

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

604-2060-05

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; requiring
6 the Department of Law Enforcement to develop
7 procedures for twice yearly reporting by sexual
8 predators; providing that it is a criminal
9 offense to fail to report or to provide false
10 information about a sexual predator or to
11 harbor or hide a sexual predator; amending s.
12 775.082, F.S.; providing for specified
13 sentencing of persons convicted of the life
14 felony offense in s. 800.04(5)(b), F.S.;
15 amending s. 800.04, F.S.; providing that it is
16 a life felony for an offender 18 years of age
17 or older to commit lewd or lascivious
18 molestation against a victim younger than 12
19 years of age; amending s. 921.0022, F.S.;
20 deleting ranking for offenses involving sexual
21 predators and sexual offenders failing to
22 comply with registration requirements; ranking
23 offenses involving sexual predators and sexual
24 offenders failing to comply with registration
25 requirements and other requirements; ranking
26 new criminal offenses for failing to report or
27 providing false information about a sexual
28 predator and harboring or hiding a sexual
29 predator; correcting a reference to the felony
30 degree of a lewd or lascivious offense;
31 amending s. 921.141, F.S.; providing an

1 additional aggravating circumstance pertaining
2 to sexual predators for the purpose of imposing
3 the death penalty; amending s. 943.043, F.S.;
4 requiring the Department of Law Enforcement to
5 provide to local law enforcement agencies
6 information on sexual predators and sexual
7 offenders who fail to respond to address
8 verification attempts or abscond from
9 registration; amending s. 943.0435, F.S.;
10 providing that it is a criminal offense to fail
11 to report or to provide false information about
12 a sexual offender or to harbor or hide a sexual
13 offender; requiring the department to develop
14 procedures for twice yearly reporting of sexual
15 offenders; creating s. 943.04352, F.S.;
16 requiring a search of the sexual offender and
17 sexual predator registry by entities providing
18 probation services; amending s. 944.607, F.S.;
19 providing that it is a criminal offense to fail
20 to report or to provide false information about
21 a sexual offender or to harbor or hide a sexual
22 offender; requiring the Department of Law
23 Enforcement to develop procedures for twice
24 yearly reporting of sexual offenders; amending
25 s. 947.1405, F.S.; requiring electronic
26 monitoring for certain offenders placed on
27 conditional release supervision; amending s.
28 948.012, F.S.; requiring the court to impose a
29 split sentence in certain circumstances;
30 creating s. 948.061, F.S.; requiring the
31 Department of Corrections to develop a risk

1 assessment system to monitor certain offenders
2 placed on probation or community control;
3 requiring increased supervision of such
4 offenders under certain circumstances;
5 requiring that information be provided to the
6 court by the correctional probation officer;
7 requiring the court to assist the department by
8 creating and maintaining an automated system;
9 requiring the department to have fingerprint
10 reading equipment and capability by October 1,
11 2006; creating s. 948.062, F.S.; requiring the
12 Department of Corrections to review the
13 circumstances of certain arrests of offenders
14 on probation or community control; requiring
15 the Office of Program Policy Analysis and
16 Government Accountability to analyze the
17 reviews and report to the President of the
18 Senate and the Speaker of the House of
19 Representatives; creating s. 948.063, F.S.;
20 requiring the court to order electronic
21 monitoring for designated sexual offenders and
22 predators who violate probation or community
23 control; amending s. 948.11, F.S.; requiring
24 the department to develop and implement
25 procedures to notify certain officials on the
26 availability of electronic monitoring units;
27 requiring the department to use certain
28 electronic monitoring systems on high-risk
29 offenders; amending s. 948.15, F.S.; specifying
30 that the terms of the contract must contain
31 procedures for accessing criminal history

1 records concerning probationers; amending s.
2 948.30, F.S.; requiring certain sex offenders
3 and sexual predators on probation or community
4 control to be placed on electronic monitoring;
5 creating a task force within the Department of
6 Law Enforcement; requiring the task force to
7 examine the collection and dissemination of
8 offender information within the criminal
9 justice system and community; prescribing task
10 force membership; requiring that the task force
11 submit findings and recommendations to the
12 Governor and the Legislature; requiring
13 cooperation by state agencies; providing for
14 abolishing the task force on a specified date;
15 requiring the Office of Program Policy Analysis
16 and Governmental Accountability to perform a
17 study of and report to the Legislature on the
18 effectiveness of Florida's sexual predator and
19 sexual offender registries and community and
20 public notification provisions; providing
21 appropriations and authorizing positions;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. This act may be cited as the "Jessica
27 Lunsford Act."

28 Section 2. Paragraph (l) of subsection (6) of section
29 775.21, Florida Statutes, is amended, paragraph (m) is added
30 to that subsection, and paragraph (g) is added to subsection
31 (10) of that section, to read:

1 775.21 The Florida Sexual Predators Act.--
2 (6) REGISTRATION.--
3 (1) A sexual predator must maintain registration with
4 the department for the duration of his or her life, unless the
5 sexual predator has received a full pardon or has had a
6 conviction set aside in a postconviction proceeding for any
7 offense that met the criteria for the sexual predator
8 designation. However, a sexual predator who was designated as
9 a sexual predator by a court before October 1, 1998, and who
10 has been lawfully released from confinement, supervision, or
11 sanction, whichever is later, for at least 10 years and has
12 not been arrested for any felony or misdemeanor offense since
13 release, may petition the criminal division of the circuit
14 court in the circuit in which the sexual predator resides for
15 the purpose of removing the sexual predator designation. A
16 sexual predator who was designated a sexual predator by a
17 court on or after October 1, 1998, who has been lawfully
18 released from confinement, supervision, or sanction, whichever
19 is later, for at least 20 years, and who has not been arrested
20 for any felony or misdemeanor offense since release may
21 petition the criminal division of the circuit court in the
22 circuit in which the sexual predator resides for the purpose
23 of removing the sexual predator designation. A sexual predator
24 who was designated as a sexual predator by a court on or after
25 October 1, 2005, who has been lawfully released from
26 confinement, supervision, or sanction, whichever is later, for
27 at least 30 years, and who has not been arrested for any
28 felony or misdemeanor offense since release may petition the
29 criminal division of the circuit court in the circuit in which
30 the sexual predator resides for the purpose of removing the
31 sexual predator designation. The court may grant or deny such

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

1 (m) The Department of Law Enforcement shall develop a
2 procedure that requires sexual predators to report twice
3 yearly in person to the sheriff's office in the county where
4 the sexual predator resides and that also requires sexual
5 predators who have no temporary or permanent residence to
6 report twice yearly in person as provided by the department.
7 The procedures shall be implemented by December 1, 2005.

8 (10) PENALTIES.--

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

16 1. Withholds information from, or does not notify, the
17 law enforcement agency about the sexual predator's
18 noncompliance with the requirements of this section, and, if
19 known, the whereabouts of the sexual predator;

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

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

26 4. Provides information to the law enforcement agency
27 regarding the sexual predator which the person knows to be
28 false information,

29
30 commits a felony of the third degree, punishable as provided
31 in s. 775.082, s. 775.083, or s. 775.084. This paragraph does

1 not apply if the sexual predator is incarcerated in or is in
2 the custody of a state correctional facility, a private
3 correctional facility, a local jail, or a federal correctional
4 facility.

5 Section 3. Paragraph (a) of subsection (3) of section
6 775.082, Florida Statutes, is amended to read:

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

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

12 (a)1. For a life felony committed prior to October 1,
13 1983, by a term of imprisonment for life or for a term of
14 years not less than 30.

15 2. For a life felony committed on or after October 1,
16 1983, by a term of imprisonment for life or by a term of
17 imprisonment not exceeding 40 years.

