

Bill No. HB 1877, 1st Eng.

Barcode 244374

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

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2	1/RE/3R	.	
3	04/21/2005 08:53 PM	.	
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9		.	
10		.	

11 Senator Argenziano moved the following amendment:

12

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

14 Delete everything after the enacting clause

15

16 and insert:

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

19 Section 2. Paragraph (a) of subsection (5) of section
20 216.136, Florida Statutes, is amended to read:

21 216.136 Consensus estimating conferences; duties and
22 principals.--

23 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

24 (a) Duties.--The Criminal Justice Estimating

25 Conference shall:

26 1. Develop such official information relating to the
27 criminal justice system, including forecasts of prison
28 admissions and population and of supervised felony offender
29 admissions and population, as the conference determines is
30 needed for the state planning and budgeting system.

31 2. Develop such official information relating to the

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 number of eligible discharges and the projected number of
2 civil commitments for determining space needs pursuant to the
3 civil proceedings provided under part V of chapter 394.

4 3. Develop official information relating to the number
5 of sexual offenders and sexual predators who are required by
6 law to be placed on community control, probation, or
7 conditional release who are subject to electronic monitoring.
8 In addition, the Office of Economic and Demographic Research
9 shall study the factors relating to the sentencing of sex
10 offenders from the point of arrest through the imposition of
11 sanctions by the sentencing court, including original charges,
12 plea negotiations, trial dispositions, and sanctions. The
13 Department of Corrections, the Office of the State Courts
14 Administrator, the Florida Department of Law Enforcement, and
15 the State Attorneys shall provide information deemed necessary
16 for the study. The final report shall be provided to the
17 President of the Senate and Speaker of the House by March 1,
18 2006.

19 Section 3. Paragraph (b) of subsection (4), paragraph
20 (1) of subsection (6), subsection (8), and subsection (10) of
21 section 775.21, Florida Statutes, are amended to read:

22 775.21 The Florida Sexual Predators Act.--

23 (4) SEXUAL PREDATOR CRITERIA.--

24 (b) In order to be counted as a prior felony for
25 purposes of this subsection, the felony must have resulted in
26 a conviction sentenced separately, or an adjudication of
27 delinquency entered separately, prior to the current offense
28 and sentenced or adjudicated separately from any other felony
29 conviction that is to be counted as a prior felony. ~~If the~~
30 ~~offender's prior enumerated felony was committed more than 10~~
31 ~~years before the primary offense, it shall not be considered a~~

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 ~~prior felony under this subsection if the offender has not~~
 2 ~~been convicted of any other crime for a period of 10~~
 3 ~~consecutive years from the most recent date of release from~~
 4 ~~confinement, supervision, or sanction, whichever is later.~~

5 (6) REGISTRATION.--

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

Barcode 244374

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

31

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 The sheriff shall promptly provide to the department the
2 information received from the sexual predator.

3 (8) VERIFICATION.--The department and the Department
4 of Corrections shall implement a system for verifying the
5 addresses of sexual predators. The system must be consistent
6 with the provisions of the federal Jacob Wetterling Act, as
7 amended, and any other federal standards applicable to such
8 verification or required to be met as a condition for the
9 receipt of federal funds by the state. The Department of
10 Corrections shall verify the addresses of sexual predators who
11 are not incarcerated but who reside in the community under the
12 supervision of the Department of Corrections. County and local
13 law enforcement agencies, in conjunction with the department,
14 shall verify the addresses of sexual predators who are not
15 under the care, custody, control, or supervision of the
16 Department of Corrections.

17 (a) A sexual predator must report in person each year
18 during the month of the sexual predator's birthday and during
19 the sixth month following the sexual predator's birth month to
20 the sheriff's office in the county in which he or she resides
21 or is otherwise located to reregister. The sheriff's office
22 may determine the appropriate times and days for reporting by
23 the sexual predator, which shall be consistent with the
24 reporting requirements of this paragraph. Reregistration shall
25 include any changes to the following information:

26 1. Name; social security number; age; race; sex; date
27 of birth; height; weight; hair and eye color; address of any
28 permanent residence and address of any current temporary
29 residence, within the state or out of state, including a rural
30 route address and a post office box; date and place of any
31 employment; vehicle make, model, color, and license tag

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 number; fingerprints; and photograph. A post office box shall
2 not be provided in lieu of a physical residential address.

3 2. If the sexual predator is enrolled, employed, or
4 carrying on a vocation at an institution of higher education
5 in this state, the sexual predator shall also provide to the
6 department the name, address, and county of each institution,
7 including each campus attended, and the sexual predator's
8 enrollment or employment status.

9 3. If the sexual predator's place of residence is a
10 motor vehicle, trailer, mobile home, or manufactured home, as
11 defined in chapter 320, the sexual predator shall also provide
12 vehicle identification number; the license tag number; the
13 registration number; and a description, including color
14 scheme, of the motor vehicle, trailer, mobile home, or
15 manufactured home. If the sexual predator's place of residence
16 is a vessel, live-aboard vessel, or houseboat, as defined in
17 chapter 327, the sexual predator shall also provide the hull
18 identification number; the manufacturer's serial number; the
19 name of the vessel, live-aboard vessel, or houseboat; the
20 registration number; and a description, including color
21 scheme, of the vessel, live-aboard vessel, or houseboat.

22 (b) The sheriff's office shall, within 2 working days,
23 electronically submit and update all information provided by
24 the sexual predator to the department in a manner prescribed
25 by the department. This procedure shall be implemented by
26 December 1, 2005.

27 (10) PENALTIES.--.

28 (a) Except as otherwise specifically provided, a
29 sexual predator who fails to register; who fails, after
30 registration, to maintain, acquire, or renew a driver's
31 license or identification card; who fails to provide required

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 location information or change-of-name information; who fails
2 to make a required report in connection with vacating a
3 permanent residence; who fails to reregister as required; who
4 fails to respond to any address verification correspondence
5 from the department within three weeks of the date of the
6 correspondence; or who otherwise fails, by act or omission, to
7 comply with the requirements of this section, commits a felony
8 of the third degree, punishable as provided in s. 775.082, s.
9 775.083, or s. 775.084.

10 (b) A sexual predator who has been convicted of or
11 found to have committed, or has pled nolo contendere or guilty
12 to, regardless of adjudication, any violation, or attempted
13 violation, of s. 787.01, s. 787.02, or s. 787.025, where the
14 victim is a minor and the defendant is not the victim's
15 parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s.
16 796.03; s. 800.04; s. 827.071; s. 847.0133; or s. 847.0145, or
17 a violation of a similar law of another jurisdiction, when the
18 victim of the offense was a minor, and who works, whether for
19 compensation or as a volunteer, at any business, school, day
20 care center, park, playground, or other place where children
21 regularly congregate, commits a felony of the third degree,
22 punishable as provided in s. 775.082, s. 775.083, or s.
23 775.084.

