

By the Committee on Criminal Justice; and Senators Argenziano, Fasano and Klein

591-1966-05

1 A bill to be entitled
2 An act relating to high risk offenders;
3 providing a short title; amending s. 775.21,
4 F.S.; extending the period for a petition to
5 remove a sexual predator designation; providing
6 that it is a criminal offense to fail to report
7 or to provide false information about a sexual
8 predator or to harbor or hide a sexual
9 predator; amending s. 775.082, F.S.; providing
10 for specified sentencing of persons convicted
11 of the life felony offense in s. 800.04(5)(b),
12 F.S.; amending s. 800.04, F.S.; providing that
13 it is a life felony for an offender 18 years of
14 age or older to commit lewd or lascivious
15 molestation against a victim younger than 12
16 years of age; amending s. 921.0022, F.S.;
17 deleting ranking for offenses involving sexual
18 predators and sexual offenders failing to
19 comply with registration requirements; ranking
20 offenses involving sexual predators and sexual
21 offenders failing to comply with registration
22 requirements and other requirements; ranking
23 new criminal offenses for failing to report or
24 providing false information about a sexual
25 predator and harboring or hiding a sexual
26 predator; correcting a reference to the felony
27 degree of a lewd or lascivious offense;
28 amending s. 921.141, F.S.; providing an
29 additional aggravating circumstance pertaining
30 to sexual predators for the purpose of imposing
31 the death penalty; amending s. 943.043, F.S.;

1 requiring the Department of Law Enforcement to
2 provide to local law enforcement agencies
3 information on sexual predators and sexual
4 offenders who fail to respond to address
5 verification attempts or abscond from
6 registration; amending s. 943.0435, F.S.;
7 providing that it is a criminal offense to fail
8 to report or to provide false information about
9 a sexual offender or to harbor or hide a sexual
10 offender; creating s. 943.04352, F.S.;
11 requiring a search of the sexual offender and
12 sexual predator registry by entities providing
13 probation services; amending s. 944.607, F.S.;
14 providing that it is a criminal offense to fail
15 to report or to provide false information about
16 a sexual offender or to harbor or hide a sexual
17 offender; amending s. 947.1405, F.S.; requiring
18 electronic monitoring for certain offenders
19 placed on conditional release supervision;
20 amending s. 948.012, F.S.; requiring the court
21 to impose a split sentence in certain
22 circumstances; creating s. 948.061, F.S.;
23 requiring the Department of Corrections to
24 develop a risk assessment and alert system to
25 monitor certain offenders placed on probation
26 or community control; requiring increased
27 supervision of such offenders under certain
28 circumstances; requiring that information be
29 provided to the court by the correctional
30 probation officer; requiring the department to
31 have fingerprint reading equipment and

1 capability by October 1, 2006; creating s.
2 948.062, F.S.; requiring the Department of
3 Corrections to review the circumstances of
4 certain arrests of offenders on probation or
5 community control; requiring the Office of
6 Program Policy Analysis and Government
7 Accountability to analyze the reviews and
8 report to the President of the Senate and the
9 Speaker of the House of Representatives;
10 creating s. 948.063, F.S.; requiring the court
11 to order electronic monitoring for designated
12 sexual offenders and predators who violate
13 probation or community control; amending s.
14 948.11, F.S.; requiring the department to
15 develop and implement procedures to notify
16 certain officials on the availability of
17 electronic monitoring units; requiring the
18 department to use certain electronic monitoring
19 systems on high risk offenders; amending s.
20 948.15, F.S.; specifying that the terms of the
21 contract must contain procedures for accessing
22 criminal history records concerning
23 probationers; amending s. 948.30, F.S.;
24 requiring certain sex offenders and sexual
25 predators on probation or community control to
26 be placed on electronic monitoring; creating a
27 task force within the Department of Law
28 Enforcement; requiring the task force to
29 examine the collection and dissemination of
30 offender information within the criminal
31 justice system and community; prescribing task

1 force membership; requiring that the task force
2 submit findings and recommendations to the
3 Governor and the Legislature; requiring
4 cooperation by state agencies; providing for
5 abolishing the task force on a specified date;
6 requiring the Office of Program Policy Analysis
7 and Governmental Accountability to perform a
8 study of and report to the Legislature on the
9 effectiveness of Florida's sexual predator and
10 sexual offender registries and community and
11 public notification provisions; providing an
12 appropriation; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. This act may be cited as the "Jessica
17 Lunsford Act."

18 Section 2. Paragraph (1) of subsection (6) of section
19 775.21, Florida Statutes, is amended, and paragraph (g) is
20 added to subsection (10) of that section, to read:

21 775.21 The Florida Sexual Predators Act.--

22 (6) REGISTRATION.--

23 (1) A sexual predator must maintain registration with
24 the department for the duration of his or her life, unless the
25 sexual predator has received a full pardon or has had a
26 conviction set aside in a postconviction proceeding for any
27 offense that met the criteria for the sexual predator
28 designation. However, a sexual predator who was designated as
29 a sexual predator by a court before October 1, 1998, and who
30 has been lawfully released from confinement, supervision, or
31 sanction, whichever is later, for at least 10 years and has

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

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 (10) PENALTIES.--

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

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

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

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

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

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

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

19 775.082 Penalties; applicability of sentencing
20 structures; mandatory minimum sentences for certain
21 reoffenders previously released from prison.--

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

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

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

30 3. Except as provided in subparagraph 4., for a life
31 felony committed on or after July 1, 1995, by a term of

1 imprisonment for life or by imprisonment for a term of years
2 not exceeding life imprisonment.