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

22 4. For a life felony committed on or after October 1,
23 2005, which is a violation of s. 800.04(5)(b), by:

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

27 b. A split sentence that is a term of years not
28 exceeding life, followed by probation or community control for
29 the remainder of the person's natural life, as provided in s.
30 948.012(4).

31

1 Section 4. Paragraph (b) of subsection (5) of section
2 800.04, Florida Statutes, is amended to read:

3 800.04 Lewd or lascivious offenses committed upon or
4 in the presence of persons less than 16 years of age.--

5 (5) LEWD OR LASCIVIOUS MOLESTATION.--

6 (b) An offender 18 years of age or older who commits
7 lewd or lascivious molestation against a victim less than 12
8 years of age commits a life felony ~~of the first degree,~~
9 punishable as provided in s. 775.082(3)(a)4. ~~s. 775.082, s.~~
10 ~~775.083, or s. 775.084.~~

11 Section 5. Paragraphs (f), (g), and (i) of subsection
12 (3) of section 921.0022, Florida Statutes, are amended to
13 read:

14 921.0022 Criminal Punishment Code; offense severity
15 ranking chart.--

16 (3) OFFENSE SEVERITY RANKING CHART

| 18 Florida | Felony | |
|------------------|--------|--|
| 19 Statute | Degree | Description |
| | | (f) LEVEL 6 |
| 23 316.193(2)(b) | 3rd | Felony DUI, 4th or subsequent 24 conviction. |
| 25 499.0051(3) | 2nd | Forgery of pedigree papers. |
| 26 499.0051(4) | 2nd | Purchase or receipt of legend 27 drug from unauthorized person. |
| 28 499.0051(5) | 2nd | Sale of legend drug to 29 unauthorized person. |
| 30 775.0875(1) | 3rd | Taking firearm from law 31 enforcement officer. |

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|----|-----------------------|-----|---|
| 1 | 775.21(10) | 3rd | Sexual predators; failure to |
| 2 | | | register; failure to renew |
| 3 | | | driver's license or |
| 4 | | | identification card. |
| 5 | 784.021(1)(a) | 3rd | Aggravated assault; deadly weapon |
| 6 | | | without intent to kill. |
| 7 | 784.021(1)(b) | 3rd | Aggravated assault; intent to |
| 8 | | | commit felony. |
| 9 | 784.041 | 3rd | Felony battery. |
| 10 | 784.048(3) | 3rd | Aggravated stalking; credible |
| 11 | | | threat. |
| 12 | 784.048(5) | 3rd | Aggravated stalking of person |
| 13 | | | under 16. |
| 14 | 784.07(2)(c) | 2nd | Aggravated assault on law |
| 15 | | | enforcement officer. |
| 16 | 784.074(1)(b) | 2nd | Aggravated assault on sexually |
| 17 | | | violent predators facility staff. |
| 18 | 784.08(2)(b) | 2nd | Aggravated assault on a person 65 |
| 19 | | | years of age or older. |
| 20 | 784.081(2) | 2nd | Aggravated assault on specified |
| 21 | | | official or employee. |
| 22 | 784.082(2) | 2nd | Aggravated assault by detained |
| 23 | | | person on visitor or other |
| 24 | | | detainee. |
| 25 | 784.083(2) | 2nd | Aggravated assault on code |
| 26 | | | inspector. |
| 27 | 787.02(2) | 3rd | False imprisonment; restraining |
| 28 | | | with purpose other than those in |
| 29 | | | s. 787.01. |
| 30 | 790.115(2)(d) | 2nd | Discharging firearm or weapon on |
| 31 | | | school property. |

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|----|-----------------|-----|-----------------------------------|
| 1 | 790.161(2) | 2nd | Make, possess, or throw |
| 2 | | | destructive device with intent to |
| 3 | | | do bodily harm or damage |
| 4 | | | property. |
| 5 | 790.164(1) | 2nd | False report of deadly explosive, |
| 6 | | | weapon of mass destruction, or |
| 7 | | | act of arson or violence to state |
| 8 | | | property. |
| 9 | 790.19 | 2nd | Shooting or throwing deadly |
| 10 | | | missiles into dwellings, vessels, |
| 11 | | | or vehicles. |
| 12 | 794.011(8)(a) | 3rd | Solicitation of minor to |
| 13 | | | participate in sexual activity by |
| 14 | | | custodial adult. |
| 15 | 794.05(1) | 2nd | Unlawful sexual activity with |
| 16 | | | specified minor. |
| 17 | 800.04(5)(d) | 3rd | Lewd or lascivious molestation; |
| 18 | | | victim 12 years of age or older |
| 19 | | | but less than 16 years; offender |
| 20 | | | less than 18 years. |
| 21 | 800.04(6)(b) | 2nd | Lewd or lascivious conduct; |
| 22 | | | offender 18 years of age or |
| 23 | | | older. |
| 24 | 806.031(2) | 2nd | Arson resulting in great bodily |
| 25 | | | harm to firefighter or any other |
| 26 | | | person. |
| 27 | 810.02(3)(c) | 2nd | Burglary of occupied structure; |
| 28 | | | unarmed; no assault or battery. |
| 29 | 812.014(2)(b)1. | 2nd | Property stolen \$20,000 or more, |
| 30 | | | but less than \$100,000, grand |
| 31 | | | theft in 2nd degree. |

