure to</u>
18			<u>respond to address verification.</u>
19			(i) LEVEL 9
20	316.193		
21	(3)(c)3.b.	1st	DUI manslaughter; failing to
22			render aid or give information.
23	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to
24			render aid or give information.
25	499.0053	1st	Sale or purchase of contraband
26			legend drugs resulting in great
27			bodily harm.
28	560.123(8)(b)3.	1st	Failure to report currency or
29			payment instruments totaling or
30			exceeding \$100,000 by money
31			transmitter.

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

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1	787.02(3)(a)	1st	False imprisonment; child under
2			age 13; perpetrator also commits
3			aggravated child abuse, sexual
4			battery, or lewd or lascivious
5			battery, molestation, conduct, or
6			exhibition.
7	790.161	1st	Attempted capital destructive
8			device offense.
9	790.166(2)	1st,PBL	Possessing, selling, using, or
10			attempting to use a weapon of
11			mass destruction.
12	794.011(2)	1st	Attempted sexual battery; victim
13			less than 12 years of age.
14	794.011(2)	Life	Sexual battery; offender younger
15			than 18 years and commits sexual
16			battery on a person less than 12
17			years.
18	794.011(4)	1st	Sexual battery; victim 12 years
19			or older, certain circumstances.
20	794.011(8)(b)	1st	Sexual battery; engage in sexual
21			conduct with minor 12 to 18 years
22			by person in familial or
23			custodial authority.
24	800.04(5)(b)	<u>Life</u> 1st	Lewd or lascivious molestation;
25			victim less than 12 years;
26			offender 18 years or older.
27	812.13(2)(a)	1st,PBL	Robbery with firearm or other
28			deadly weapon.
29	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
30			deadly weapon.
31			

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1	812.135(2)(b)	1st	Home-invasion robbery with
2			weapon.
3	817.568(7)	2nd,PBL	Fraudulent use of personal
4			identification information of an
5			individual under the age of 18 by
6			his or her parent, legal
7			guardian, or person exercising
8			custodial authority.
9	827.03(2)	1st	Aggravated child abuse.
10	847.0145(1)	1st	Selling, or otherwise
11			transferring custody or control,
12			of a minor.
13	847.0145(2)	1st	Purchasing, or otherwise
14			obtaining custody or control, of
15			a minor.
16	859.01	1st	Poisoning or introducing
17			bacteria, radioactive materials,
18			viruses, or chemical compounds
19			into food, drink, medicine, or
20			water with intent to kill or
21			injure another person.
22	893.135	1st	Attempted capital trafficking
23			offense.
24	893.135(1)(a)3.	1st	Trafficking in cannabis, more
25			than 10,000 lbs.
26	893.135		
27	(1)(b)1.c.	1st	Trafficking in cocaine, more than
28			400 grams, less than 150
29			kilograms.
30	893.135		
31	(1)(c)1.c.	1st	Trafficking in illegal drugs,

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1 more than 28 grams, less than 30
2 kilograms.

3 893.135
4 (1)(d)1.c. 1st Trafficking in phencyclidine,
5 more than 400 grams.

6 893.135
7 (1)(e)1.c. 1st Trafficking in methaqualone, more
8 than 25 kilograms.

9 893.135
10 (1)(f)1.c. 1st Trafficking in amphetamine, more
11 than 200 grams.

12 893.135
13 (1)(h)1.c. 1st Trafficking in
14 gamma-hydroxybutyric acid (GHB),
15 10 kilograms or more.

16 893.135
17 (1)(j)1.c. 1st Trafficking in 1,4-Butanediol, 10
18 kilograms or more.

19 893.135
20 (1)(k)2.c. 1st Trafficking in Phenethylamines,
21 400 grams or more.

22 896.101(5)(c) 1st Money laundering, financial
23 instruments totaling or exceeding
24 \$100,000.

25 896.104(4)(a)3. 1st Structuring transactions to evade
26 reporting or registration
27 requirements, financial
28 transactions totaling or
29 exceeding \$100,000.

30 Section 6. Paragraph (o) is added to subsection (5) of
31 section 921.141, Florida Statutes, to read:

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1 921.141 Sentence of death or life imprisonment for
2 capital felonies; further proceedings to determine sentence.--

3 (5) AGGRAVATING CIRCUMSTANCES.--Aggravating
4 circumstances shall be limited to the following:

5 (o) The capital felony was committed by a person
6 designated as a sexual predator pursuant to s. 775.21 or a
7 person previously designated as a sexual predator who had the
8 sexual-predator designation removed.

9 Section 7. Subsection (5) is added to section 943.043,
10 Florida Statutes, to read:

11 943.043 Toll-free telephone number; Internet
12 notification; sexual predator and sexual offender
13 information.--

14 (5) In an effort to ensure that sexual predators and
15 sexual offenders who fail to respond to address-verification
16 attempts or who otherwise abscond from registration are
17 located in a timely manner, the department shall share
18 information with local law enforcement agencies. The
19 department shall use analytical resources to assist local law
20 enforcement agencies to determine the potential whereabouts of
21 any sexual predator or sexual offender who fails to respond to
22 address-verification attempts or who otherwise absconds from
23 registration. The department shall review and analyze all
24 available information concerning any such predator or offender
25 who fails to respond to address-verification attempts or who
26 otherwise absconds from registration and provide the
27 information to local law enforcement agencies in order to
28 assist the agencies in locating and apprehending the sexual
29 predator or sexual offender.