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

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

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

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

14 800.04 Lewd or lascivious offenses committed upon or
15 in the presence of persons less than 16 years of age.--

16 (5) LEWD OR LASCIVIOUS MOLESTATION.--

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

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

25 921.0022 Criminal Punishment Code; offense severity
26 ranking chart.--

27 (3) OFFENSE SEVERITY RANKING CHART

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29 Florida Felony
30 Statute Degree Description
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2			(f) LEVEL 6
3	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
4			conviction.
5	499.0051(3)	2nd	Forgery of pedigree papers.
6	499.0051(4)	2nd	Purchase or receipt of legend
7			drug from unauthorized person.
8	499.0051(5)	2nd	Sale of legend drug to
9			unauthorized person.
10	775.0875(1)	3rd	Taking firearm from law
11			enforcement officer.
12	775.21(10)	3rd	Sexual predators; failure to
13			register; failure to renew
14			driver's license or
15			identification card.
16	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
17			without intent to kill.
18	784.021(1)(b)	3rd	Aggravated assault; intent to
19			commit felony.
20	784.041	3rd	Felony battery.
21	784.048(3)	3rd	Aggravated stalking; credible
22			threat.
23	784.048(5)	3rd	Aggravated stalking of person
24			under 16.
25	784.07(2)(c)	2nd	Aggravated assault on law
26			enforcement officer.
27	784.074(1)(b)	2nd	Aggravated assault on sexually
28			violent predators facility staff.
29	784.08(2)(b)	2nd	Aggravated assault on a person 65
30			years of age or older.
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1	784.081(2)	2nd	Aggravated assault on specified
2			official or employee.
3	784.082(2)	2nd	Aggravated assault by detained
4			person on visitor or other
5			detainee.
6	784.083(2)	2nd	Aggravated assault on code
7			inspector.
8	787.02(2)	3rd	False imprisonment; restraining
9			with purpose other than those in
10			s. 787.01.
11	790.115(2)(d)	2nd	Discharging firearm or weapon on
12			school property.
13	790.161(2)	2nd	Make, possess, or throw
14			destructive device with intent to
15			do bodily harm or damage
16			property.
17	790.164(1)	2nd	False report of deadly explosive,
18			weapon of mass destruction, or
19			act of arson or violence to state
20			property.
21	790.19	2nd	Shooting or throwing deadly
22			missiles into dwellings, vessels,
23			or vehicles.
24	794.011(8)(a)	3rd	Solicitation of minor to
25			participate in sexual activity by
26			custodial adult.
27	794.05(1)	2nd	Unlawful sexual activity with
28			specified minor.
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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.
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1	825.1025(3)	3rd	Lewd or lascivious molestation of
2			an elderly person or disabled
3			adult.
4	825.103(2)(c)	3rd	Exploiting an elderly person or
5			disabled adult and property is
6			valued at less than \$20,000.
7	827.03(1)	3rd	Abuse of a child.
8	827.03(3)(c)	3rd	Neglect of a child.
9	827.071(2)&(3)	2nd	Use or induce a child in a sexual
10			performance, or promote or direct
11			such performance.
12	836.05	2nd	Threats; extortion.
13	836.10	2nd	Written threats to kill or do
14			bodily injury.
15	843.12	3rd	Aids or assists person to escape.
16	847.0135(3)	3rd	Solicitation of a child, via a
17			computer service, to commit an
18			unlawful sex act.
19	914.23	2nd	Retaliation against a witness,
20			victim, or informant, with bodily
21			injury.
22	943.0435(9)	3rd	Sex offenders; failure to comply
23			with reporting requirements.
24	944.35(3)(a)2.	3rd	Committing malicious battery upon
25			or inflicting cruel or inhuman
26			treatment on an inmate or
27			offender on community
28			supervision, resulting in great
29			bodily harm.
30	944.40	2nd	Escapes.
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1	944.46	3rd	Harboring, concealing, aiding
2			escaped prisoners.
3	944.47(1)(a)5.	2nd	Introduction of contraband
4			(firearm, weapon, or explosive)
5			into correctional facility.
6	951.22(1)	3rd	Intoxicating drug, firearm, or
7			weapon introduced into county
8			facility.
9			(g) LEVEL 7
10	316.027(1)(b)	2nd	Accident involving death, failure
11			to stop; leaving scene.
12	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
13			injury.
14	316.1935(3)(b)	1st	Causing serious bodily injury or
15			death to another person; driving
16			at high speed or with wanton
17			disregard for safety while
18			fleeing or attempting to elude
19			law enforcement officer who is in
20			a patrol vehicle with siren and
21			lights activated.
22	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
23			bodily injury.
24	402.319(2)	2nd	Misrepresentation and negligence
25			or intentional act resulting in
26			great bodily harm, permanent
27			disfiguration, permanent
28			disability, or death.
29	409.920(2)	3rd	Medicaid provider fraud.
30	456.065(2)	3rd	Practicing a health care
31			profession without a license.