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|----|-----------------|-----|-----------------------------------|
| 1 | 812.015(9) | 2nd | Retail theft; property stolen |
| 2 | | | \$300 or more; second or |
| 3 | | | subsequent conviction. |
| 4 | 812.13(2)(c) | 2nd | Robbery, no firearm or other |
| 5 | | | weapon (strong-arm robbery). |
| 6 | 817.034(4)(a)1. | 1st | Communications fraud, value |
| 7 | | | greater than \$50,000. |
| 8 | 817.4821(5) | 2nd | Possess cloning paraphernalia |
| 9 | | | with intent to create cloned |
| 10 | | | cellular telephones. |
| 11 | 825.102(1) | 3rd | Abuse of an elderly person or |
| 12 | | | disabled adult. |
| 13 | 825.102(3)(c) | 3rd | Neglect of an elderly person or |
| 14 | | | disabled adult. |
| 15 | 825.1025(3) | 3rd | Lewd or lascivious molestation of |
| 16 | | | an elderly person or disabled |
| 17 | | | adult. |
| 18 | 825.103(2)(c) | 3rd | Exploiting an elderly person or |
| 19 | | | disabled adult and property is |
| 20 | | | valued at less than \$20,000. |
| 21 | 827.03(1) | 3rd | Abuse of a child. |
| 22 | 827.03(3)(c) | 3rd | Neglect of a child. |
| 23 | 827.071(2)&(3) | 2nd | Use or induce a child in a sexual |
| 24 | | | performance, or promote or direct |
| 25 | | | such performance. |
| 26 | 836.05 | 2nd | Threats; extortion. |
| 27 | 836.10 | 2nd | Written threats to kill or do |
| 28 | | | bodily injury. |
| 29 | 843.12 | 3rd | Aids or assists person to escape. |
| 30 | | | |
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| 1 | 847.0135(3) | 3rd | Solicitation of a child, via a |
| 2 | | | computer service, to commit an |
| 3 | | | unlawful sex act. |
| 4 | 914.23 | 2nd | Retaliation against a witness, |
| 5 | | | victim, or informant, with bodily |
| 6 | | | injury. |
| 7 | 943.0435(9) | 3rd | Sex offenders; failure to comply |
| 8 | | | with reporting requirements. |
| 9 | 944.35(3)(a)2. | 3rd | Committing malicious battery upon |
| 10 | | | or inflicting cruel or inhuman |
| 11 | | | treatment on an inmate or |
| 12 | | | offender on community |
| 13 | | | supervision, resulting in great |
| 14 | | | bodily harm. |
| 15 | 944.40 | 2nd | Escapes. |
| 16 | 944.46 | 3rd | Harboring, concealing, aiding |
| 17 | | | escaped prisoners. |
| 18 | 944.47(1)(a)5. | 2nd | Introduction of contraband |
| 19 | | | (firearm, weapon, or explosive) |
| 20 | | | into correctional facility. |
| 21 | 951.22(1) | 3rd | Intoxicating drug, firearm, or |
| 22 | | | weapon introduced into county |
| 23 | | | facility. |
| 24 | | | (g) LEVEL 7 |
| 25 | 316.027(1)(b) | 2nd | Accident involving death, failure |
| 26 | | | to stop; leaving scene. |
| 27 | 316.193(3)(c)2. | 3rd | DUI resulting in serious bodily |
| 28 | | | injury. |
| 29 | | | |
| 30 | | | |
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| 1 | 316.1935(3)(b) | 1st | Causing serious bodily injury or |
| 2 | | | death to another person; driving |
| 3 | | | at high speed or with wanton |
| 4 | | | disregard for safety while |
| 5 | | | fleeing or attempting to elude |
| 6 | | | law enforcement officer who is in |
| 7 | | | a patrol vehicle with siren and |
| 8 | | | lights activated. |
| 9 | 327.35(3)(c)2. | 3rd | Vessel BUI resulting in serious |
| 10 | | | bodily injury. |
| 11 | 402.319(2) | 2nd | Misrepresentation and negligence |
| 12 | | | or intentional act resulting in |
| 13 | | | great bodily harm, permanent |
| 14 | | | disfiguration, permanent |
| 15 | | | disability, or death. |
| 16 | 409.920(2) | 3rd | Medicaid provider fraud. |
| 17 | 456.065(2) | 3rd | Practicing a health care |
| 18 | | | profession without a license. |
| 19 | 456.065(2) | 2nd | Practicing a health care |
| 20 | | | profession without a license |
| 21 | | | which results in serious bodily |
| 22 | | | injury. |
| 23 | 458.327(1) | 3rd | Practicing medicine without a |
| 24 | | | license. |
| 25 | 459.013(1) | 3rd | Practicing osteopathic medicine |
| 26 | | | without a license. |
| 27 | 460.411(1) | 3rd | Practicing chiropractic medicine |
| 28 | | | without a license. |
| 29 | 461.012(1) | 3rd | Practicing podiatric medicine |
| 30 | | | without a license. |
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| 1 | 462.17 | 3rd | Practicing naturopathy without a |
| 2 | | | license. |
| 3 | 463.015(1) | 3rd | Practicing optometry without a |
| 4 | | | license. |
| 5 | 464.016(1) | 3rd | Practicing nursing without a |
| 6 | | | license. |
| 7 | 465.015(2) | 3rd | Practicing pharmacy without a |
| 8 | | | license. |
| 9 | 466.026(1) | 3rd | Practicing dentistry or dental |
| 10 | | | hygiene without a license. |
| 11 | 467.201 | 3rd | Practicing midwifery without a |
| 12 | | | license. |
| 13 | 468.366 | 3rd | Delivering respiratory care |
| 14 | | | services without a license. |
| 15 | 483.828(1) | 3rd | Practicing as clinical laboratory |
| 16 | | | personnel without a license. |
| 17 | 483.901(9) | 3rd | Practicing medical physics |
| 18 | | | without a license. |
| 19 | 484.013(1)(c) | 3rd | Preparing or dispensing optical |
| 20 | | | devices without a prescription. |
| 21 | 484.053 | 3rd | Dispensing hearing aids without a |
| 22 | | | license. |
| 23 | 494.0018(2) | 1st | Conviction of any violation of |
| 24 | | | ss. 494.001-494.0077 in which the |
| 25 | | | total money and property |
| 26 | | | unlawfully obtained exceeded |
| 27 | | | \$50,000 and there were five or |
| 28 | | | more victims. |
| 29 | | | |
| 30 | | | |
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| 1 | 560.123(8)(b)1. | 3rd | Failure to report currency or |
| 2 | | | payment instruments exceeding |
| 3 | | | \$300 but less than \$20,000 by |
| 4 | | | money transmitter. |
| 5 | 560.125(5)(a) | 3rd | Money transmitter business by |
| 6 | | | unauthorized person, currency or |
| 7 | | | payment instruments exceeding |
| 8 | | | \$300 but less than \$20,000. |
| 9 | 655.50(10)(b)1. | 3rd | Failure to report financial |
| 10 | | | transactions exceeding \$300 but |
| 11 | | | less than \$20,000 by financial |
| 12 | | | institution. |
| 13 | <u>775.21(10)(a)</u> | <u>3rd</u> | <u>Sexual predator; failure to</u> |
| 14 | | | <u>register; failure to renew</u> |
| 15 | | | <u>driver's license or</u> |
| 16 | | | <u>identification card.</u> |
| 17 | <u>775.21(10)(b)</u> | <u>3rd</u> | <u>Sexual predator working where</u> |
| 18 | | | <u>children regularly congregate.</u> |
| 19 | <u>775.21(10)(g)</u> | <u>3rd</u> | <u>Failing to report or providing</u> |
| 20 | | | <u>false information about a sexual</u> |
| 21 | | | <u>predator; harboring or hiding a</u> |
| 22 | | | <u>sexual predator.</u> |
| 23 | 782.051(3) | 2nd | Attempted felony murder of a |
| 24 | | | person by a person other than the |
| 25 | | | perpetrator or the perpetrator of |
| 26 | | | an attempted felony. |
| 27 | 782.07(1) | 2nd | Killing of a human being by the |
| 28 | | | act, procurement, or culpable |
| 29 | | | negligence of another |
| 30 | | | (manslaughter). |
| 31 | | | |

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|----|-----------------|-----|-----------------------------------|
| 1 | 782.071 | 2nd | Killing of human being or viable |
| 2 | | | fetus by the operation of a motor |
| 3 | | | vehicle in a reckless manner |
| 4 | | | (vehicular homicide). |
| 5 | 782.072 | 2nd | Killing of a human being by the |
| 6 | | | operation of a vessel in a |
| 7 | | | reckless manner (vessel |
| 8 | | | homicide). |
| 9 | 784.045(1)(a)1. | 2nd | Aggravated battery; intentionally |
| 10 | | | causing great bodily harm or |
| 11 | | | disfigurement. |
| 12 | 784.045(1)(a)2. | 2nd | Aggravated battery; using deadly |
| 13 | | | weapon. |
| 14 | 784.045(1)(b) | 2nd | Aggravated battery; perpetrator |
| 15 | | | aware victim pregnant. |
| 16 | 784.048(4) | 3rd | Aggravated stalking; violation of |
| 17 | | | injunction or court order. |
| 18 | 784.048(7) | 3rd | Aggravated stalking; violation of |
| 19 | | | court order. |
| 20 | 784.07(2)(d) | 1st | Aggravated battery on law |
| 21 | | | enforcement officer. |
| 22 | 784.074(1)(a) | 1st | Aggravated battery on sexually |
| 23 | | | violent predators facility staff. |
| 24 | 784.08(2)(a) | 1st | Aggravated battery on a person 65 |
| 25 | | | years of age or older. |
| 26 | 784.081(1) | 1st | Aggravated battery on specified |
| 27 | | | official or employee. |
| 28 | 784.082(1) | 1st | Aggravated battery by detained |
| 29 | | | person on visitor or other |
| 30 | | | detainee. |
| 31 | | | |