30 Section 8. Subsections (13) and (14) are added to
31 section 943.0435, Florida Statutes, to read:

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1 943.0435 Sexual offenders required to register with
2 the department; penalty.--

3 (13) Any person who knows that a sexual offender is
4 not complying, or has not complied, with the requirements of
5 this section and who, with the intent to assist the sexual
6 offender in eluding a law enforcement agency that is seeking
7 to find the sexual offender to question the sexual offender
8 about, or to arrest the sexual offender for, his or her
9 noncompliance with the requirements of this section:

10 1. Withholds information from, or does not notify, the
11 law enforcement agency about the sexual offender's
12 noncompliance with the requirements of this section, and, if
13 known, the whereabouts of the sexual offender;

14 2. Harbors, or attempts to harbor, or assists another
15 person in harboring or attempting to harbor, the sexual
16 offender; or

17 3. Hides or attempts to hide, or assists another
18 person in hiding or attempting to hide, the sexual offender;
19 or

20 4. Provides information to the law enforcement agency
21 regarding the sexual offender that the person knows to be
22 false information,

23
24 commits a felony of the third degree, punishable as provided
25 in s. 775.082, s. 775.083, or s. 775.084.

26 (14)(a) A sexual offender must report in person each
27 year during the month of the sexual offender's birthday and
28 during the sixth month following the sexual offender's birth
29 month to the sheriff's office in the county in which he or she
30 resides or is otherwise located to reregister. The sheriff's
31 office may determine the appropriate times and days for

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1 reporting by the sexual offender, which shall be consistent
2 with the reporting requirements of this paragraph.

3 Reregistration shall include any changes to the following
4 information:

5 1. Name; social security number; age; race; sex; date
6 of birth; height; weight; hair and eye color; address of any
7 permanent residence and address of any current temporary
8 residence, within the state or out of state, including a rural
9 route address and a post office box; date and place of any
10 employment; vehicle make, model, color, and license tag
11 number; fingerprints; and photograph. A post office box shall
12 not be provided in lieu of a physical residential address.

13 2. If the sexual offender is enrolled, employed, or
14 carrying on a vocation at an institution of higher education
15 in this state, the sexual offender shall also provide to the
16 department the name, address, and county of each institution,
17 including each campus attended, and the sexual offender's
18 enrollment or employment status.

19 3. If the sexual offender's place of residence is a
20 motor vehicle, trailer, mobile home, or manufactured home, as
21 defined in chapter 320, the sexual offender shall also provide
22 vehicle identification number; the license tag number; the
23 registration number; and a description, including color
24 scheme, of the motor vehicle, trailer, mobile home, or
25 manufactured home. If the sexual offender's place of residence
26 is a vessel, live-aboard vessel, or houseboat, as defined in
27 chapter 327, the sexual offender shall also provide the hull
28 identification number; the manufacturer's serial number; the
29 name of the vessel, live-aboard vessel, or houseboat; the
30 registration number; and a description, including color
31 scheme, of the vessel, live-aboard vessel or houseboat.

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1 4. Any sexual offender who fails to report in person
 2 as required at the sheriff's office, or who fails to respond
 3 to any address verification correspondence from the department
 4 within three weeks of the date of the correspondence, commits
 5 a felony of the third degree, punishable as provided in s.
 6 775.082, s. 775.083, or s. 775.084.

7 (b) The sheriff's office shall, within 2 working days,
 8 electronically submit and update all information provided by
 9 the sexual offender to the department in a manner prescribed
 10 by the department. This procedure shall be implemented by
 11 December 1, 2005.

12 Section 9. Section 943.04352, Florida Statutes, is
 13 created to read:

14 943.04352 Search of registration information regarding
 15 sexual predators and sexual offenders required when placement
 16 on misdemeanor probation.--When the court places a defendant
 17 on misdemeanor probation pursuant to ss. 948.01 and 948.15,
 18 the public or private entity providing probation services must
 19 conduct a search of the probationer's name or other
 20 identifying information against the registration information
 21 regarding sexual predators and sexual offenders maintained by
 22 the Department of Law Enforcement under s. 943.043. The
 23 probation services provider may conduct the search using the
 24 Internet site maintained by the Department of Law Enforcement.

25 Section 10. Subsections (12) and (13) are added to
 26 section 944.607, Florida Statutes, to read:

27 944.607 Notification to Department of Law Enforcement
 28 of information on sexual offenders.--

29 (12) Any person who knows that a sexual offender is
 30 not complying, or has not complied, with the requirements of
 31 this section and who, with the intent to assist the sexual

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

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

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

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

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

18
 19 commits a felony of the third degree, punishable as provided
 20 in s. 775.082, s. 775.083, or s. 775.084. This subsection does
 21 not apply if the sexual offender is incarcerated in or is in
 22 the custody of a state correctional facility, a private
 23 correctional facility, a local jail, or a federal correctional
 24 facility.