1	456.065(2)	2nd	Practicing a health care
2			profession without a license
3			which results in serious bodily
4			injury.
5	458.327(1)	3rd	Practicing medicine without a
6			license.
7	459.013(1)	3rd	Practicing osteopathic medicine
8			without a license.
9	460.411(1)	3rd	Practicing chiropractic medicine
10			without a license.
11	461.012(1)	3rd	Practicing podiatric medicine
12			without a license.
13	462.17	3rd	Practicing naturopathy without a
14			license.
15	463.015(1)	3rd	Practicing optometry without a
16			license.
17	464.016(1)	3rd	Practicing nursing without a
18			license.
19	465.015(2)	3rd	Practicing pharmacy without a
20			license.
21	466.026(1)	3rd	Practicing dentistry or dental
22			hygiene without a license.
23	467.201	3rd	Practicing midwifery without a
24			license.
25	468.366	3rd	Delivering respiratory care
26			services without a license.
27	483.828(1)	3rd	Practicing as clinical laboratory
28			personnel without a license.
29	483.901(9)	3rd	Practicing medical physics
30			without a license.
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1	484.013(1)(c)	3rd	Preparing or dispensing optical
2			devices without a prescription.
3	484.053	3rd	Dispensing hearing aids without a
4			license.
5	494.0018(2)	1st	Conviction of any violation of
6			ss. 494.001-494.0077 in which the
7			total money and property
8			unlawfully obtained exceeded
9			\$50,000 and there were five or
10			more victims.
11	560.123(8)(b)1.	3rd	Failure to report currency or
12			payment instruments exceeding
13			\$300 but less than \$20,000 by
14			money transmitter.
15	560.125(5)(a)	3rd	Money transmitter business by
16			unauthorized person, currency or
17			payment instruments exceeding
18			\$300 but less than \$20,000.
19	655.50(10)(b)1.	3rd	Failure to report financial
20			transactions exceeding \$300 but
21			less than \$20,000 by financial
22			institution.
23	<u>775.21(10)(a)</u>	<u>3rd</u>	<u>Sexual predator; failure to</u>
24			<u>register; failure to renew</u>
25			<u>driver's license or</u>
26			<u>identification card.</u>
27	<u>775.21(10)(b)</u>	<u>3rd</u>	<u>Sexual predator working where</u>
28			<u>children regularly congregate.</u>
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1	<u>775.21(10)(g)</u>	3rd	<u>Failing to report or providing</u>
2			<u>false information about a sexual</u>
3			<u>predator; harboring or hiding a</u>
4			<u>sexual predator.</u>
5	782.051(3)	2nd	Attempted felony murder of a
6			person by a person other than the
7			perpetrator or the perpetrator of
8			an attempted felony.
9	782.07(1)	2nd	Killing of a human being by the
10			act, procurement, or culpable
11			negligence of another
12			(manslaughter).
13	782.071	2nd	Killing of human being or viable
14			fetus by the operation of a motor
15			vehicle in a reckless manner
16			(vehicular homicide).
17	782.072	2nd	Killing of a human being by the
18			operation of a vessel in a
19			reckless manner (vessel
20			homicide).
21	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
22			causing great bodily harm or
23			disfigurement.
24	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
25			weapon.
26	784.045(1)(b)	2nd	Aggravated battery; perpetrator
27			aware victim pregnant.
28	784.048(4)	3rd	Aggravated stalking; violation of
29			injunction or court order.
30	784.048(7)	3rd	Aggravated stalking; violation of
31			court order.

1	784.07(2)(d)	1st	Aggravated battery on law
2			enforcement officer.
3	784.074(1)(a)	1st	Aggravated battery on sexually
4			violent predators facility staff.
5	784.08(2)(a)	1st	Aggravated battery on a person 65
6			years of age or older.
7	784.081(1)	1st	Aggravated battery on specified
8			official or employee.
9	784.082(1)	1st	Aggravated battery by detained
10			person on visitor or other
11			detainee.
12	784.083(1)	1st	Aggravated battery on code
13			inspector.
14	790.07(4)	1st	Specified weapons violation
15			subsequent to previous conviction
16			of s. 790.07(1) or (2).
17	790.16(1)	1st	Discharge of a machine gun under
18			specified circumstances.
19	790.165(2)	2nd	Manufacture, sell, possess, or
20			deliver hoax bomb.
21	790.165(3)	2nd	Possessing, displaying, or
22			threatening to use any hoax bomb
23			while committing or attempting to
24			commit a felony.
25	790.166(3)	2nd	Possessing, selling, using, or
26			attempting to use a hoax weapon
27			of mass destruction.
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1	790.166(4)	2nd	Possessing, displaying, or
2			threatening to use a hoax weapon
3			of mass destruction while
4			committing or attempting to
5			commit a felony.
6	796.03	2nd	Procuring any person under 16
7			years for prostitution.
8	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
9			victim less than 12 years of age;
10			offender less than 18 years.
11	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
12			victim 12 years of age or older
13			but less than 16 years; offender
14			18 years or older.
15	806.01(2)	2nd	Maliciously damage structure by
16			fire or explosive.
17	810.02(3)(a)	2nd	Burglary of occupied dwelling;
18			unarmed; no assault or battery.
19	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
20			unarmed; no assault or battery.
21	810.02(3)(d)	2nd	Burglary of occupied conveyance;
22			unarmed; no assault or battery.
23	812.014(2)(a)1.	1st	Property stolen, valued at
24			\$100,000 or more; property stolen
25			while causing other property
26			damage; 1st degree grand theft.
27	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
28			less than \$50,000, grand theft in
29			2nd degree.
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1	812.014(2)(b)3.	2nd	Property stolen, emergency
2			medical equipment; 2nd degree
3			grand theft.
4	812.0145(2)(a)	1st	Theft from person 65 years of age
5			or older; \$50,000 or more.
6	812.019(2)	1st	Stolen property; initiates,
7			organizes, plans, etc., the theft
8			of property and traffics in
9			stolen property.
10	812.131(2)(a)	2nd	Robbery by sudden snatching.
11	812.133(2)(b)	1st	Carjacking; no firearm, deadly
12			weapon, or other weapon.
13	817.234(8)(a)	2nd	Solicitation of motor vehicle
14			accident victims with intent to
15			defraud.
16	817.234(9)	2nd	Organizing, planning, or
17			participating in an intentional
18			motor vehicle collision.
19	817.234(11)(c)	1st	Insurance fraud; property value
20			\$100,000 or more.
21	817.2341(2)(b)&		
22	(3)(b)	1st	Making false entries of material
23			fact or false statements
24			regarding property values
25			relating to the solvency of an
26			insuring entity which are a
27			significant cause of the
28			insolvency of that entity.
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1	825.102(3)(b)	2nd	Neglecting an elderly person or
2			disabled adult causing great
3			bodily harm, disability, or
4			disfigurement.
5	825.103(2)(b)	2nd	Exploiting an elderly person or
6			disabled adult and property is
7			valued at \$20,000 or more, but
8			less than \$100,000.
9	827.03(3)(b)	2nd	Neglect of a child causing great
10			bodily harm, disability, or
11			disfigurement.
12	827.04(3)	3rd	Impregnation of a child under 16
13			years of age by person 21 years
14			of age or older.
15	837.05(2)	3rd	Giving false information about
16			alleged capital felony to a law
17			enforcement officer.
18	838.015	2nd	Bribery.
19	838.016	2nd	Unlawful compensation or reward
20			for official behavior.
21	838.021(3)(a)	2nd	Unlawful harm to a public
22			servant.
23	838.22	2nd	Bid tampering.
24	872.06	2nd	Abuse of a dead human body.
25			
26			
27			
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29			
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31			