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|----|----------------|-----|-----------------------------------|
| 1 | 784.083(1) | 1st | Aggravated battery on code |
| 2 | | | inspector. |
| 3 | 790.07(4) | 1st | Specified weapons violation |
| 4 | | | subsequent to previous conviction |
| 5 | | | of s. 790.07(1) or (2). |
| 6 | 790.16(1) | 1st | Discharge of a machine gun under |
| 7 | | | specified circumstances. |
| 8 | 790.165(2) | 2nd | Manufacture, sell, possess, or |
| 9 | | | deliver hoax bomb. |
| 10 | 790.165(3) | 2nd | Possessing, displaying, or |
| 11 | | | threatening to use any hoax bomb |
| 12 | | | while committing or attempting to |
| 13 | | | commit a felony. |
| 14 | 790.166(3) | 2nd | Possessing, selling, using, or |
| 15 | | | attempting to use a hoax weapon |
| 16 | | | of mass destruction. |
| 17 | 790.166(4) | 2nd | Possessing, displaying, or |
| 18 | | | threatening to use a hoax weapon |
| 19 | | | of mass destruction while |
| 20 | | | committing or attempting to |
| 21 | | | commit a felony. |
| 22 | 796.03 | 2nd | Procuring any person under 16 |
| 23 | | | years for prostitution. |
| 24 | 800.04(5)(c)1. | 2nd | Lewd or lascivious molestation; |
| 25 | | | victim less than 12 years of age; |
| 26 | | | offender less than 18 years. |
| 27 | 800.04(5)(c)2. | 2nd | Lewd or lascivious molestation; |
| 28 | | | victim 12 years of age or older |
| 29 | | | but less than 16 years; offender |
| 30 | | | 18 years or older. |
| 31 | | | |

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|----|-----------------|-----|------------------------------------|
| 1 | 806.01(2) | 2nd | Maliciously damage structure by |
| 2 | | | fire or explosive. |
| 3 | 810.02(3)(a) | 2nd | Burglary of occupied dwelling; |
| 4 | | | unarmed; no assault or battery. |
| 5 | 810.02(3)(b) | 2nd | Burglary of unoccupied dwelling; |
| 6 | | | unarmed; no assault or battery. |
| 7 | 810.02(3)(d) | 2nd | Burglary of occupied conveyance; |
| 8 | | | unarmed; no assault or battery. |
| 9 | 812.014(2)(a)1. | 1st | Property stolen, valued at |
| 10 | | | \$100,000 or more; property stolen |
| 11 | | | while causing other property |
| 12 | | | damage; 1st degree grand theft. |
| 13 | 812.014(2)(b)2. | 2nd | Property stolen, cargo valued at |
| 14 | | | less than \$50,000, grand theft in |
| 15 | | | 2nd degree. |
| 16 | 812.014(2)(b)3. | 2nd | Property stolen, emergency |
| 17 | | | medical equipment; 2nd degree |
| 18 | | | grand theft. |
| 19 | 812.0145(2)(a) | 1st | Theft from person 65 years of age |
| 20 | | | or older; \$50,000 or more. |
| 21 | 812.019(2) | 1st | Stolen property; initiates, |
| 22 | | | organizes, plans, etc., the theft |
| 23 | | | of property and traffics in |
| 24 | | | stolen property. |
| 25 | 812.131(2)(a) | 2nd | Robbery by sudden snatching. |
| 26 | 812.133(2)(b) | 1st | Carjacking; no firearm, deadly |
| 27 | | | weapon, or other weapon. |
| 28 | 817.234(8)(a) | 2nd | Solicitation of motor vehicle |
| 29 | | | accident victims with intent to |
| 30 | | | defraud. |
| 31 | | | |

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|----|-----------------|-----|----------------------------------|
| 1 | 817.234(9) | 2nd | Organizing, planning, or |
| 2 | | | participating in an intentional |
| 3 | | | motor vehicle collision. |
| 4 | 817.234(11)(c) | 1st | Insurance fraud; property value |
| 5 | | | \$100,000 or more. |
| 6 | 817.2341(2)(b)& | | |
| 7 | (3)(b) | 1st | Making false entries of material |
| 8 | | | fact or false statements |
| 9 | | | regarding property values |
| 10 | | | relating to the solvency of an |
| 11 | | | insuring entity which are a |
| 12 | | | significant cause of the |
| 13 | | | insolvency of that entity. |
| 14 | 825.102(3)(b) | 2nd | Neglecting an elderly person or |
| 15 | | | disabled adult causing great |
| 16 | | | bodily harm, disability, or |
| 17 | | | disfigurement. |
| 18 | 825.103(2)(b) | 2nd | Exploiting an elderly person or |
| 19 | | | disabled adult and property is |
| 20 | | | valued at \$20,000 or more, but |
| 21 | | | less than \$100,000. |
| 22 | 827.03(3)(b) | 2nd | Neglect of a child causing great |
| 23 | | | bodily harm, disability, or |
| 24 | | | disfigurement. |
| 25 | 827.04(3) | 3rd | Impregnation of a child under 16 |
| 26 | | | years of age by person 21 years |
| 27 | | | of age or older. |
| 28 | 837.05(2) | 3rd | Giving false information about |
| 29 | | | alleged capital felony to a law |
| 30 | | | enforcement officer. |
| 31 | 838.015 | 2nd | Bribery. |

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|----|-----------------|-----|-----------------------------------|
| 1 | 838.016 | 2nd | Unlawful compensation or reward |
| 2 | | | for official behavior. |
| 3 | 838.021(3)(a) | 2nd | Unlawful harm to a public |
| 4 | | | servant. |
| 5 | 838.22 | 2nd | Bid tampering. |
| 6 | 872.06 | 2nd | Abuse of a dead human body. |
| 7 | 893.13(1)(c)1. | 1st | Sell, manufacture, or deliver |
| 8 | | | cocaine (or other drug prohibited |
| 9 | | | under s. 893.03(1)(a), (1)(b), |
| 10 | | | (1)(d), (2)(a), (2)(b), or |
| 11 | | | (2)(c)4.) within 1,000 feet of a |
| 12 | | | child care facility, school, or |
| 13 | | | state, county, or municipal park |
| 14 | | | or publicly owned recreational |
| 15 | | | facility or community center. |
| 16 | 893.13(1)(e)1. | 1st | Sell, manufacture, or deliver |
| 17 | | | cocaine or other drug prohibited |
| 18 | | | under s. 893.03(1)(a), (1)(b), |
| 19 | | | (1)(d), (2)(a), (2)(b), or |
| 20 | | | (2)(c)4., within 1,000 feet of |
| 21 | | | property used for religious |
| 22 | | | services or a specified business |
| 23 | | | site. |
| 24 | 893.13(4)(a) | 1st | Deliver to minor cocaine (or |
| 25 | | | other s. 893.03(1)(a), (1)(b), |
| 26 | | | (1)(d), (2)(a), (2)(b), or |
| 27 | | | (2)(c)4. drugs). |
| 28 | 893.135(1)(a)1. | 1st | Trafficking in cannabis, more |
| 29 | | | than 25 lbs., less than 2,000 |
| 30 | | | lbs. |
| 31 | | | |

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

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|----|-----------------------|------------|--|
| 1 | 893.135 | | |
| 2 | (1)(k)2.a. | 1st | Trafficking in Phenethylamines, |
| 3 | | | 10 grams or more, less than 200 |
| 4 | | | grams. |
| 5 | 896.101(5)(a) | 3rd | Money laundering, financial |
| 6 | | | transactions exceeding \$300 but |
| 7 | | | less than \$20,000. |
| 8 | 896.104(4)(a)1. | 3rd | Structuring transactions to evade |
| 9 | | | reporting or registration |
| 10 | | | requirements, financial |
| 11 | | | transactions exceeding \$300 but |
| 12 | | | less than \$20,000. |
| 13 | <u>943.0435(4)(c)</u> | <u>2nd</u> | <u>Sexual offender vacating</u> |
| 14 | | | <u>permanent residence; failure to</u> |
| 15 | | | <u>comply with reporting</u> |
| 16 | | | <u>requirements.</u> |
| 17 | <u>943.0435(8)</u> | <u>2nd</u> | <u>Sexual offender; remains in state</u> |
| 18 | | | <u>after indicating intent to leave;</u> |
| 19 | | | <u>failure to comply with reporting</u> |
| 20 | | | <u>requirements.</u> |
| 21 | <u>943.0435(9)(a)</u> | <u>3rd</u> | <u>Sexual offender; failure to</u> |
| 22 | | | <u>comply with reporting</u> |
| 23 | | | <u>requirements.</u> |
| 24 | <u>943.0435(13)</u> | <u>3rd</u> | <u>Failing to report or providing</u> |
| 25 | | | <u>false information about a sexual</u> |
| 26 | | | <u>offender; harboring or hiding a</u> |
| 27 | | | <u>sexual offender.</u> |
| 28 | <u>944.607(9)</u> | <u>3rd</u> | <u>Sexual offender; failure to</u> |
| 29 | | | <u>comply with reporting</u> |
| 30 | | | <u>requirements.</u> |
| 31 | | | |