24 (c) Any person who misuses public records information
25 relating to a sexual predator, as defined in this section, or
26 a sexual offender, as defined in s. 943.0435 or s. 944.607, to
27 secure a payment from such a predator or offender; who
28 knowingly distributes or publishes false information relating
29 to such a predator or offender which the person misrepresents
30 as being public records information; or who materially alters
31 public records information with the intent to misrepresent the

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 information, including documents, summaries of public records
 2 information provided by law enforcement agencies, or public
 3 records information displayed by law enforcement agencies on
 4 websites or provided through other means of communication,
 5 commits a misdemeanor of the first degree, punishable as
 6 provided in s. 775.082 or s. 775.083.

7 (d) A sexual predator who commits any act or omission
 8 in violation of this section may be prosecuted for the act or
 9 omission in the county in which the act or omission was
 10 committed, the county of the last registered address of the
 11 sexual predator, or the county in which the conviction
 12 occurred for the offense or offenses that meet the criteria
 13 for designating a person as a sexual predator. In addition, a
 14 sexual predator may be prosecuted for any such act or omission
 15 in the county in which he or she was designated a sexual
 16 predator.

17 (e) An arrest on charges of failure to register, the
 18 service of an information or a complaint for a violation of
 19 this section, or an arraignment on charges for a violation of
 20 this section constitutes actual notice of the duty to register
 21 when the predator has been provided and advised of his or her
 22 statutory obligation to register under subsection (6). A
 23 sexual predator's failure to immediately register as required
 24 by this section following such arrest, service, or arraignment
 25 constitutes grounds for a subsequent charge of failure to
 26 register. A sexual predator charged with the crime of failure
 27 to register who asserts, or intends to assert, a lack of
 28 notice of the duty to register as a defense to a charge of
 29 failure to register shall immediately register as required by
 30 this section. A sexual predator who is charged with a
 31 subsequent failure to register may not assert the defense of a

Barcode 244374

1 lack of notice of the duty to register.

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

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

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

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

20 3. Conceals or attempts to conceal, or assists another
21 person in concealing or attempting to conceal, the sexual
22 predator; or

23 4. Provides information to the law enforcement agency
24 regarding the sexual predator which the person knows to be
25 false information,

26
27 commits a felony of the third degree, punishable as provided
28 in s. 775.082, s. 775.083, or s. 775.084. This paragraph does
29 not apply if the sexual predator is incarcerated in or is in
30 the custody of a state correctional facility, a private
31 correctional facility, a local jail, or a federal correctional

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 facility.

2 Section 4. Paragraph (a) of subsection (3) of section
3 775.082, Florida Statutes, is amended to read:

4 775.082 Penalties; applicability of sentencing
5 structures; mandatory minimum sentences for certain
6 reoffenders previously released from prison.--

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

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

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

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

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

21 a. A term of imprisonment for life; or

22 b. A split sentence that is a term of not less than 25
23 years imprisonment and not exceeding life imprisonment,
24 followed by probation or community control for the remainder
25 of the person's natural life, as provided in s. 948.012(4).

26 Section 5. Paragraph (b) of subsection (5) of section
27 800.04, Florida Statutes, is amended to read:

28 800.04 Lewd or lascivious offenses committed upon or
29 in the presence of persons less than 16 years of age.--

30 (5) LEWD OR LASCIVIOUS MOLESTATION.--

31 (b) An offender 18 years of age or older who commits

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 lewd or lascivious molestation against a victim less than 12
 2 years of age commits a life felony ~~of the first degree,~~
 3 punishable as provided in s. 775.082(3)(a)4. ~~s. 775.082, s.~~
 4 ~~775.083, or s. 775.084.~~

5 Section 6. Paragraphs (f), (g), and (i) of subsection
 6 (3) of section 921.0022, Florida Statutes, are amended to
 7 read:

8 921.0022 Criminal Punishment Code; offense severity
 9 ranking chart.--

10 (3) OFFENSE SEVERITY RANKING CHART

12 Florida Statute	13 Felony Degree	14 Description
		(f) LEVEL 6
17 316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
19 499.0051(3)	2nd	Forgery of pedigree papers.
20 499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
22 499.0051(5)	2nd	Sale of legend drug to unauthorized person.
24 775.0875(1)	3rd	Taking firearm from law enforcement officer.
26 775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
30 784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.

Bill No. HB 1877, 1st Eng.

Barcode 244374

1	784.021(1)(b)	3rd	Aggravated assault; intent to
2			commit felony.
3	784.041	3rd	Felony battery.
4	784.048(3)	3rd	Aggravated stalking; credible
5			threat.
6	784.048(5)	3rd	Aggravated stalking of person
7			under 16.
8	784.07(2)(c)	2nd	Aggravated assault on law
9			enforcement officer.
10	784.074(1)(b)	2nd	Aggravated assault on sexually
11			violent predators facility staff.
12	784.08(2)(b)	2nd	Aggravated assault on a person 65
13			years of age or older.
14	784.081(2)	2nd	Aggravated assault on specified
15			official or employee.
16	784.082(2)	2nd	Aggravated assault by detained
17			person on visitor or other
18			detainee.
19	784.083(2)	2nd	Aggravated assault on code
20			inspector.
21	787.02(2)	3rd	False imprisonment; restraining
22			with purpose other than those in
23			s. 787.01.
24	790.115(2)(d)	2nd	Discharging firearm or weapon on
25			school property.
26	790.161(2)	2nd	Make, possess, or throw
27			destructive device with intent to
28			do bodily harm or damage
29			property.
30	790.164(1)	2nd	False report of deadly explosive,
31			weapon of mass destruction, or

Bill No. HB 1877, 1st Eng.

Barcode 244374

1			act of arson or violence to state
2			property.
3	790.19	2nd	Shooting or throwing deadly
4			missiles into dwellings, vessels,
5			or vehicles.
6	794.011(8)(a)	3rd	Solicitation of minor to
7			participate in sexual activity by
8			custodial adult.
9	794.05(1)	2nd	Unlawful sexual activity with
10			specified minor.
11	800.04(5)(d)	3rd	Lewd or lascivious molestation;
12			victim 12 years of age or older
13			but less than 16 years; offender
14			less than 18 years.
15	800.04(6)(b)	2nd	Lewd or lascivious conduct;
16			offender 18 years of age or
17			older.
18	806.031(2)	2nd	Arson resulting in great bodily
19			harm to firefighter or any other
20			person.
21	810.02(3)(c)	2nd	Burglary of occupied structure;
22			unarmed; no assault or battery.
23	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
24			but less than \$100,000, grand
25			theft in 2nd degree.
26	812.015(9)	2nd	Retail theft; property stolen
27			\$300 or more; second or
28			subsequent conviction.
29	812.13(2)(c)	2nd	Robbery, no firearm or other
30			weapon (strong-arm robbery).
31			

Bill No. HB 1877, 1st Eng.