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

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

1	896.104(4)(a)1.	3rd	Structuring transactions to evade
2			reporting or registration
3			requirements, financial
4			transactions exceeding \$300 but
5			less than \$20,000.
6	<u>943.0435(4)(c)</u>	<u>2nd</u>	<u>Sexual offender vacating</u>
7			<u>permanent residence; failure to</u>
8			<u>comply with reporting</u>
9			<u>requirements.</u>
10	<u>943.0435(8)</u>	<u>2nd</u>	<u>Sexual offender; remains in state</u>
11			<u>after indicating intent to leave;</u>
12			<u>failure to comply with reporting</u>
13			<u>requirements.</u>
14	<u>943.0435(9)(a)</u>	<u>3rd</u>	<u>Sexual offender; failure to</u>
15			<u>comply with reporting</u>
16			<u>requirements.</u>
17	<u>943.0435(13)</u>	<u>3rd</u>	<u>Failing to report or providing</u>
18			<u>false information about a sexual</u>
19			<u>offender; harboring or hiding a</u>
20			<u>sexual offender.</u>
21	<u>944.607(9)</u>	<u>3rd</u>	<u>Sexual offender; failure to</u>
22			<u>comply with reporting</u>
23			<u>requirements.</u>
24	<u>944.607(10)(a)</u>	<u>3rd</u>	<u>Sexual offender; failure to</u>
25			<u>submit to the taking of a</u>
26			<u>digitized photograph.</u>
27	<u>944.607(12)</u>	<u>3rd</u>	<u>Failing to report or providing</u>
28			<u>false information about a sexual</u>
29			<u>offender; harboring or hiding a</u>
30			<u>sexual offender.</u>
31			(i) LEVEL 9

1	316.193		
2	(3)(c)3.b.	1st	DUI manslaughter; failing to
3			render aid or give information.
4	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to
5			render aid or give information.
6	499.0053	1st	Sale or purchase of contraband
7			legend drugs resulting in great
8			bodily harm.
9	560.123(8)(b)3.	1st	Failure to report currency or
10			payment instruments totaling or
11			exceeding \$100,000 by money
12			transmitter.
13	560.125(5)(c)	1st	Money transmitter business by
14			unauthorized person, currency, or
15			payment instruments totaling or
16			exceeding \$100,000.
17	655.50(10)(b)3.	1st	Failure to report financial
18			transactions totaling or
19			exceeding \$100,000 by financial
20			institution.
21	775.0844	1st	Aggravated white collar crime.
22	782.04(1)	1st	Attempt, conspire, or solicit to
23			commit premeditated murder.
24	782.04(3)	1st,PBL	Accomplice to murder in
25			connection with arson, sexual
26			battery, robbery, burglary, and
27			other specified felonies.
28	782.051(1)	1st	Attempted felony murder while
29			perpetrating or attempting to
30			perpetrate a felony enumerated in
31			s. 782.04(3).