25 (13)(a) A sexual offender must report in person each
 26 year during the month of the sexual offender's birthday and
 27 during the sixth month following the sexual offender's birth
 28 month to the sheriff's office in the county in which he or she
 29 resides or is otherwise located to reregister. The sheriff's
 30 office may determine the appropriate times and days for
 31 reporting by the sexual offender, which shall be consistent

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1 with the reporting requirements of this paragraph.

2 Reregistration shall include any changes to the following
3 information:

4 1. Name; social security number; age; race; sex; date of
5 birth; height; weight; hair and eye color; address of any
6 permanent residence and address of any current temporary
7 residence, within the state or out of state, including a rural
8 route address and a post office box; date and place of any
9 employment; vehicle make, model, color, and license tag
10 number; fingerprints; and photograph. A post office box shall
11 not be provided in lieu of a physical residential address.

12 2. If the sexual offender is enrolled, employed, or
13 carrying on a vocation at an institution of higher education
14 in this state, the sexual offender shall also provide to the
15 department the name, address, and county of each institution,
16 including each campus attended, and the sexual offender's
17 enrollment or employment status.

18 3. If the sexual offender's place of residence is a
19 motor vehicle, trailer, mobile home, or manufactured home, as
20 defined in chapter 320, the sexual offender shall also provide
21 vehicle identification number; the license tag number; the
22 registration number; and a description, including color
23 scheme, of the motor vehicle, trailer, mobile home, or
24 manufactured home. If the sexual offender's place of residence
25 is a vessel, live-aboard vessel, or houseboat, as defined in
26 chapter 327, the sexual offender shall also provide the hull
27 identification number; the manufacturer's serial number; the
28 name of the vessel, live-aboard vessel, or houseboat; the
29 registration number; and a description, including color
30 scheme, of the vessel, live-aboard vessel, or houseboat.

31 4. Any sexual offender who fails to report in person

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1 as required at the sheriff's office, or who fails to respond
 2 to any address verification correspondence from the department
 3 within three weeks of the date of the correspondence, commits
 4 a felony of the third degree, punishable as provided in s.
 5 775.082, s. 775.083, and s. 775.084.

6 (b) The sheriff's office shall, within 2 working days,
 7 electronically submit and update all information provided by
 8 the sexual offender to the Florida Department of Law
 9 Enforcement in a manner prescribed by the Florida Department
 10 of Law Enforcement. This procedure shall be implemented by
 11 December 1, 2005.

14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 On page 1, line 6, through page 2, line 4, delete those
17 lines

19 and insert:

20 twice yearly reregistration by sexual
 21 predators; requiring reregistration information
 22 be provided to the Department of Law
 23 Enforcement; providing criminal offenses for
 24 failing to reregister, failing to respond to
 25 address verification, failing to report or
 26 providing false information about a sexual
 27 predator, and harboring or hiding a sexual
 28 predator; amending s. 775.082, F.S.; providing
 29 for specified sentencing of persons convicted
 30 of the life felony offense in s. 800.04(5)(b),
 31 F.S.; amending s. 800.04, F.S.; providing that

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1 it is a life felony for an offender 18 years of
2 age or older to commit lewd or lascivious
3 molestation against a victim younger than 12
4 years of age; amending s. 921.0022, F.S.;
5 deleting ranking for offenses involving sexual
6 predators and sexual offenders failing to
7 comply with registration requirements; ranking
8 offenses involving sexual predators and sexual
9 offenders failing to comply with registration
10 requirements and other requirements; ranking
11 new criminal offenses for failing to
12 reregister, failing to respond to address
13 verification, failing to report or providing
14 false information about a sexual predator or
15 sexual offender, and harboring or hiding a
16 sexual predator or sexual offender; correcting
17 a reference to the felony degree of a lewd or
18 lascivious offense; amending s. 921.141, F.S.;
19 providing an additional aggravating
20 circumstance pertaining to sexual predators for
21 the purpose of imposing the death penalty;
22 amending s. 943.043, F.S., requiring the
23 Department of Law Enforcement to provide to
24 local law enforcement agencies information on
25 sexual predators and sexual offenders who fail
26 to respond to address verification attempts or
27 abscond from registration; amending s.
28 943.0435, F.S.; requiring twice yearly
29 reregistration by sexual offenders; requiring
30 reregistration information be provided to the
31 Department of Law Enforcement; providing

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1 criminal offenses for failing to reregister,
2 failing to respond to address verification,
3 failing to report or providing false
4 information about a sexual offender, and
5 harboring or hiding a sexual offender; creating
6 s. 943.04352, F.S.; requiring a search of the
7 sexual offender and sexual predator registry by
8 entities providing probation services; amending
9 s. 944.607, F.S.; requiring twice yearly
10 reregistration by sexual offenders; requiring
11 reregistration information be provided to the
12 Department of Law Enforcement; providing
13 criminal offenses for failing to reregister,
14 failing to respond to address verification,
15 failing to report or providing false
16 information about a sexual offender, and
17 harboring or hiding a sexual offender; amending

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