Barcode 244374

1	817.034(4)(a)1.	1st	Communications fraud, value
2			greater than \$50,000.
3	817.4821(5)	2nd	Possess cloning paraphernalia
4			with intent to create cloned
5			cellular telephones.
6	825.102(1)	3rd	Abuse of an elderly person or
7			disabled adult.
8	825.102(3)(c)	3rd	Neglect of an elderly person or
9			disabled adult.
10	825.1025(3)	3rd	Lewd or lascivious molestation of
11			an elderly person or disabled
12			adult.
13	825.103(2)(c)	3rd	Exploiting an elderly person or
14			disabled adult and property is
15			valued at less than \$20,000.
16	827.03(1)	3rd	Abuse of a child.
17	827.03(3)(c)	3rd	Neglect of a child.
18	827.071(2)&(3)	2nd	Use or induce a child in a sexual
19			performance, or promote or direct
20			such performance.
21	836.05	2nd	Threats; extortion.
22	836.10	2nd	Written threats to kill or do
23			bodily injury.
24	843.12	3rd	Aids or assists person to escape.
25	847.0135(3)	3rd	Solicitation of a child, via a
26			computer service, to commit an
27			unlawful sex act.
28	914.23	2nd	Retaliation against a witness,
29			victim, or informant, with bodily
30			injury.
31			

Bill No. HB 1877, 1st Eng.

Barcode 244374

1	943.0435(9)	3rd	Sex offenders; failure to comply
2			with reporting requirements.
3	944.35(3)(a)2.	3rd	Committing malicious battery upon
4			or inflicting cruel or inhuman
5			treatment on an inmate or
6			offender on community
7			supervision, resulting in great
8			bodily harm.
9	944.40	2nd	Escapes.
10	944.46	3rd	Harboring, concealing, aiding
11			escaped prisoners.
12	944.47(1)(a)5.	2nd	Introduction of contraband
13			(firearm, weapon, or explosive)
14			into correctional facility.
15	951.22(1)	3rd	Intoxicating drug, firearm, or
16			weapon introduced into county
17			facility.
18			(g) LEVEL 7
19	316.027(1)(b)	2nd	Accident involving death, failure
20			to stop; leaving scene.
21	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
22			injury.
23	316.1935(3)(b)	1st	Causing serious bodily injury or
24			death to another person; driving
25			at high speed or with wanton
26			disregard for safety while
27			fleeing or attempting to elude
28			law enforcement officer who is in
29			a patrol vehicle with siren and
30			lights activated.
31			

Bill No. HB 1877, 1st Eng.

Barcode 244374

1	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
2			bodily injury.
3	402.319(2)	2nd	Misrepresentation and negligence
4			or intentional act resulting in
5			great bodily harm, permanent
6			disfiguration, permanent
7			disability, or death.
8	409.920(2)	3rd	Medicaid provider fraud.
9	456.065(2)	3rd	Practicing a health care
10			profession without a license.
11	456.065(2)	2nd	Practicing a health care
12			profession without a license
13			which results in serious bodily
14			injury.
15	458.327(1)	3rd	Practicing medicine without a
16			license.
17	459.013(1)	3rd	Practicing osteopathic medicine
18			without a license.
19	460.411(1)	3rd	Practicing chiropractic medicine
20			without a license.
21	461.012(1)	3rd	Practicing podiatric medicine
22			without a license.
23	462.17	3rd	Practicing naturopathy without a
24			license.
25	463.015(1)	3rd	Practicing optometry without a
26			license.
27	464.016(1)	3rd	Practicing nursing without a
28			license.
29	465.015(2)	3rd	Practicing pharmacy without a
30			license.
31			

Bill No. HB 1877, 1st Eng.

Barcode 244374

1	466.026(1)	3rd	Practicing dentistry or dental
2			hygiene without a license.
3	467.201	3rd	Practicing midwifery without a
4			license.
5	468.366	3rd	Delivering respiratory care
6			services without a license.
7	483.828(1)	3rd	Practicing as clinical laboratory
8			personnel without a license.
9	483.901(9)	3rd	Practicing medical physics
10			without a license.
11	484.013(1)(c)	3rd	Preparing or dispensing optical
12			devices without a prescription.
13	484.053	3rd	Dispensing hearing aids without a
14			license.
15	494.0018(2)	1st	Conviction of any violation of
16			ss. 494.001-494.0077 in which the
17			total money and property
18			unlawfully obtained exceeded
19			\$50,000 and there were five or
20			more victims.
21	560.123(8)(b)1.	3rd	Failure to report currency or
22			payment instruments exceeding
23			\$300 but less than \$20,000 by
24			money transmitter.
25	560.125(5)(a)	3rd	Money transmitter business by
26			unauthorized person, currency or
27			payment instruments exceeding
28			\$300 but less than \$20,000.
29	655.50(10)(b)1.	3rd	Failure to report financial
30			transactions exceeding \$300 but
31			less than \$20,000 by financial

Bill No. HB 1877, 1st Eng.

Barcode 244374

1			institution.
2	<u>775.21(10)(a)</u>	<u>3rd</u>	<u>Sexual predator; failure to</u>
3			<u>register; failure to renew</u>
4			<u>driver's license or</u>
5			<u>identification card; other</u>
6			<u>registration violations.</u>
7	<u>775.21(10)(b)</u>	<u>3rd</u>	<u>Sexual predator working where</u>
8			<u>children regularly congregate.</u>
9	<u>775.21(10)(g)</u>	<u>3rd</u>	<u>Failure to report or providing</u>
10			<u>false information about a sexual</u>
11			<u>predator; harbor or conceal a</u>
12			<u>sexual predator.</u>
13	782.051(3)	2nd	Attempted felony murder of a
14			person by a person other than the
15			perpetrator or the perpetrator of
16			an attempted felony.
17	782.07(1)	2nd	Killing of a human being by the
18			act, procurement, or culpable
19			negligence of another
20			(manslaughter).
21	782.071	2nd	Killing of human being or viable
22			fetus by the operation of a motor
23			vehicle in a reckless manner
24			(vehicular homicide).
25	782.072	2nd	Killing of a human being by the
26			operation of a vessel in a
27			reckless manner (vessel
28			homicide).
29	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
30			causing great bodily harm or
31			disfigurement.

Bill No. HB 1877, 1st Eng.