1	782.07(2)	1st	Aggravated manslaughter of an
2			elderly person or disabled adult.
3	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
4			reward or as a shield or hostage.
5	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
6			or facilitate commission of any
7			felony.
8	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
9			interfere with performance of any
10			governmental or political
11			function.
12	787.02(3)(a)	1st	False imprisonment; child under
13			age 13; perpetrator also commits
14			aggravated child abuse, sexual
15			battery, or lewd or lascivious
16			battery, molestation, conduct, or
17			exhibition.
18	790.161	1st	Attempted capital destructive
19			device offense.
20	790.166(2)	1st,PBL	Possessing, selling, using, or
21			attempting to use a weapon of
22			mass destruction.
23	794.011(2)	1st	Attempted sexual battery; victim
24			less than 12 years of age.
25	794.011(2)	Life	Sexual battery; offender younger
26			than 18 years and commits sexual
27			battery on a person less than 12
28			years.
29	794.011(4)	1st	Sexual battery; victim 12 years
30			or older, certain circumstances.
31			

1	794.011(8)(b)	1st	Sexual battery; engage in sexual
2			conduct with minor 12 to 18 years
3			by person in familial or
4			custodial authority.
5	800.04(5)(b)	<u>Life</u> 1st	Lewd or lascivious molestation;
6			victim less than 12 years;
7			offender 18 years or older.
8	812.13(2)(a)	1st,PBL	Robbery with firearm or other
9			deadly weapon.
10	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
11			deadly weapon.
12	812.135(2)(b)	1st	Home-invasion robbery with
13			weapon.
14	817.568(7)	2nd,PBL	Fraudulent use of personal
15			identification information of an
16			individual under the age of 18 by
17			his or her parent, legal
18			guardian, or person exercising
19			custodial authority.
20	827.03(2)	1st	Aggravated child abuse.
21	847.0145(1)	1st	Selling, or otherwise
22			transferring custody or control,
23			of a minor.
24	847.0145(2)	1st	Purchasing, or otherwise
25			obtaining custody or control, of
26			a minor.
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29			
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1	859.01	1st	Poisoning or introducing
2			bacteria, radioactive materials,
3			viruses, or chemical compounds
4			into food, drink, medicine, or
5			water with intent to kill or
6			injure another person.
7	893.135	1st	Attempted capital trafficking
8			offense.
9	893.135(1)(a)3.	1st	Trafficking in cannabis, more
10			than 10,000 lbs.
11	893.135		
12	(1)(b)1.c.	1st	Trafficking in cocaine, more than
13			400 grams, less than 150
14			kilograms.
15	893.135		
16	(1)(c)1.c.	1st	Trafficking in illegal drugs,
17			more than 28 grams, less than 30
18			kilograms.
19	893.135		
20	(1)(d)1.c.	1st	Trafficking in phencyclidine,
21			more than 400 grams.
22	893.135		
23	(1)(e)1.c.	1st	Trafficking in methaqualone, more
24			than 25 kilograms.
25	893.135		
26	(1)(f)1.c.	1st	Trafficking in amphetamine, more
27			than 200 grams.
28	893.135		
29	(1)(h)1.c.	1st	Trafficking in
30			gamma-hydroxybutyric acid (GHB),
31			10 kilograms or more.

1 893.135
2 (1)(j)1.c. 1st Trafficking in 1,4-Butanediol, 10
3 kilograms or more.
4 893.135
5 (1)(k)2.c. 1st Trafficking in Phenethylamines,
6 400 grams or more.
7 896.101(5)(c) 1st Money laundering, financial
8 instruments totaling or exceeding
9 \$100,000.
10 896.104(4)(a)3. 1st Structuring transactions to evade
11 reporting or registration
12 requirements, financial
13 transactions totaling or
14 exceeding \$100,000.

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

17 921.141 Sentence of death or life imprisonment for
18 capital felonies; further proceedings to determine sentence.--

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

21 (o) The capital felony was committed by a person
22 designated as a sexual predator pursuant to s. 775.21 or a
23 person previously designated as a sexual predator who had the
24 sexual-predator designation removed.

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

27 943.043 Toll-free telephone number; Internet
28 notification; sexual predator and sexual offender
29 information.--

30 (5) In an effort to ensure that sexual predators and
31 sexual offenders who fail to respond to address-verification

1 attempts or who otherwise abscond from registration are
2 located in a timely manner, the department shall share
3 information with local law enforcement agencies. The
4 department shall use analytical resources to assist local law
5 enforcement agencies to determine the potential whereabouts of
6 any sexual predator or sexual offender who fails to respond to
7 address-verification attempts or who otherwise absconds from
8 registration. The department shall review and analyze all
9 available information concerning any such predator or offender
10 who fails to respond to address-verification attempts or who
11 otherwise absconds from registration and provide the
12 information to local law enforcement agencies in order to
13 assist the agencies in locating and apprehending the sexual
14 predator or sexual offender.

15 Section 8. Subsection (13) is added to section
16 943.0435, Florida Statutes, to read:

17 943.0435 Sexual offenders required to register with
18 the department; penalty.--

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

26 1. Withholds information from, or does not notify, the
27 law enforcement agency about the sexual offender's
28 noncompliance with the requirements of this section, and, if
29 known, the whereabouts of the sexual offender;
30
31

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 9. 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 ss. 948.01 and 948.15,
19 the 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 s. 943.043. The
24 probation services provider may conduct the search using the
25 Internet site maintained by the Department of Law Enforcement.

26 Section 10. Subsection (12) is added to section
27 944.607, Florida Statutes, 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

1 this section and who, 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 noncompliance with the requirements of this section:

6 1. Withholds information from, or does not notify, the
7 law enforcement agency about the sexual offender's
8 non-compliance with the requirements of this section, and, if
9 known, the 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 which 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 11. 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 chapter
31 794, s. 800.04, s. 827.071, or s. 847.0145, and the unlawful

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

6 Section 12. Subsection 948.012, Florida Statutes, is
7 amended to read:

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

10 (1) Whenever punishment by imprisonment for a
11 misdemeanor or a felony, except for a capital felony, is
12 prescribed, the court, in its discretion, may, at the time of
13 sentencing, impose a split sentence whereby the defendant is
14 to be placed on probation or, with respect to any such felony,
15 into community control upon completion of any specified period
16 of such sentence which may include a term of years or less. In
17 such case, the court shall stay and withhold the imposition of
18 the remainder of sentence imposed upon the defendant and
19 direct that the defendant be placed upon probation or into
20 community control after serving such period as may be imposed
21 by the court. The period of probation or community control
22 shall commence immediately upon the release of the defendant
23 from incarceration, whether by parole or gain-time allowances.