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|----|-----------------------|-----|---|
| 1 | <u>944.607(10)(a)</u> | 3rd | <u>Sexual offender; failure to</u> |
| 2 | | | <u>submit to the taking of a</u> |
| 3 | | | <u>digitized photograph.</u> |
| 4 | <u>944.607(12)</u> | 3rd | <u>Failing to report or providing</u> |
| 5 | | | <u>false information about a sexual</u> |
| 6 | | | <u>offender; harboring or hiding a</u> |
| 7 | | | <u>sexual offender.</u> |
| 8 | | | (i) LEVEL 9 |
| 9 | 316.193 | | |
| 10 | (3)(c)3.b. | 1st | DUI manslaughter; failing to |
| 11 | | | render aid or give information. |
| 12 | 327.35(3)(c)3.b. | 1st | BUI manslaughter; failing to |
| 13 | | | render aid or give information. |
| 14 | 499.0053 | 1st | Sale or purchase of contraband |
| 15 | | | legend drugs resulting in great |
| 16 | | | bodily harm. |
| 17 | 560.123(8)(b)3. | 1st | Failure to report currency or |
| 18 | | | payment instruments totaling or |
| 19 | | | exceeding \$100,000 by money |
| 20 | | | transmitter. |
| 21 | 560.125(5)(c) | 1st | Money transmitter business by |
| 22 | | | unauthorized person, currency, or |
| 23 | | | payment instruments totaling or |
| 24 | | | exceeding \$100,000. |
| 25 | 655.50(10)(b)3. | 1st | Failure to report financial |
| 26 | | | transactions totaling or |
| 27 | | | exceeding \$100,000 by financial |
| 28 | | | institution. |
| 29 | 775.0844 | 1st | Aggravated white collar crime. |
| 30 | 782.04(1) | 1st | Attempt, conspire, or solicit to |
| 31 | | | commit premeditated murder. |

| | | | |
|----|----------------|---------|-----------------------------------|
| 1 | 782.04(3) | 1st,PBL | Accomplice to murder in |
| 2 | | | connection with arson, sexual |
| 3 | | | battery, robbery, burglary, and |
| 4 | | | other specified felonies. |
| 5 | 782.051(1) | 1st | Attempted felony murder while |
| 6 | | | perpetrating or attempting to |
| 7 | | | perpetrate a felony enumerated in |
| 8 | | | s. 782.04(3). |
| 9 | 782.07(2) | 1st | Aggravated manslaughter of an |
| 10 | | | elderly person or disabled adult. |
| 11 | 787.01(1)(a)1. | 1st,PBL | Kidnapping; hold for ransom or |
| 12 | | | reward or as a shield or hostage. |
| 13 | 787.01(1)(a)2. | 1st,PBL | Kidnapping with intent to commit |
| 14 | | | or facilitate commission of any |
| 15 | | | felony. |
| 16 | 787.01(1)(a)4. | 1st,PBL | Kidnapping with intent to |
| 17 | | | interfere with performance of any |
| 18 | | | governmental or political |
| 19 | | | function. |
| 20 | 787.02(3)(a) | 1st | False imprisonment; child under |
| 21 | | | age 13; perpetrator also commits |
| 22 | | | aggravated child abuse, sexual |
| 23 | | | battery, or lewd or lascivious |
| 24 | | | battery, molestation, conduct, or |
| 25 | | | exhibition. |
| 26 | 790.161 | 1st | Attempted capital destructive |
| 27 | | | device offense. |
| 28 | 790.166(2) | 1st,PBL | Possessing, selling, using, or |
| 29 | | | attempting to use a weapon of |
| 30 | | | mass destruction. |
| 31 | | | |

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|----|---------------|----------------------------|-----------------------------------|
| 1 | 794.011(2) | 1st | Attempted sexual battery; victim |
| 2 | | | less than 12 years of age. |
| 3 | 794.011(2) | Life | Sexual battery; offender younger |
| 4 | | | than 18 years and commits sexual |
| 5 | | | battery on a person less than 12 |
| 6 | | | years. |
| 7 | 794.011(4) | 1st | Sexual battery; victim 12 years |
| 8 | | | or older, certain circumstances. |
| 9 | 794.011(8)(b) | 1st | Sexual battery; engage in sexual |
| 10 | | | conduct with minor 12 to 18 years |
| 11 | | | by person in familial or |
| 12 | | | custodial authority. |
| 13 | 800.04(5)(b) | <u>Life</u> 1st | Lewd or lascivious molestation; |
| 14 | | | victim less than 12 years; |
| 15 | | | offender 18 years or older. |
| 16 | 812.13(2)(a) | 1st,PBL | Robbery with firearm or other |
| 17 | | | deadly weapon. |
| 18 | 812.133(2)(a) | 1st,PBL | Carjacking; firearm or other |
| 19 | | | deadly weapon. |
| 20 | 812.135(2)(b) | 1st | Home-invasion robbery with |
| 21 | | | weapon. |
| 22 | 817.568(7) | 2nd,PBL | Fraudulent use of personal |
| 23 | | | identification information of an |
| 24 | | | individual under the age of 18 by |
| 25 | | | his or her parent, legal |
| 26 | | | guardian, or person exercising |
| 27 | | | custodial authority. |
| 28 | 827.03(2) | 1st | Aggravated child abuse. |
| 29 | 847.0145(1) | 1st | Selling, or otherwise |
| 30 | | | transferring custody or control, |
| 31 | | | of a minor. |

| | | | |
|----|-----------------|-----|-----------------------------------|
| 1 | 847.0145(2) | 1st | Purchasing, or otherwise |
| 2 | | | obtaining custody or control, of |
| 3 | | | a minor. |
| 4 | 859.01 | 1st | Poisoning or introducing |
| 5 | | | bacteria, radioactive materials, |
| 6 | | | viruses, or chemical compounds |
| 7 | | | into food, drink, medicine, or |
| 8 | | | water with intent to kill or |
| 9 | | | injure another person. |
| 10 | 893.135 | 1st | Attempted capital trafficking |
| 11 | | | offense. |
| 12 | 893.135(1)(a)3. | 1st | Trafficking in cannabis, more |
| 13 | | | than 10,000 lbs. |
| 14 | 893.135 | | |
| 15 | (1)(b)1.c. | 1st | Trafficking in cocaine, more than |
| 16 | | | 400 grams, less than 150 |
| 17 | | | kilograms. |
| 18 | 893.135 | | |
| 19 | (1)(c)1.c. | 1st | Trafficking in illegal drugs, |
| 20 | | | more than 28 grams, less than 30 |
| 21 | | | kilograms. |
| 22 | 893.135 | | |
| 23 | (1)(d)1.c. | 1st | Trafficking in phencyclidine, |
| 24 | | | more than 400 grams. |
| 25 | 893.135 | | |
| 26 | (1)(e)1.c. | 1st | Trafficking in methaqualone, more |
| 27 | | | than 25 kilograms. |
| 28 | 893.135 | | |
| 29 | (1)(f)1.c. | 1st | Trafficking in amphetamine, more |
| 30 | | | than 200 grams. |
| 31 | | | |

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

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

21 921.141 Sentence of death or life imprisonment for
22 capital felonies; further proceedings to determine sentence.--

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

25 (o) The capital felony was committed by a person
26 designated as a sexual predator pursuant to s. 775.21 or a
27 person previously designated as a sexual predator who had the
28 sexual-predator designation removed.