Barcode 244374

1	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
2			weapon.
3	784.045(1)(b)	2nd	Aggravated battery; perpetrator
4			aware victim pregnant.
5	784.048(4)	3rd	Aggravated stalking; violation of
6			injunction or court order.
7	784.048(7)	3rd	Aggravated stalking; violation of
8			court order.
9	784.07(2)(d)	1st	Aggravated battery on law
10			enforcement officer.
11	784.074(1)(a)	1st	Aggravated battery on sexually
12			violent predators facility staff.
13	784.08(2)(a)	1st	Aggravated battery on a person 65
14			years of age or older.
15	784.081(1)	1st	Aggravated battery on specified
16			official or employee.
17	784.082(1)	1st	Aggravated battery by detained
18			person on visitor or other
19			detainee.
20	784.083(1)	1st	Aggravated battery on code
21			inspector.
22	790.07(4)	1st	Specified weapons violation
23			subsequent to previous conviction
24			of s. 790.07(1) or (2).
25	790.16(1)	1st	Discharge of a machine gun under
26			specified circumstances.
27	790.165(2)	2nd	Manufacture, sell, possess, or
28			deliver hoax bomb.
29	790.165(3)	2nd	Possessing, displaying, or
30			threatening to use any hoax bomb
31			while committing or attempting to

Bill No. HB 1877, 1st Eng.

Barcode 244374

1			commit a felony.
2	790.166(3)	2nd	Possessing, selling, using, or
3			attempting to use a hoax weapon
4			of mass destruction.
5	790.166(4)	2nd	Possessing, displaying, or
6			threatening to use a hoax weapon
7			of mass destruction while
8			committing or attempting to
9			commit a felony.
10	796.03	2nd	Procuring any person under 16
11			years for prostitution.
12	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
13			victim less than 12 years of age;
14			offender less than 18 years.
15	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
16			victim 12 years of age or older
17			but less than 16 years; offender
18			18 years or older.
19	806.01(2)	2nd	Maliciously damage structure by
20			fire or explosive.
21	810.02(3)(a)	2nd	Burglary of occupied dwelling;
22			unarmed; no assault or battery.
23	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
24			unarmed; no assault or battery.
25	810.02(3)(d)	2nd	Burglary of occupied conveyance;
26			unarmed; no assault or battery.
27	812.014(2)(a)1.	1st	Property stolen, valued at
28			\$100,000 or more; property stolen
29			while causing other property
30			damage; 1st degree grand theft.
31			

Bill No. HB 1877, 1st Eng.

Barcode 244374

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

Bill No. HB 1877, 1st Eng.

Barcode 244374

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	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
26			cocaine (or other drug prohibited
27			under s. 893.03(1)(a), (1)(b),
28			(1)(d), (2)(a), (2)(b), or
29			(2)(c)4.) within 1,000 feet of a
30			child care facility, school, or
31			state, county, or municipal park

Bill No. HB 1877, 1st Eng.

Barcode 244374

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

Bill No. HB 1877, 1st Eng.

Barcode 244374

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

Bill No. HB 1877, 1st Eng.

Barcode 244374

1			<u>requirements.</u>
2	<u>943.0435(8)</u>	<u>2nd</u>	<u>Sexual offender; remains in state</u>
3			<u>after indicating intent to leave;</u>
4			<u>failure to comply with reporting</u>
5			<u>requirements.</u>
6	<u>943.0435(9)(a)</u>	<u>3rd</u>	<u>Sexual offender; failure to</u>
7			<u>comply with reporting</u>
8			<u>requirements.</u>
9	<u>943.0435(13)</u>	<u>3rd</u>	<u>Failure to report or providing</u>
10			<u>false information about a sexual</u>
11			<u>offender; harbor or conceal a</u>
12			<u>sexual offender.</u>
13	<u>943.0435(14)</u>	<u>3rd</u>	<u>Sexual offender; failure to</u>
14			<u>report and reregister; failure to</u>
15			<u>respond to address verification.</u>
16	<u>944.607(9)</u>	<u>3rd</u>	<u>Sexual offender; failure to</u>
17			<u>comply with reporting</u>
18			<u>requirements.</u>
19	<u>944.607(10)(a)</u>	<u>3rd</u>	<u>Sexual offender; failure to</u>
20			<u>submit to the taking of a</u>
21			<u>digitized photograph.</u>
22	<u>944.607(12)</u>	<u>3rd</u>	<u>Failure to report or providing</u>
23			<u>false information about a sexual</u>
24			<u>offender; harbor or conceal a</u>
25			<u>sexual offender.</u>
26	<u>944.607(13)</u>	<u>3rd</u>	<u>Sexual offender; failure to</u>
27			<u>report and reregister; failure to</u>
28			<u>respond to address verification.</u>
29			(i) LEVEL 9
30	316.193		
31	(3)(c)3.b.	1st	DUI manslaughter; failing to

Bill No. HB 1877, 1st Eng.

Barcode 244374

1			render aid or give information.
2	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to
3			render aid or give information.
4	499.0053	1st	Sale or purchase of contraband
5			legend drugs resulting in great
6			bodily harm.
7	560.123(8)(b)3.	1st	Failure to report currency or
8			payment instruments totaling or
9			exceeding \$100,000 by money
10			transmitter.
11	560.125(5)(c)	1st	Money transmitter business by
12			unauthorized person, currency, or
13			payment instruments totaling or
14			exceeding \$100,000.
15	655.50(10)(b)3.	1st	Failure to report financial
16			transactions totaling or
17			exceeding \$100,000 by financial
18			institution.
19	775.0844	1st	Aggravated white collar crime.
20	782.04(1)	1st	Attempt, conspire, or solicit to
21			commit premeditated murder.
22	782.04(3)	1st,PBL	Accomplice to murder in
23			connection with arson, sexual
24			battery, robbery, burglary, and
25			other specified felonies.
26	782.051(1)	1st	Attempted felony murder while
27			perpetrating or attempting to
28			perpetrate a felony enumerated in
29			s. 782.04(3).
30	782.07(2)	1st	Aggravated manslaughter of an
31			elderly person or disabled adult.

Bill No. HB 1877, 1st Eng.

Barcode 244374

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

Bill No. HB 1877, 1st Eng.

Barcode 244374

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

Bill No. HB 1877, 1st Eng.

Barcode 244374

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

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 \$100,000.

2 896.104(4)(a)3. 1st Structuring transactions to evade
3 reporting or registration
4 requirements, financial
5 transactions totaling or
6 exceeding \$100,000.

7 Section 7. Paragraph (o) is added to subsection (5) of
8 section 921.141, Florida Statutes, to read:

9 921.141 Sentence of death or life imprisonment for
10 capital felonies; further proceedings to determine sentence.--

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

13 (o) The capital felony was committed by a person
14 designated as a sexual predator pursuant to s. 775.21 or a
15 person previously designated as a sexual predator who had the
16 sexual-predator designation removed.

17 Section 8. Subsection (5) is added to section 943.043,
18 Florida Statutes, to read:

19 943.043 Toll-free telephone number; Internet
20 notification; sexual predator and sexual offender
21 information.--

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

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 available information concerning any such predator or offender
 2 who fails to respond to address-verification attempts or who
 3 otherwise absconds from registration and provide the
 4 information to local law enforcement agencies in order to
 5 assist the agencies in locating and apprehending the sexual
 6 predator or sexual offender.