24 (2) The court may also impose a split sentence whereby
25 the defendant is sentenced to a term of probation which may be
26 followed by a period of incarceration or, with respect to a
27 felony, into community control, as follows:

28 (a) If the offender meets the terms and conditions of
29 probation or community control, any term of incarceration may
30 be modified by court order to eliminate the term of
31 incarceration.

1 (b) If the offender does not meet the terms and
2 conditions of probation or community control, the court may
3 revoke, modify, or continue the probation or community control
4 as provided in s. 948.06. If the probation or community
5 control is revoked, the court may impose any sentence that it
6 could have imposed at the time the offender was placed on
7 probation or community control. The court may not provide
8 credit for time served for any portion of a probation or
9 community control term toward a subsequent term of probation
10 or community control. However, the court may not impose a
11 subsequent term of probation or community control which, when
12 combined with any amount of time served on preceding terms of
13 probation or community control for offenses pending before the
14 court for sentencing, would exceed the maximum penalty
15 allowable as provided in s. 775.082. Such term of
16 incarceration shall be served under applicable law or county
17 ordinance governing service of sentences in state or county
18 jurisdiction. This paragraph does not prohibit any other
19 sanction provided by law.

20 (3) The court may also impose split probation whereby,
21 upon satisfactory completion of half the term of probation,
22 the Department of Corrections may place the offender on
23 administrative probation for the remainder of the term of
24 supervision.

25 (4) Effective for offenses committed on or after
26 October 1, 2005, the court must impose a split sentence
27 pursuant to subsection (1) for any person who is convicted of
28 a life felony for lewd and lascivious molestation pursuant to
29 s. 800.04(5)(b) if the court imposes a term of years in
30 accordance with s. 775.082(3)4.b. rather than life
31 imprisonment. The probation or community control portion of

1 the split sentence imposed by the court for a defendant must
2 extend for the duration of the defendant's natural life and
3 include a condition that he or she be electronically
4 monitored.

5 Section 13. Section 948.061, Florida Statutes, is
6 created to read:

7 948.061 Identifying, assessing, and monitoring certain
8 high-risk offenders on community supervision; providing
9 cumulative criminal and supervision histories to the court.--

10 (1) By December 1, 2005, the department shall develop
11 a graduated risk assessment and alert system that continuously
12 identifies, assesses, and closely monitors a high-risk
13 offender who is placed on probation or in community control
14 and who:

15 (a) Has previously been placed on probation or in
16 community control and has a history of committing multiple
17 violations of community supervision in this state or in any
18 other jurisdiction or have previously been incarcerated in
19 this state or in any other jurisdiction; and

20 (b) Has experienced more than one of the following
21 risk factors that could potentially make the offender more
22 likely to pose a danger to others:

- 23 1. Attempted suicide or severe depression;
24 2. Marital instability or a history of domestic
25 violence;
26 3. A history of substance abuse;
27 4. Unemployment or substantial financial difficulties;
28 5. A history of violence or sex acts against children,
29 particularly involving strangers; or
30 6. Any other risk factor identified by the department.
31

1 (2) Recognizing that an offender having an extensive
2 criminal history and multiple risk factors may pose a serious
3 threat to the community, the department shall consider the
4 cumulative impact of these risk factors and, if necessary,
5 place an offender on an elevated alert status and provide a
6 high level of supervision for the offender until the situation
7 stabilizes and the department no longer believes that the
8 offender poses a threat to others. In providing such
9 supervision and surveillance, the department shall increase
10 the number of office and home visits conducted by the
11 correctional probation officer; expand the number of and type
12 of employment, family, community, and neighborhood contacts by
13 the correctional probation officer; increase referrals to
14 available community mental health facilities and community
15 assistance programs; develop emergency communication plans and
16 alert systems for law enforcement agencies and the court in
17 order to quickly detain the offender in response to a
18 violation; and prioritize departmental resources in order to
19 more closely monitor the offender's activities in an effort to
20 prevent escalating criminal behavior.

21 (3) In providing criminal history and background
22 information to the court for these high-risk offenders, the
23 correctional probation officer shall provide in each report
24 submitted to the court and at each hearing before the court a
25 clear, complete, and concise cumulative and integrated
26 chronology of the offender's criminal history and prior terms
27 of probation or community control, including all substantive
28 or technical violations of probation or community control. The
29 department may adopt rules as necessary to administer this
30 section.

31

1 (4) In monitoring the location of high-risk offenders,
2 the department, shall, no later than October 1, 2006, have
3 fingerprint-reading equipment and capability that will
4 immediately identify the probationer or community controllee
5 when they report to their designated probation officer and
6 alert department probation officials when probationers and
7 community controllees are subsequently rearrested.