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

31

1 943.043 Toll-free telephone number; Internet
2 notification; sexual predator and sexual offender
3 information.--

4 (5) In an effort to ensure that sexual predators and
5 sexual offenders who fail to respond to address-verification
6 attempts or who otherwise abscond from registration are
7 located in a timely manner, the department shall share
8 information with local law enforcement agencies. The
9 department shall use analytical resources to assist local law
10 enforcement agencies to determine the potential whereabouts of
11 any sexual predator or sexual offender who fails to respond to
12 address-verification attempts or who otherwise absconds from
13 registration. The department shall review and analyze all
14 available information concerning any such predator or offender
15 who fails to respond to address-verification attempts or who
16 otherwise absconds from registration and provide the
17 information to local law enforcement agencies in order to
18 assist the agencies in locating and apprehending the sexual
19 predator or sexual offender.

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

22 943.0435 Sexual offenders required to register with
23 the department; penalty.--

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

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

5 2. Harbors, or attempts to harbor, or assists another
6 person in harboring or attempting to harbor, the sexual
7 offender; or

8 3. Hides or attempts to hide, or assists another
9 person in hiding or attempting to hide, the sexual offender;

10 or

11 4. Provides information to the law enforcement agency
12 regarding the sexual offender that the person knows to be
13 false information,

14
15 commits a felony of the third degree, punishable as provided
16 in s. 775.082, s. 775.083, or s. 775.084.

17 (14) The Department of Law Enforcement shall develop a
18 procedure that requires sexual offenders to report twice
19 yearly in person to the sheriff's office in the county where
20 the sexual offender resides and that also requires sexual
21 offenders who have no temporary or permanent residence to
22 report twice yearly in person as provided by the department.
23 The procedures shall be implemented by December 1, 2005.

24 Section 9. Section 943.04352, Florida Statutes, is
25 created to read:

26 943.04352 Search of registration information regarding
27 sexual predators and sexual offenders required when placement
28 on misdemeanor probation.--When the court places a defendant
29 on misdemeanor probation pursuant to ss. 948.01 and 948.15,
30 the public or private entity providing probation services must
31 conduct a search of the probationer's name or other

1 identifying information against the registration information
2 regarding sexual predators and sexual offenders maintained by
3 the Department of Law Enforcement under s. 943.043. The
4 probation services provider may conduct the search using the
5 Internet site maintained by the Department of Law Enforcement.

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

8 944.607 Notification to Department of Law Enforcement
9 of information on sexual offenders.--

10 (12) Any person who knows that a sexual offender is
11 not complying, or has not complied, with the requirements of
12 this section and who, with the intent to assist the sexual
13 offender in eluding a law enforcement agency that is seeking
14 to find the sexual offender to question the sexual offender
15 about, or to arrest the sexual offender for, his or her
16 noncompliance with the requirements of this section:

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

21 2. Harbors, or attempts to harbor, or assists another
22 person in harboring or attempting to harbor, the sexual
23 offender; or

24 3. Hides or attempts to hide, or assists another
25 person in hiding or attempting to hide, the sexual offender;
26 or

27 4. Provides information to the law enforcement agency
28 regarding the sexual offender which the person knows to be
29 false information,

30
31

1 commits a felony of the third degree, punishable as provided
2 in s. 775.082, s. 775.083, or s. 775.084. This subsection does
3 not apply if the sexual offender is incarcerated in or is in
4 the custody of a state correctional facility, a private
5 correctional facility, a local jail, or a federal correctional
6 facility.

7 (13) The Department of Law Enforcement shall develop a
8 procedure that requires sexual offenders to report twice
9 yearly in person to the sheriff's office in the county where
10 the sexual offender resides and that also requires sexual
11 offenders who have no temporary or permanent residence to
12 report twice yearly in person as provided by the department.
13 The procedures shall be implemented by December 1, 2005.

14 Section 11. Subsection (10) is added to section
15 947.1405, Florida Statutes, to read:

16 947.1405 Conditional release program.--

17 (10) Effective for a releasee whose crime was
18 committed on or after October 1, 2005, in violation of chapter
19 794, s. 800.04, s. 827.071, or s. 847.0145, and the unlawful
20 activity involved a victim who was 12 years of age or younger,
21 or for a releasee who is designated as a sexual predator
22 pursuant to s. 775.21, in addition to any other provision of
23 this section, the commission must order electronic monitoring
24 for the duration of the releasee's supervision.

25 Section 12. Subsection 948.012, Florida Statutes, is
26 amended to read:

27 948.012 Split sentence of probation or community
28 control and imprisonment.--

29 (1) Whenever punishment by imprisonment for a
30 misdemeanor or a felony, except for a capital felony, is
31 prescribed, the court, in its discretion, may, at the time of

1 sentencing, impose a split sentence whereby the defendant is
2 to be placed on probation or, with respect to any such felony,
3 into community control upon completion of any specified period
4 of such sentence which may include a term of years or less. In
5 such case, the court shall stay and withhold the imposition of
6 the remainder of sentence imposed upon the defendant and
7 direct that the defendant be placed upon probation or into
8 community control after serving such period as may be imposed
9 by the court. The period of probation or community control
10 shall commence immediately upon the release of the defendant
11 from incarceration, whether by parole or gain-time allowances.

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

16 (a) If the offender meets the terms and conditions of
17 probation or community control, any term of incarceration may
18 be modified by court order to eliminate the term of
19 incarceration.

20 (b) If the offender does not meet the terms and
21 conditions of probation or community control, the court may
22 revoke, modify, or continue the probation or community control
23 as provided in s. 948.06. If the probation or community
24 control is revoked, the court may impose any sentence that it
25 could have imposed at the time the offender was placed on
26 probation or community control. The court may not provide
27 credit for time served for any portion of a probation or
28 community control term toward a subsequent term of probation
29 or community control. However, the court may not impose a
30 subsequent term of probation or community control which, when
31 combined with any amount of time served on preceding terms of

1 | probation or community control for offenses pending before the
2 | court for sentencing, would exceed the maximum penalty
3 | allowable as provided in s. 775.082. Such term of
4 | incarceration shall be served under applicable law or county
5 | ordinance governing service of sentences in state or county
6 | jurisdiction. This paragraph does not prohibit any other
7 | sanction provided by law.

8 | (3) The court may also impose split probation whereby,
9 | upon satisfactory completion of half the term of probation,
10 | the Department of Corrections may place the offender on
11 | administrative probation for the remainder of the term of
12 | supervision.

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

24 | Section 13. Section 948.061, Florida Statutes, is
25 | created to read:

26 | 948.061 Identifying, assessing, and monitoring certain
27 | high-risk offenders on community supervision; providing
28 | cumulative criminal and supervision histories to the court.--

29 | (1) By December 1, 2005, the department shall develop
30 | a graduated risk assessment that identifies, assesses, and
31 |

1 closely monitors a high-risk offender who is placed on
2 probation or in community control and who:

3 (a) Has previously been placed on probation or in
4 community control and has a history of committing multiple
5 violations of community supervision in this state or in any
6 other jurisdiction or have previously been incarcerated in
7 this state or in any other jurisdiction; and

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

11 1. History of domestic violence;
12 2. History of substance abuse;
13 3. Unemployment or substantial financial difficulties;
14 4. History of violence or sex acts against children,
15 particularly involving strangers; or

16 5. Any other risk factor identified by the department.