7 Section 9. Subsections (13) and (14) are added to
 8 section 943.0435, Florida Statutes, to read:

9 943.0435 Sexual offenders required to register with
 10 the department; penalty.--

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

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

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

26 3. Conceals or attempts to conceal, or assists another
 27 person in concealing or attempting to conceal, the sexual
 28 offender; or

29 4. Provides information to the law enforcement agency
 30 regarding the sexual offender that the person knows to be
 31 false information,

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

(14)(a) A sexual offender must report in person each year during the month of the sexual offender's birthday and during the sixth month following the sexual offender's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this paragraph.

Reregistration shall include any changes to the following information:

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

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

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide vehicle identification number; the license tag number; the

Bill No. HB 1877, 1st Eng.

Barcode 244374

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

10 4. Any sexual offender who fails to report in person
 11 as required at the sheriff's office, or who fails to respond
 12 to any address verification correspondence from the department
 13 within three weeks of the date of the correspondence, commits
 14 a felony of the third degree, punishable as provided in s.
 15 775.082, s. 775.083, or s. 775.084.

16 (b) The sheriff's office shall, within 2 working days,
 17 electronically submit and update all information provided by
 18 the sexual offender to the department in a manner prescribed
 19 by the department. This procedure shall be implemented by
 20 December 1, 2005.

21 Section 10. Section 943.04352, Florida Statutes, is
 22 created to read:

23 943.04352 Search of registration information regarding
 24 sexual predators and sexual offenders required when placement
 25 on misdemeanor probation.--When the court places a defendant
 26 on misdemeanor probation pursuant to ss. 948.01 and 948.15,
 27 the public or private entity providing probation services must
 28 conduct a search of the probationer's name or other
 29 identifying information against the registration information
 30 regarding sexual predators and sexual offenders maintained by
 31 the Department of Law Enforcement under s. 943.043. The

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 probation services provider may conduct the search using the
2 Internet site maintained by the Department of Law Enforcement.

3 Section 11. Subsections (12) and (13) are added to
4 section 944.607, Florida Statutes, to read:

5 944.607 Notification to Department of Law Enforcement
6 of information on sexual offenders.--

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

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

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

22 3. Conceals or attempts to conceal, or assists another
23 person in concealing or attempting to conceal, the sexual
24 offender; or

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

28
29 commits a felony of the third degree, punishable as provided
30 in s. 775.082, s. 775.083, or s. 775.084. This subsection does
31 not apply if the sexual offender is incarcerated in or is in

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 the custody of a state correctional facility, a private
2 correctional facility, a local jail, or a federal correctional
3 facility.

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

12 Reregistration shall include any changes to the following
13 information:

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

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

28 3. If the sexual offender's place of residence is a
29 motor vehicle, trailer, mobile home, or manufactured home, as
30 defined in chapter 320, the sexual offender shall also provide
31 vehicle identification number; the license tag number; the

Bill No. HB 1877, 1st Eng.

Barcode 244374

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

10 4. Any sexual offender who fails to report in person
 11 as required at the sheriff's office, or who fails to respond
 12 to any address verification correspondence from the department
 13 within three weeks of the date of the correspondence, commits
 14 a felony of the third degree, punishable as provided in s.
 15 775.082, s. 775.083, and s. 775.084.

16 (b) The sheriff's office shall, within 2 working days,
 17 electronically submit and update all information provided by
 18 the sexual offender to the Florida Department of Law
 19 Enforcement in a manner prescribed by the Florida Department
 20 of Law Enforcement. This procedure shall be implemented by
 21 December 1, 2005.

22 Section 12. Subsection (10) is added to section
 23 947.1405, Florida Statutes, to read:

24 947.1405 Conditional release program.--

25 (10) Effective for a releasee whose crime was
 26 committed on or after September 1, 2005, in violation of
 27 chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s.
 28 847.0145, and the unlawful activity involved a victim who was
 29 15 years of age or younger and the offender is 18 years of age
 30 or older or for a releasee who is designated as a sexual
 31 predator pursuant to s. 775.21, in addition to any other

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 provision of this section, the commission must order
2 electronic monitoring for the duration of the releasee's
3 supervision.

4 Section 13. Subsection (4) of section 948.06, Florida
5 Statutes, is amended to read:

6 948.06 Violation of probation or community control;
7 revocation; modification; continuance; failure to pay
8 restitution or cost of supervision.--

9 (4) Notwithstanding any other provision of this
10 section, a probationer or an offender in community control who
11 is arrested for violating his or her probation or community
12 control in a material respect may be taken before the court in
13 the county or circuit in which the probationer or offender was
14 arrested. That court shall advise him or her of such charge of
15 a violation and, if such charge is admitted, shall cause him
16 or her to be brought before the court which granted the
17 probation or community control. If such violation is not
18 admitted by the probationer or offender, the court may commit
19 him or her or release him or her with or without bail to await
20 further hearing. However, if the probationer or offender is
21 under supervision for any criminal offense proscribed in
22 chapter 794, s. 800.04(4), s. 800.04(5), s. 800.04(6), s.
23 827.071, or s. 847.0145, or is a registered sexual predator or
24 a registered sexual offender, or is under supervision for a
25 criminal offense for which he or she would meet the
26 registration criteria in s. 775.21, s. 943.0435, or s. 944.607
27 but for the effective date of those sections, the court must
28 make a finding that the probationer or offender is not a
29 danger to the public prior to release with or without bail. In
30 determining the danger posed by the offender or probationer's
31 release, the court may consider the nature and circumstances

1 of the violation and any new offenses charged; the offender or
 2 probationer's past and present conduct, including convictions
 3 of crimes; any record of arrests without conviction for crimes
 4 involving violence or sexual crimes; any other evidence of
 5 allegations of unlawful sexual conduct or the use of violence
 6 by the offender or probationer; the offender or probationer's
 7 family ties, length of residence in the community, employment
 8 history, and mental condition; his or her history and conduct
 9 during the probation or community control supervision from
 10 which the violation arises and any other previous
 11 supervisions, including disciplinary records of previous
 12 incarcerations; the likelihood that the offender or
 13 probationer will engage again in a criminal course of conduct;
 14 the weight of the evidence against the offender or
 15 probationer; and any other facts the court considers relevant.

16 The court, as soon as is practicable, shall give the
 17 probationer or offender an opportunity to be fully heard on
 18 his or her behalf in person or by counsel. After such hearing,
 19 the court shall make findings of fact and forward the findings
 20 to the court which granted the probation or community control
 21 and to the probationer or offender or his or her attorney. The
 22 findings of fact by the hearing court are binding on the court
 23 which granted the probation or community control. Upon the
 24 probationer or offender being brought before it, the court
 25 which granted the probation or community control may revoke,
 26 modify, or continue the probation or community control or may
 27 place the probationer into community control as provided in
 28 this section.