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

10 948.062 Reviewing and reporting serious offenses
11 committed by offenders placed on probation or community
12 control.--

13 (1) The department shall review the circumstances
14 related to an offender placed on probation or community
15 control who has been arrested while on supervision for the
16 following offenses:

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

18 (b) Any sexual battery as provided in s. 794.011 or s.
19 794.023;

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

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

24 (e) Any lewd and lascivious battery or lewd and
25 lascivious molestation as provided in s. 800.04(4) or s.
26 800.04(5);

27 (f) Any aggravated child abuse as provided in s.
28 827.03(2);

29 (g) Any robbery with a firearm or other deadly weapon,
30 home invasion robbery, or carjacking as provided in s.
31 812.13(2)(a), s. 812.135, or s. 812.133;

1 (h) Any aggravated stalking as provided in s.
2 784.048(3), (4), or (5);

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

6 (j) Any DUI manslaughter as provided in s.
7 316.193(3)(c), or vehicular or vessel homicide as provided in
8 s. 782.071 or s. 787.072, committed by any person who is on
9 probation or community control for an offense involving death
10 or injury resulting from a driving incident.

11
12 The review shall document whether the supervision of the
13 offender met enumerated rules, policies, and procedures and
14 whether supervision practices were followed.

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

26 Section 15. Section 948.063, Florida Statutes, is
27 created to read:

28 948.063 Violations of probation or community control
29 by designated sexual offenders and sexual predators.--If
30 probation or community control is revoked by the court
31 pursuant to s. 948.06(2)(e) and the offender is designated as

1 a sexual offender or sexual predator pursuant to s. 775.21 for
2 unlawful sexual activity involving a victim 12 years of age or
3 under, and if the court imposes a subsequent term of
4 supervision following the revocation of probation or community
5 control, the court must order electronic monitoring as a
6 condition of the subsequent term of probation or community
7 control.

8 Section 16. Section 948.11, Florida Statutes, is
9 amended to read:

10 948.11 Electronic monitoring devices.--

11 (1)(a) The Department of Corrections may, at its
12 discretion, electronically monitor an offender sentenced to
13 community control.

14 (b) The Department of Corrections shall electronically
15 monitor an offender sentenced to criminal quarantine community
16 control 24 hours per day.

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

24 ~~(3)(2)~~ Any offender placed on community control who
25 violates the terms and conditions of community control and is
26 restored to community control may be supervised by means of an
27 electronic monitoring device or system.

28 ~~(4)(3)~~ For those offenders being electronically
29 monitored, the Department of Corrections shall develop
30 procedures to determine, investigate, and report the
31 offender's noncompliance with the terms and conditions of

1 sentence 24 hours per day. All reports of noncompliance shall
2 be immediately investigated by a community control officer.

3 ~~(5)(4)~~ The Department of Corrections may contract with
4 local law enforcement agencies to assist in the location and
5 apprehension of offenders who are in noncompliance as reported
6 by the electronic monitoring system. This contract is intended
7 to provide the department a means for providing immediate
8 investigation of noncompliance reports, especially after
9 normal office hours.

10 ~~(6)(5)~~ Any person being electronically monitored by
11 the department as a result of placement on community control
12 shall be required to pay a surcharge as provided in s.
13 948.09(2).

14 (7) For probationers, community controllees, or
15 conditional releasees who have current or prior convictions
16 for violent or sexual offenses, the department, in carrying
17 out a court or commission order to electronically monitor an
18 offender, must use a system that actively, and in real time,
19 monitors and identifies the offender's location and timely
20 reports or records the offender's presence near or within a
21 crime scene or in a prohibited area or the offender's
22 departure from specified geographic limitations.

23 Section 17. Section 948.15, Florida Statutes, is
24 amended to read:

25 948.15 Misdemeanor probation services.--

26 (1) Defendants found guilty of misdemeanors who are
27 placed on probation shall be under supervision not to exceed 6
28 months unless otherwise specified by the court. In relation
29 to any offense other than a felony in which the use of alcohol
30 is a significant factor, the period of probation may be up to
31 1 year.

1 (2) A private entity or public entity under the
2 supervision of the board of county commissioners or the court
3 may provide probation services for offenders sentenced by the
4 county court.

5 (3) Any private entity providing services for the
6 supervision of misdemeanor probationers must contract with the
7 county in which the services are to be rendered. In a county
8 with a population of less than 70,000, the county court judge,
9 or the administrative judge of the county court in a county
10 that has more than one county court judge, must approve the
11 contract. Terms of the contract must state, but are not
12 limited to:

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

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

18 (c) Staffing levels.

19 (d) The number of face-to-face contacts with the
20 offender.

21 (e) Procedures for handling the collection of all
22 offender fees and restitution.

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

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

27 (h) Reporting and recordkeeping requirements.

28 (i) Default and contract termination procedures.

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

30 (k) Procedures for accessing criminal history records
31 of probationers.

1
2 In addition, the entity shall supply the chief judge's office
3 with a quarterly report summarizing the number of offenders
4 supervised by the private entity, payment of the required
5 contribution under supervision or rehabilitation, and the
6 number of offenders for whom supervision or rehabilitation
7 will be terminated. All records of the entity must be open to
8 inspection upon the request of the county, the court, the
9 Auditor General, the Office of Program Policy Analysis and
10 Government Accountability, or agents thereof.

11 (4) A private entity that provides court-ordered
12 services to offenders and that charges a fee for such services
13 must register with the board of county commissioners in the
14 county in which the services are offered. The entity shall
15 provide the following information for each program it
16 operates:

17 (a) The length of time the program has been operating
18 in the county.

19 (b) A list of the staff and a summary of their
20 qualifications.

21 (c) A summary of the types of services that are
22 offered under the program.