17 (2) Recognizing that an offender having an extensive
18 criminal history and multiple risk factors may pose a serious
19 threat to the community, the department shall consider the
20 cumulative impact of these risk factors and, if necessary,
21 place an offender under a high level of supervision until the
22 situation stabilizes and the department no longer believes
23 that the offender poses a threat to others. In providing such
24 supervision, the department shall increase the number of
25 office and home visits conducted by the correctional probation
26 officer; expand the number of and type of employment, family,
27 community, and neighborhood contacts by the correctional
28 probation officer; increase voluntary referrals to available
29 community mental health facilities and community assistance
30 programs; develop emergency communication plans for law
31 enforcement agencies and the court in order to quickly detain

1 the offender in response to a violation; and prioritize
2 departmental resources in order to more closely monitor the
3 offender's activities in an effort to prevent escalating
4 criminal behavior.

5 (3) In providing criminal history and background
6 information to the court for these high-risk offenders, the
7 correctional probation officer shall provide in each report
8 submitted to the court and at each hearing before the court a
9 cumulative chronology of the offender's criminal history and
10 prior terms of state probation or community control, including
11 all substantive or technical violations of state probation or
12 community control. The department may adopt rules as necessary
13 to administer this section. The courts shall assist the
14 department by creating and maintaining an automated system to
15 provide the information as specified in this subsection and by
16 providing the necessary technology in the courtroom to deliver
17 the information.

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

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

27 948.062 Reviewing and reporting serious offenses
28 committed by offenders placed on probation or community
29 control.--

30 (1) The department shall review the circumstances
31 related to an offender placed on probation or community

1 control who has been arrested while on supervision for the
2 following offenses:

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

4 (b) Any sexual battery as provided in s. 794.011 or s.
5 794.023;

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

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

10 (e) Any lewd and lascivious battery or lewd and
11 lascivious molestation as provided in s. 800.04(4) or s.
12 800.04(5);

13 (f) Any aggravated child abuse as provided in s.
14 827.03(2);

15 (g) Any robbery with a firearm or other deadly weapon,
16 home invasion robbery, or carjacking as provided in s.
17 812.13(2)(a), s. 812.135, or s. 812.133;

18 (h) Any aggravated stalking as provided in s.
19 784.048(3), (4), or (5);

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

23 (j) Any DUI manslaughter as provided in s.
24 316.193(3)(c), or vehicular or vessel homicide as provided in
25 s. 782.071 or s. 787.072, committed by any person who is on
26 probation or community control for an offense involving death
27 or injury resulting from a driving incident.

28
29 The review shall document whether the supervision of the
30 offender met enumerated rules, policies, and procedures and
31 whether supervision practices were followed.

1 (2) The department shall provide these reviews to the
2 Office of Program Policy Analysis and Government
3 Accountability. The Office of Program Policy Analysis and
4 Government Accountability shall analyze these reviews and
5 provide a written report to the President of the Senate and
6 the Speaker of the House of Representatives by March 1, 2006.
7 The report must include, at a minimum, any identified systemic
8 deficiencies in managing high-risk offenders on community
9 supervision; any patterns of noncompliance by correctional
10 probation officers; and recommendations for improving the
11 community supervision program.

12 Section 15. Section 948.063, Florida Statutes, is
13 created to read:

14 948.063 Violations of probation or community control
15 by designated sexual offenders and sexual predators.--If
16 probation or community control is revoked by the court
17 pursuant to s. 948.06(2)(e) and the offender is designated as
18 a sexual offender or sexual predator pursuant to s. 775.21 for
19 unlawful sexual activity involving a victim 12 years of age or
20 under, and if the court imposes a subsequent term of
21 supervision following the revocation of probation or community
22 control, the court must order electronic monitoring as a
23 condition of the subsequent term of probation or community
24 control.

25 Section 16. Section 948.11, Florida Statutes, is
26 amended to read:

27 948.11 Electronic monitoring devices.--

28 (1)(a) The Department of Corrections may, at its
29 discretion, electronically monitor an offender sentenced to
30 community control.
31

1 (b) The Department of Corrections shall electronically
2 monitor an offender sentenced to criminal quarantine community
3 control 24 hours per day.

4 (2) The department shall develop and implement
5 procedures to notify, by the close of normal weekly business
6 hours, the chief circuit judge, the state attorney, and the
7 public defender of the type and number of electronic
8 monitoring devices or units available for utilization. Such
9 notification must include both a written notification and
10 notification by electronic mail where available.

11 ~~(3)(2)~~ Any offender placed on community control who
12 violates the terms and conditions of community control and is
13 restored to community control may be supervised by means of an
14 electronic monitoring device or system.

15 ~~(4)(3)~~ For those offenders being electronically
16 monitored, the Department of Corrections shall develop
17 procedures to determine, investigate, and report the
18 offender's noncompliance with the terms and conditions of
19 sentence 24 hours per day. All reports of noncompliance shall
20 be immediately investigated by a community control officer.

21 ~~(5)(4)~~ The Department of Corrections may contract with
22 local law enforcement agencies to assist in the location and
23 apprehension of offenders who are in noncompliance as reported
24 by the electronic monitoring system. This contract is intended
25 to provide the department a means for providing immediate
26 investigation of noncompliance reports, especially after
27 normal office hours.

28 ~~(6)(5)~~ Any person being electronically monitored by
29 the department as a result of placement on community control
30 shall be required to pay a surcharge as provided in s.
31 948.09(2).

1 (7) For probationers, community controllees, or
2 conditional releasees who have current or prior convictions
3 for violent or sexual offenses, the department, in carrying
4 out a court or commission order to electronically monitor an
5 offender, must use a system that actively, and in real time,
6 monitors and identifies the offender's location and timely
7 reports or records the offender's presence near or within a
8 crime scene or in a prohibited area or the offender's
9 departure from specified geographic limitations.

10 Section 17. Section 948.15, Florida Statutes, is
11 amended to read:

12 948.15 Misdemeanor probation services.--

13 (1) Defendants found guilty of misdemeanors who are
14 placed on probation shall be under supervision not to exceed 6
15 months unless otherwise specified by the court. In relation
16 to any offense other than a felony in which the use of alcohol
17 is a significant factor, the period of probation may be up to
18 1 year.

19 (2) A private entity or public entity under the
20 supervision of the board of county commissioners or the court
21 may provide probation services for offenders sentenced by the
22 county court.

23 (3) Any private entity providing services for the
24 supervision of misdemeanor probationers must contract with the
25 county in which the services are to be rendered. In a county
26 with a population of less than 70,000, the county court judge,
27 or the administrative judge of the county court in a county
28 that has more than one county court judge, must approve the
29 contract. Terms of the contract must state, but are not
30 limited to:
31

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

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

6 (c) Staffing levels.

7 (d) The number of face-to-face contacts with the
8 offender.

9 (e) Procedures for handling the collection of all
10 offender fees and restitution.

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

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

15 (h) Reporting and recordkeeping requirements.

16 (i) Default and contract termination procedures.

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

18 (k) Procedures for accessing criminal history records
19 of probationers.

20

21 In addition, the entity shall supply the chief judge's office
22 with a quarterly report summarizing the number of offenders
23 supervised by the private entity, payment of the required
24 contribution under supervision or rehabilitation, and the
25 number of offenders for whom supervision or rehabilitation
26 will be terminated. All records of the entity must be open to
27 inspection upon the request of the county, the court, the
28 Auditor General, the Office of Program Policy Analysis and
29 Government Accountability, or agents thereof.

30 (4) A private entity that provides court-ordered
31 services to offenders and that charges a fee for such services

1 must register with the board of county commissioners in the
2 county in which the services are offered. The entity shall
3 provide the following information for each program it
4 operates:

5 (a) The length of time the program has been operating
6 in the county.