29 Section 14. Subsection 948.012, Florida Statutes, is
 30 amended to read:

31 948.012 Split sentence of probation or community

Barcode 244374

1 control and imprisonment.--

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

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

20 (a) If the offender meets the terms and conditions of
21 probation or community control, any term of incarceration may
22 be modified by court order to eliminate the term of
23 incarceration.

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

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 community control term toward a subsequent term of probation
 2 or community control. However, the court may not impose a
 3 subsequent term of probation or community control which, when
 4 combined with any amount of time served on preceding terms of
 5 probation or community control for offenses pending before the
 6 court for sentencing, would exceed the maximum penalty
 7 allowable as provided in s. 775.082. Such term of
 8 incarceration shall be served under applicable law or county
 9 ordinance governing service of sentences in state or county
 10 jurisdiction. This paragraph does not prohibit any other
 11 sanction provided by law.

12 (3) The court may also impose split probation whereby,
 13 upon satisfactory completion of half the term of probation,
 14 the Department of Corrections may place the offender on
 15 administrative probation for the remainder of the term of
 16 supervision.

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

28 Section 15. Section 948.061, Florida Statutes, is
 29 created to read:

30 948.061 Identifying, assessing, and monitoring
 31 high-risk sex offenders on community supervision; providing

Barcode 244374

1 cumulative criminal and supervision histories on the
2 Internet.--

3 (1) By December 1, 2005, the department shall develop
4 a graduated risk assessment that identifies, assesses, and
5 closely monitors a high-risk sex offender who is placed on
6 probation or in community control and who:

7 (a) Has previously been placed on probation or in
8 community control and has a history of committing multiple
9 violations of community supervision in this state or in any
10 other jurisdiction or have previously been incarcerated in
11 this state or in any other jurisdiction; and

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

- 15 1. Previous conviction for domestic violence;
- 16 2. History of substance abuse;
- 17 3. Unemployment or substantial financial difficulties;
- 18 4. Previous conviction for violence or sex acts
19 against children, particularly involving strangers; or
- 20 5. Any other risk factor identified by the department.

21 (2) To facilitate the information available to the
22 court at first appearance hearings and at all subsequent
23 hearings for these high-risk sex offenders, the department
24 shall, no later than March 1, 2006, post on FDLE's Criminal
25 Justice Intranet a cumulative chronology of the sex offender's
26 prior terms of state probation and community control,
27 including all substantive or technical violations of state
28 probation or community control. The sheriff's office in the
29 county where the arrested person is booked shall insure that
30 state and national criminal history information and all
31 criminal justice information available in the Florida Crime

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 Information Center and the National Crime Information Center,
 2 is provided to the court at the time of the first appearance.
 3 The courts shall assist the department's dissemination of
 4 critical information by creating and maintaining an automated
 5 system to provide the information as specified in this
 6 subsection and by providing the necessary technology in the
 7 courtroom to deliver the information.

8 (3) In monitoring the location of high-risk sex
 9 offenders, the department, shall, no later than October 1,
 10 2006, have fingerprint-reading equipment and capability that
 11 will immediately identify the probationer or community
 12 controllee when they report to their designated probation
 13 officer and alert department probation officials when
 14 probationers and community controllees are subsequently
 15 rearrested.

16 Section 16. Section 948.062, Florida Statutes, is
 17 created to read:

18 948.062 Reviewing and reporting serious offenses
 19 committed by offenders placed on probation or community
 20 control.--

21 (1) The department shall review the circumstances
 22 related to an offender placed on probation or community
 23 control who has been arrested while on supervision for the
 24 following offenses:

- 25 (a) Any murder as provided in s. 782.04;
- 26 (b) Any sexual battery as provided in s. 794.011 or s.
 27 794.023;
- 28 (c) Any sexual performance by a child as provided in
 29 s. 827.071;
- 30 (d) Any kidnapping, false imprisonment, or luring of a
 31 child as provided in s. 787.01, s. 782.07, or s. 787.025;

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 (e) Any lewd and lascivious battery or lewd and
2 lascivious molestation as provided in s. 800.04(4) or s.
3 800.04(5);

4 (f) Any aggravated child abuse as provided in s.
5 827.03(2);

6 (g) Any robbery with a firearm or other deadly weapon,
7 home invasion robbery, or carjacking as provided in s.
8 812.13(2)(a), s. 812.135, or s. 812.133;

9 (h) Any aggravated stalking as provided in s.
10 784.048(3), (4), or (5);

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

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

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

31 Section 17. Section 948.063, Florida Statutes, is

Barcode 244374

1 created to read:

2 948.063 Violations of probation or community control
3 by designated sexual offenders and sexual predators.--If
4 probation or community control is revoked by the court
5 pursuant to s. 948.06(2)(e) and the offender is designated as
6 a sexual offender or sexual predator pursuant to s. 775.21 for
7 unlawful sexual activity involving a victim 15 years of age or
8 younger and the offender is 18 years of age or older, and if
9 the court imposes a subsequent term of supervision following
10 the revocation of probation or community control, the court
11 must order electronic monitoring as a condition of the
12 subsequent term of probation or community control.

13 Section 18. Section 948.11, Florida Statutes, is
14 amended to read:

15 948.11 Electronic monitoring devices.--

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

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

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

26 (3) For those offenders being electronically
27 monitored, the Department of Corrections shall develop
28 procedures to determine, investigate, and report the
29 offender's noncompliance with the terms and conditions of
30 sentence 24 hours per day. All reports of noncompliance shall
31 be immediately investigated by a community control officer.

Bill No. HB 1877, 1st Eng.

Barcode 244374

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

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

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

20 (7) A person who intentionally alters, tampers with,
 21 damages or destroys any electronic monitoring equipment
 22 pursuant to court or commission order, unless such person is
 23 the owner of the equipment, or an agent of the owner,
 24 performing ordinary maintenance and repairs commits a felony
 25 of the third degree, punishable as provided in s. 775.082, s.
 26 775.083, or s. 775.084.

27 Section 19. Section 948.15, Florida Statutes, is
 28 amended to read:

29 948.15 Misdemeanor probation services.--

30 (1) Defendants found guilty of misdemeanors who are
 31 placed on probation shall be under supervision not to exceed 6

Barcode 244374

1 months unless otherwise specified by the court. In relation
2 to any offense other than a felony in which the use of alcohol
3 is a significant factor, the period of probation may be up to
4 1 year.

5 (2) A private entity or public entity under the
6 supervision of the board of county commissioners or the court
7 may provide probation services for offenders sentenced by the
8 county court.

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

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

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

22 (c) Staffing levels.