23 (d) The fees the entity charges for court-ordered
24 services and its procedures, if any, for handling indigent
25 offenders.

26 (5) The private entity providing misdemeanor
27 supervision services shall also comply with all other
28 applicable provisions of law.

29 Section 18. Subsection (3) is added to section 948.30,
30 Florida Statutes, to read:

31

1 948.30 Additional terms and conditions of probation or
2 community control for certain sex offenses.--Conditions
3 imposed pursuant to this section do not require oral
4 pronouncement at the time of sentencing and shall be
5 considered standard conditions of probation or community
6 control for offenders specified in this section.

7 (3) Effective for a probationer or community
8 controllee whose crime was committed on or after October 1,
9 2005, and who:

10 (a) Is placed on probation or community control for a
11 violation of chapter 794, s. 800.04, s. 827.071, or s.
12 847.0145 and the unlawful sexual activity involved a victim 12
13 years of age or under;

14 (b) Is designated a sexual predator pursuant to s.
15 775.21; or

16 (c) Has previously been convicted of a violation of
17 chapter 794, s. 800.04, s. 827.071, or s. 847.0145 and the
18 prior unlawful sexual activity involved a victim 12 years of
19 age or under,

20
21 the court must order, in addition to any other provision of
22 this section, mandatory electronic monitoring as a condition
23 of the probation or community control supervision.

24 Section 19.

25 (1)(a) There is created within the Department of Law
26 Enforcement a task force for the purpose of examining the
27 collection and dissemination of offender information within
28 the criminal justice system and community. The task force
29 shall recommend strategies and actions that may be implemented
30 to enhance coordination and cooperation among the various
31

1 entities within the criminal justice system with a common goal
2 of public safety.

3 (b) The task force shall consist of the membership of
4 the Criminal Justice Information Systems Council set forth in
5 section 943.06, Florida Statutes.

6 (2)(a) The task force shall study and take testimony
7 regarding:

8 1. The collection and dissemination of offender
9 information, including criminal history and any other
10 pertinent matters, to the court, the prosecuting attorney, and
11 defense counsel at first appearance hearings.

12 2. The collection and dissemination of offender
13 information, including criminal history and any other
14 pertinent matters, to the court, the prosecuting attorney and
15 defense counsel at all court appearances subsequent to first
16 appearance.

17 3. The collection and dissemination of offender
18 information, including criminal history and any other
19 pertinent matters, to county probation officers or officials.

20 4. The current practice of local law enforcement
21 agencies as it relates to the collection and dissemination of
22 registered sexual predator and registered sexual offender
23 information to the public.

24 5. The current practice of local law enforcement
25 agencies as it relates to monitoring known registered sexual
26 predators and registered sexual offenders within their
27 jurisdiction.

28 6. The current practice of local law enforcement
29 agencies as it relates to disseminating missing-persons
30 information within their jurisdiction.

31

1 7. Any other subject that the task force deems
2 relevant to the collection and dissemination of offender
3 information within the criminal justice system and community.

4 (b) The task force shall submit a preliminary draft
5 report of its findings and recommendations to the Governor,
6 the President of the Senate, and the Speaker of the House of
7 Representatives at least 45 days before the first day of the
8 2006 regular session of the Legislature. The final report
9 shall be filed with the Governor, the President of the Senate,
10 and the Speaker of the House of Representatives at least 30
11 days before the first day of the 2006 regular session. In
12 addition to the findings and recommendations included in the
13 final report, the report must include a draft of proposed
14 rules and proposed legislation for any recommendations
15 requiring proposed rules and proposed legislation.

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

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

22 Section 20. The Office of Program Policy Analysis and
23 Governmental Accountability shall perform a study of the
24 effectiveness of Florida's sexual predator and sexual offender
25 registries and community and public notification provisions.
26 In addition to determining the effectiveness of the registries
27 and the notification provisions, the report shall focus on the
28 question of whether the registries and notification provisions
29 are sufficient to apprise communities of the presence of
30 sexual predators and sexual offenders who have committed
31 sexual offenses against children. The report shall also

1 examine how local law enforcement agencies notify the public
2 and communities of the presence of sexual predators and
3 offenders. If the report finds deficiencies in the registries,
4 the notification provisions, or both, the report shall provide
5 options for correcting those deficiencies and shall include
6 the projected cost of implementing those options. The report
7 shall be submitted to the President of the Senate and the
8 Speaker of the House of Representatives by January 1, 2006.

9 Section 21. The sum of \$5.2 million is appropriated
10 from the General Revenue Fund to the Department of Corrections
11 for the 2005-2006 fiscal year for the purpose of increasing by
12 1,200 units the number of active Global Positioning System
13 electronic monitoring devices available to the court when
14 placing offenders on felony probation or other forms of
15 community supervision authorized in chapters 948 and 947,
16 Florida Statutes.

17 Section 22. This act shall take effect October 1,
18 2005.

19
20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 Senate Bill 1216

23 Creates the Jessica Lunsford Act, which provides for a number
24 of statutory changes to address high risk offenders,
25 including, but not limited to, enhancing sentencing of certain
26 sexual offenders, providing intensive monitoring through GPS
27 tracking certain high risk sexual offenders, identifying
28 sexual offenders likely to reoffend, modifying the sexual
29 predator and sexual offender registries, penalizing
30 individuals who knowingly harbor registered sexual predators
31 and sexual offenders who are not in compliance with
registration requirements, facilitating access to vital
criminal history records, and tripling the number of
electronic monitoring units available to the court. (See CS
for details.)