7 (b) A list of the staff and a summary of their
8 qualifications.

9 (c) A summary of the types of services that are
10 offered under the program.

11 (d) The fees the entity charges for court-ordered
12 services and its procedures, if any, for handling indigent
13 offenders.

14 (5) The private entity providing misdemeanor
15 supervision services shall also comply with all other
16 applicable provisions of law.

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

19 948.30 Additional terms and conditions of probation or
20 community control for certain sex offenses.--Conditions
21 imposed pursuant to this section do not require oral
22 pronouncement at the time of sentencing and shall be
23 considered standard conditions of probation or community
24 control for offenders specified in this section.

25 (3) Effective for a probationer or community
26 controllee whose crime was committed on or after October 1,
27 2005, and who:

28 (a) Is placed on probation or community control for a
29 violation of chapter 794, s. 800.04, s. 827.071, or s.
30 847.0145 and the unlawful sexual activity involved a victim 12
31 years of age or under;

1 (b) Is designated a sexual predator pursuant to s.
2 775.21; or

3 (c) Has previously been convicted of a violation of
4 chapter 794, s. 800.04, s. 827.071, or s. 847.0145 and the
5 prior unlawful sexual activity involved a victim 12 years of
6 age or under,

7
8 the court must order, in addition to any other provision of
9 this section, mandatory electronic monitoring as a condition
10 of the probation or community control supervision.

11 Section 19. (1)(a) There is created within the
12 Department of Law Enforcement a task force for the purpose of
13 examining the collection and dissemination of offender
14 information within the criminal justice system and community.
15 The task force shall recommend strategies and actions that may
16 be implemented to enhance coordination and cooperation among
17 the various entities within the criminal justice system with a
18 common goal of public safety.

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

22 (2)(a) The task force shall study and take testimony
23 regarding:

24 1. The collection and dissemination of offender
25 information, including criminal history and any other
26 pertinent matters, to the court, the prosecuting attorney, and
27 defense counsel at first appearance hearings.

28 2. The collection and dissemination of offender
29 information, including criminal history and any other
30 pertinent matters, to the court, the prosecuting attorney and
31

1 defense counsel at all court appearances subsequent to first
2 appearance.

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

6 4. The current practice of local law enforcement
7 agencies as it relates to the collection and dissemination of
8 registered sexual predator and registered sexual offender
9 information to the public.

10 5. The current practice of local law enforcement
11 agencies as it relates to monitoring known registered sexual
12 predators and registered sexual offenders within their
13 jurisdiction.

14 6. The current practice of local law enforcement
15 agencies as it relates to disseminating missing-persons
16 information within their jurisdiction.

17 7. Any other subject that the task force deems
18 relevant to the collection and dissemination of offender
19 information within the criminal justice system and community.

20 (b) The task force shall submit a preliminary draft
21 report of its findings and recommendations to the Governor,
22 the President of the Senate, and the Speaker of the House of
23 Representatives at least 45 days before the first day of the
24 2006 regular session of the Legislature. The final report
25 shall be filed with the Governor, the President of the Senate,
26 and the Speaker of the House of Representatives at least 30
27 days before the first day of the 2006 regular session. In
28 addition to the findings and recommendations included in the
29 final report, the report must include a draft of proposed
30 rules and proposed legislation for any recommendations
31 requiring proposed rules and proposed legislation.

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

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

7 Section 20. The Office of Program Policy Analysis and
8 Governmental Accountability shall perform a study of the
9 effectiveness of Florida's sexual predator and sexual offender
10 registries and community and public notification provisions.
11 In addition to determining the effectiveness of the registries
12 and the notification provisions, the report shall focus on the
13 question of whether the registries and notification provisions
14 are sufficient to apprise communities of the presence of
15 sexual predators and sexual offenders who have committed
16 sexual offenses against children. The report shall also
17 examine how local law enforcement agencies notify the public
18 and communities of the presence of sexual predators and
19 offenders. If the report finds deficiencies in the registries,
20 the notification provisions, or both, the report shall provide
21 options for correcting those deficiencies and shall include
22 the projected cost of implementing those options. In
23 conducting the study, the Office of Program Policy Analysis
24 and Governmental Accountability shall consult with the Florida
25 Council Against Sexual Violence and the Florida Association
26 for the Treatment of Sexual Abusers in addition to other
27 interested entities that may offer experiences and
28 perspectives unique to this area of research. The report shall
29 be submitted to the President of the Senate and the Speaker of
30 the House of Representatives by January 1, 2006.

31

1 Section 21. Four full-time positions are authorized
2 and the sum of \$196,908 in recurring funds is appropriated
3 from the General Revenue Fund to the Department of Corrections
4 in salaries and benefits for the 2005-2006 fiscal year. The
5 sum of \$15,840 in recurring funds is appropriated from the
6 General Revenue Fund to the Department of Corrections for
7 salary incentive payments for the 2005-2006 fiscal year. The
8 sums of \$26,052 in recurring funds and \$12,920 in nonrecurring
9 funds are appropriated from the General Revenue Fund to the
10 Department of Corrections for expenses for the 2005-2006
11 fiscal year. The sum of \$22,414 in nonrecurring funds is
12 appropriated from the General Revenue Fund to the Department
13 of Corrections for other capital outlay for the 2005-2006
14 fiscal year. The sum of \$3,169,530 in nonrecurring funds is
15 appropriated from the General Revenue Fund to the Department
16 of Corrections for fixed capital outlay for new prison beds,
17 and the sum of \$164,673 in recurring funds is appropriated
18 from the General Revenue Fund to the Department of Corrections
19 for operating costs for the 2005-2006 fiscal year.

20 Section 22. The sum of \$3,928,860 in recurring funds
21 is appropriated from the General Revenue Fund to the
22 Department of Corrections for the 2005-2006 fiscal year for
23 the purpose of increasing by 1,200 units the number of active
24 Global Positioning System electronic monitoring devices
25 available to the court when placing offenders on felony
26 probation or other forms of community supervision authorized
27 in chapters 948 and 947, Florida Statutes.

28 Section 23. Five full-time positions are authorized
29 and the sum of \$209,750 in recurring funds is appropriated
30 from the General Revenue Fund to the Department of Law
31 Enforcement for salaries and benefits for the 2005-2006 fiscal

1 year. The sums of \$32,565 in recurring funds and \$16,150 in
2 nonrecurring funds are appropriated from the General Revenue
3 Fund to the Department of Law Enforcement for expenses for the
4 2005-2006 fiscal year. The sum of \$9,000 in nonrecurring funds
5 is appropriated from the General Revenue Fund to the
6 Department of Law Enforcement for other capital outlay for the
7 2005-2006 fiscal year.

8 Section 24. The sums of \$509,500 in recurring funds
9 and \$2,520,500 in nonrecurring funds are appropriated from the
10 General Revenue Fund to the Office of State Courts
11 Administrator for the 2005-2006 fiscal year for other data
12 processing services.

13 Section 25. This act shall take effect October 1,
14 2005.

15
16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 CS for SB 1216

19 The committee substitute revises the reporting requirements in
20 the Department of Law Enforcement that requires sexual
21 predators to report to their county sheriff's office twice a
22 year. Removes the requirement for the Department of
23 Corrections to establish a specified alert system. In
24 addition, provides \$3.9 million in recurring general revenue
25 which triples the number of electronic monitoring units used
26 by state probation officials. Also, provides \$3.6 million in
27 general revenue and four positions in the Department of
28 Corrections to fund the increased workload requirements and
29 new prison beds that will be needed with the passage of this
30 bill. Funds five positions and \$267,465 in general revenue in
31 the Department of Law Enforcement for additional research and
workload requirements associated with the bill. Provides \$3
million in general revenue to fund enhancements to the Office
of State Courts Administrator's information technology system
to be able to produce a comprehensive criminal history report
that can be used by all the stakeholders.