23 (d) The number of face-to-face contacts with the
24 offender.

25 (e) Procedures for handling the collection of all
26 offender fees and restitution.

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

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

31 (h) Reporting and recordkeeping requirements.

Bill No. HB 1877, 1st Eng.

Barcode 244374

- 1 (i) Default and contract termination procedures.
- 2 (j) Procedures that aid offenders with job assistance.
- 3 (k) Procedures for accessing criminal history records
- 4 of probationers.

5

6 In addition, the entity shall supply the chief judge's office

7 with a quarterly report summarizing the number of offenders

8 supervised by the private entity, payment of the required

9 contribution under supervision or rehabilitation, and the

10 number of offenders for whom supervision or rehabilitation

11 will be terminated. All records of the entity must be open to

12 inspection upon the request of the county, the court, the

13 Auditor General, the Office of Program Policy Analysis and

14 Government Accountability, or agents thereof.

15 (4) A private entity that provides court-ordered

16 services to offenders and that charges a fee for such services

17 must register with the board of county commissioners in the

18 county in which the services are offered. The entity shall

19 provide the following information for each program it

20 operates:

21 (a) The length of time the program has been operating

22 in the county.

23 (b) A list of the staff and a summary of their

24 qualifications.

25 (c) A summary of the types of services that are

26 offered under the program.

27 (d) The fees the entity charges for court-ordered

28 services and its procedures, if any, for handling indigent

29 offenders.

30 (5) The private entity providing misdemeanor

31 supervision services shall also comply with all other

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 applicable provisions of law.

2 Section 20. Subsection (2) of section 948.30, Florida
3 Statutes, is amended and subsection (3) is added to that
4 section to read:

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

11 (2) Effective for a probationer or community
12 controllee whose crime was committed on or after October 1,
13 1997, and who is placed on community control or sex offender
14 probation for a violation of chapter 794, s. 800.04, s.
15 827.071, or s. 847.0145, in addition to any other provision of
16 this subsection, the court must impose the following
17 conditions of probation or community control:

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

28 (b) Maintenance of a driving log and a prohibition
29 against driving a motor vehicle alone without the prior
30 approval of the supervising officer.

31 (c) A prohibition against obtaining or using a post

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 office box without the prior approval of the supervising
2 officer.

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

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

11 (3) Effective for a probationer or community
12 controllee whose crime was committed on or after September 1,
13 2005, and who:

14 (a) Is placed on probation or community control for a
15 violation of chapter 794, s. 800.04(4), (5), or (6), s.
16 827.071, or s. 847.0145 and the unlawful sexual activity
17 involved a victim 15 years of age or younger and the offender
18 is 18 years of age or older;

19 (b) Is designated a sexual predator pursuant to s.
20 775.21; or

21 (c) Has previously been convicted of a violation of
22 chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s.
23 847.0145 and the unlawful sexual activity involved a victim 15
24 years of age or younger and the offender is 18 years of age or
25 older,

26
27 the court must order, in addition to any other provision of
28 this section, mandatory electronic monitoring as a condition
29 of the probation or community control supervision.

30 Section 21. Subsection (1) of section 1012.465,
31 Florida Statutes, is amended to read:

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 1012.465 Background screening requirements for certain
2 noninstructional school district employees and contractors.--

3 (1) Noninstructional school district employees or
4 contractual personnel who are permitted access on school
5 grounds when students are present, who have direct contact
6 with students or who have access to or control of school funds
7 must meet level 2 screening requirements as described in s.

8 1012.32. Contractual personnel shall include any vendor,
9 individual, or entity under contract with the school board.

10 Section 22. (1)(a) There is created within the
11 Department of Law Enforcement a task force for the purpose of
12 examining the collection and dissemination of offender
13 information within the criminal justice system and community.
14 The task force shall recommend strategies and actions that may
15 be implemented to enhance coordination and cooperation among
16 the various entities within the criminal justice system with a
17 common goal of public safety.

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

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

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

27 2. The collection and dissemination of offender
28 information, including criminal history and any other
29 pertinent matters, to the court, the prosecuting attorney and
30 defense counsel at all court appearances subsequent to first
31 appearance.

Bill No. HB 1877, 1st Eng.

Barcode 244374

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

4 4. Any other subject that the task force deems
5 relevant to the collection and dissemination of offender
6 information within the criminal justice system and community.

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

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

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

25 Section 23. The Office of Program Policy Analysis and
26 Governmental Accountability shall perform a study of the
27 effectiveness of Florida's sexual predator and sexual offender
28 registration process and community and public notification
29 provisions. As part of determining the effectiveness os the
30 registration process, the OPPAGA shall examine the current
31 practices of: the Department of Corrections, county probation

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 offices, clerk of courts, court administrators, county jails
2 and booking facilities, Department of Children and Family
3 Services, judges, state attorneys offices, Department of
4 Highway Safety and Motor Vehicles, Department of Law
5 Enforcement, and local law enforcement agencies as they relate
6 to: sharing of offender information regarding registered
7 sexual predators and sexual offenders for purposes of
8 fulfilling the requirements set fourth in the registration
9 laws; ensuring the most accurate, current and comprehensive
10 information is provided in a timely manner to the registry;
11 ensuring the effective supervision and subsequent monitoring
12 of sexual predators and offenders; and ensuring informed
13 decisions are made at each point of the criminal justice and
14 registration process. In addition to determining the
15 effectiveness of the registration process, the report shall
16 focus on the question of whether the notification provisions
17 in statute are sufficient to apprise communities of the
18 presence of sexual predators and sexual offenders. The report
19 shall examine how local law enforcement agencies collect and
20 disseminate information in an effort to notify the public and
21 communities of the presence of sexual predators and offenders.
22 If the report finds deficiencies in the registration process,
23 the notification provisions, or both, the report shall provide
24 options for correcting those deficiencies and shall include
25 the projected cost of implementing those options. In
26 conducting the study, the Office of Program Policy Analysis
27 and Governmental Accountability shall consult with the Florida
28 Council Against Sexual Violence and the Florida Association
29 for the Treatment of Sexual Abusers in addition to other
30 interested entities that may offer experiences and
31 perspectives unique to this area of research. The report shall

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 be submitted to the President of the Senate and the Speaker of
2 the House of Representatives by January 1, 2006.

3 Section 24. Four full-time positions are authorized
4 and the sum of \$196,908 in recurring funds is appropriated
5 from the General Revenue Fund to the Department of Corrections
6 in salaries and benefits for the 2005-2006 fiscal year. The
7 sum of \$15,840 in recurring funds is appropriated from the
8 General Revenue Fund to the Department of Corrections for
9 salary incentive payments for the 2005-2006 fiscal year. The
10 sums of \$26,052 in recurring funds and \$12,920 in nonrecurring
11 funds are appropriated from the General Revenue Fund to the
12 Department of Corrections for expenses for the 2005-2006
13 fiscal year. The sum of \$121,114 in nonrecurring funds is
14 appropriated from the General Revenue Fund to the Department
15 of Corrections for other capital outlay for the 2005-2006
16 fiscal year. The sum of \$3,169,530 in nonrecurring funds is
17 appropriated from the General Revenue Fund to the Department
18 of Corrections for fixed capital outlay for new prison beds,
19 and the sum of \$164,673 in recurring funds is appropriated
20 from the General Revenue Fund to the Department of Corrections
21 for operating costs for the 2005-2006 fiscal year.

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

30 Section 26. Nine full-time positions are authorized
31 and the sum of \$389,905 in recurring funds is appropriated

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 from the General Revenue Fund to the Department of Law
2 Enforcement for salaries and benefits for the 2005-2006 fiscal
3 year. The sums of \$58,617 in recurring funds and \$77,070 in
4 nonrecurring funds are appropriated from the General Revenue
5 Fund to the Department of Law Enforcement for expenses for the
6 2005-2006 fiscal year. The sum of \$94,200 in nonrecurring
7 funds is appropriated from the General Revenue Fund to the
8 Department of Law Enforcement for operating capital outlay for
9 the 2005-06 fiscal year. The sums of \$143,000 in recurring
10 funds and \$521,000 in nonrecurring funds are appropriated from
11 the General Revenue Fund to the Department of Law Enforcement
12 for other personal services for the 2005-2006 fiscal year.

13 Section 27. The sums of \$509,500 in recurring funds
14 and \$2,520,500 in nonrecurring funds are appropriated from the
15 General Revenue Fund to the Office of State Courts
16 Administrator for the 2005-2006 fiscal year for other data
17 processing services.

18 Section 28. This act shall take effect September 1,
19 2005.

20
21
22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete everything before the enacting clause

25
26 and insert:

27 A bill to be entitled
28 An act relating to high-risk offenders;
29 providing a short title; amending s. 216.136,
30 F.S.; assigning additional responsibilities of
31 the Criminal Justice Estimating Conference;

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 requiring a study; amending s. 775.21, F.S.;

2 revising sexual predator criteria; extending

3 the period for a petition to remove a sexual

4 predator designation; requiring twice yearly

5 reregistration by sexual predators; requiring

6 reregistration information be provided to the

7 Department of Law Enforcement; providing

8 criminal offenses for failing to reregister,

9 failing to respond to address verification,

10 failing to report or providing false

11 information about a sexual predator, and

12 harboring or concealing a sexual predator;

13 requiring twice yearly reregistration by sexual

14 predators; requiring reregistration information

15 be provided to the Department of Law

16 Enforcement; providing criminal offenses for

17 failing to reregister, failing to respond to

18 address verification, failing to report or

19 providing false information about a sexual

20 predator, and harboring or concealing a sexual

21 predator; amending s. 775.082, F.S.; providing

22 for specified sentencing of persons convicted

23 of the life felony offense in s. 800.04(5)(b),

24 F.S.; providing for 25-year mandatory minimum

25 term of imprisonment; amending s. 800.04, F.S.;

26 providing that it is a life felony for an

27 offender 18 years of age or older to commit

28 lewd or lascivious molestation against a victim

29 younger than 12 years of age; amending s.

30 921.0022, F.S.; deleting ranking for offenses

31 involving sexual predators and sexual offenders

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 failing to comply with registration
2 requirements; ranking offenses involving sexual
3 predators and sexual offenders failing to
4 comply with registration requirements and other
5 requirements; ranking new criminal offenses for
6 failing to reregister, failing to respond to
7 address verification, failing to report or
8 providing false information about a sexual
9 predator or sexual offender, and harboring or
10 concealing a sexual predator or sexual
11 offender; correcting a reference to the felony
12 degree of a lewd or lascivious offense;
13 amending s. 921.141, F.S.; providing an
14 additional aggravating circumstance pertaining
15 to sexual predators for the purpose of imposing
16 the death penalty; amending s. 943.043, F.S.,
17 requiring the Department of Law Enforcement to
18 provide to local law enforcement agencies
19 information on sexual predators and sexual
20 offenders who fail to respond to address
21 verification attempts or abscond from
22 registration; amending s. 943.0435, F.S.;
23 requiring twice yearly reregistration by sexual
24 offenders; requiring reregistration information
25 be provided to the Department of Law
26 Enforcement; providing criminal offenses for
27 failing to reregister, failing to respond to
28 address verification, failing to report or
29 providing false information about a sexual
30 offender, and harboring or concealing a sexual
31 offender; creating s. 943.04352, F.S.;

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 requiring a search of the sexual offender and
2 sexual predator registry by entities providing
3 probation services; amending s. 944.607, F.S.;
4 requiring twice yearly reregistration by sexual
5 offenders; requiring reregistration information
6 be provided to the Department of Law
7 Enforcement; providing criminal offenses for
8 failing to reregister, failing to respond to
9 address verification, failing to report or
10 providing false information about a sexual
11 offender, and harboring or concealing a sexual
12 offender; amending s. 947.1405, F.S.; requiring
13 electronic monitoring for certain offenders
14 placed on conditional release supervision;
15 amending s. 948.06(4), F.S.; requiring a court
16 finding with regard to dangerousness to the
17 public prior to release on bail under certain
18 circumstances; amending s. 948.012, F.S.;
19 requiring the court to impose a split sentence
20 in certain circumstances; creating s. 948.061,
21 F.S.; requiring the Department of Corrections
22 to develop a risk assessment system to monitor
23 certain offenders placed on probation or
24 community control; requiring increased
25 supervision of such offenders under certain
26 circumstances; requiring that information be
27 provided via FDLE's Criminal Justice Intranet
28 to the court by the correctional probation
29 officer; requiring the court to assist the
30 department by creating and maintaining an
31 automated system; requiring the department to

Bill No. HB 1877, 1st Eng.

Barcode 244374

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

Bill No. HB 1877, 1st Eng.

Barcode 244374

1 1012.465(1), F.S.; clarifying background
2 screening requirements for contractual
3 personnel who have access on school grounds;
4 creating a task force within the Department of
5 Law Enforcement; requiring the task force to
6 examine the collection and dissemination of
7 offender information within the criminal
8 justice system and community; prescribing task
9 force membership; requiring that the task force
10 submit findings and recommendations to the
11 Governor and the Legislature; requiring
12 cooperation by state agencies; providing for
13 abolishing the task force on a specified date;
14 requiring the Office of Program Policy Analysis
15 and Governmental Accountability to perform a
16 study of and report to the Legislature on the
17 effectiveness of Florida's sexual predator and
18 sexual offender registries and community and
19 public notification provisions; providing
20 appropriations and authorizing positions;
21 providing an effective date.

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