

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.
.
.

1 Representative Dean offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. This act may be cited as the "Jessica Lunsford
6 Act."

7 Section 2. Paragraph (a) of subsection (5) of section
8 216.136, Florida Statutes, is amended to read:

9 216.136 Consensus estimating conferences; duties and
10 principals.--

11 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

12 (a) Duties.--The Criminal Justice Estimating Conference
13 shall:

14 1. Develop such official information relating to the
15 criminal justice system, including forecasts of prison

708283

Amendment No. (for drafter's use only)

16 admissions and population and of supervised felony offender
17 admissions and population, as the conference determines is
18 needed for the state planning and budgeting system.

19 2. Develop such official information relating to the
20 number of eligible discharges and the projected number of civil
21 commitments for determining space needs pursuant to the civil
22 proceedings provided under part V of chapter 394.

23 3. Develop official information relating to the number of
24 sexual offenders and sexual predators who are required by law to
25 be placed on community control, probation, or conditional
26 release who are subject to electronic monitoring.

27 Section 3. Paragraph (a) of subsection (3) of section
28 775.082, Florida Statutes, is amended to read:

29 775.082 Penalties; applicability of sentencing structures;
30 mandatory minimum sentences for certain reoffenders previously
31 released from prison.--

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

34 (a)1. For a life felony committed prior to October 1,
35 1983, by a term of imprisonment for life or for a term of years
36 not less than 30.

37 2. For a life felony committed on or after October 1,
38 1983, by a term of imprisonment for life or by a term of
39 imprisonment not exceeding 40 years.

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

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

42 imprisonment for life or by imprisonment for a term of years not
43 exceeding life imprisonment.

44 4. For a life felony committed on or after September 1,
45 2005, which is a violation of s. 800.04(5)(b), by:

46 a. A term of imprisonment for life; or

47 b. A split sentence that is a term of not less than 25
48 years imprisonment and not exceeding life imprisonment, followed
49 by probation or community control for the remainder of the
50 person's natural life and subject to a system of active
51 electronic monitoring that identifies the location of a
52 monitored offender and that can produce, upon request, reports
53 or records of the offender's presence near or within a crime
54 scene or prohibited area or the offender's departure from a
55 specified geographic location.

56 Section 4. Section 775.0821, Florida Statutes, is created
57 to read:

58 775.0821 Tampering with or removal of electronic
59 monitoring device.--

60 (1) Any person subject to electronic monitoring provided
61 in s. 775.082(3)(a)4.b., s. 947.1406, or s. 948.11(6) who, for
62 the purpose of facilitating the commission of a crime, removes,
63 defaces, alters, destroys, or fails to maintain the electronic
64 monitoring device in working order commits a felony of the first
65 degree, punishable as provided in s. 775.082 or s. 775.083.

66 (2) Any person subject to electronic monitoring under s.
67 775.082 must follow instructions provided by the Department of
68 Corrections or the electronic monitoring device manufacturer to

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

69 maintain the electronic monitoring device in working order.
70 Incidental damage or defacement of the electronic monitoring
71 device must be reported to the Department of Corrections within
72 2 hours. Failure to comply with the reporting requirement of
73 this subsection is a felony of the third degree, punishable as
74 provided in s. 775.082 or s. 775.083.

75 Section 5. Paragraph (b) of subsection (4), paragraphs
76 (a), (b), and (1) of subsection (6), and paragraph (a) of
77 subsection (10) of section 775.21, Florida Statutes, are
78 amended, and paragraph (m) is added to subsection (6) of said
79 section, to read:

80 775.21 The Florida Sexual Predators Act.--

81 (4) SEXUAL PREDATOR CRITERIA.--

82 (b) In order to be counted as a prior felony for purposes
83 of this subsection, the felony must have resulted in a
84 conviction ~~sentenced separately,~~ or an adjudication of
85 delinquency ~~entered separately,~~ prior to the current offense ~~and~~
86 ~~sentenced or adjudicated separately from any other felony~~
87 ~~conviction that is to be counted as a prior felony. If the~~
88 ~~offender's prior enumerated felony was committed more than 10~~
89 ~~years before the primary offense, it shall not be considered a~~
90 ~~prior felony under this subsection if the offender has not been~~
91 ~~convicted of any other crime for a period of 10 consecutive~~
92 ~~years from the most recent date of release from confinement,~~
93 ~~supervision, or sanction, whichever is later.~~

94 (6) REGISTRATION.--

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

95 (a) A sexual predator must register with the department by
96 providing the following information to the department:

97 1. Name, social security number, age, race, sex, date of
98 birth, height, weight, hair and eye color, photograph, address
99 of legal residence and address of any current temporary
100 residence, within the state or out of state, including a rural
101 route address and a post office box, date and place of any
102 employment, date and place of each conviction, fingerprints, and
103 a brief description of the crime or crimes committed by the
104 offender. In addition, any sexual predator sentenced to
105 electronic monitoring provided in s. 775.082(3)(a)4.b., s.
106 947.1406, or s. 948.11(6) must provide that information to the
107 department. A post office box shall not be provided in lieu of a
108 physical residential address.

109 a. If the sexual predator's place of residence is a motor
110 vehicle, trailer, mobile home, or manufactured home, as defined
111 in chapter 320, the sexual predator shall also provide to the
112 department written notice of the vehicle identification number;
113 the license tag number; the registration number; and a
114 description, including color scheme, of the motor vehicle,
115 trailer, mobile home, or manufactured home. If a sexual
116 predator's place of residence is a vessel, live-aboard vessel,
117 or houseboat, as defined in chapter 327, the sexual predator
118 shall also provide to the department written notice of the hull
119 identification number; the manufacturer's serial number; the
120 name of the vessel, live-aboard vessel, or houseboat; the

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

121 registration number; and a description, including color scheme,
122 of the vessel, live-aboard vessel, or houseboat.

123 b. If the sexual predator is enrolled, employed, or
124 carrying on a vocation at an institution of higher education in
125 this state, the sexual predator shall also provide to the
126 department the name, address, and county of each institution,
127 including each campus attended, and the sexual predator's
128 enrollment or employment status. Each change in enrollment or
129 employment status shall be reported in person at the sheriff's
130 office, or the Department of Corrections if the sexual predator
131 is in the custody or control of or under the supervision of the
132 Department of Corrections, within 48 hours after any change in
133 status. The sheriff or the Department of Corrections shall
134 promptly notify each institution of the sexual predator's
135 presence and any change in the sexual predator's enrollment or
136 employment status.

137 2. Any other information determined necessary by the
138 department, including criminal and corrections records;
139 nonprivileged personnel and treatment records; and evidentiary
140 genetic markers when available.

141 (b) If the sexual predator is in the custody or control
142 of, or under the supervision of, the Department of Corrections,
143 or is in the custody of a private correctional facility, the
144 sexual predator must register with the Department of
145 Corrections. The Department of Corrections shall provide to the
146 department registration information and the location of, and
147 local telephone number for, any Department of Corrections office

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

148 that is responsible for supervising the sexual predator. ~~In~~
149 ~~addition,~~ The Department of Corrections shall also notify the
150 department if the sexual predator escapes or absconds from
151 custody or supervision or if the sexual predator dies. In
152 addition, for any sexual predator sentenced to electronic
153 monitoring provided in s. 775.082(3)(a)4.b., s. 947.1406, or s.
154 948.11(6), the Department of Corrections must provide that
155 information to the department.

156 (1) A sexual predator must maintain registration with the
157 department for the duration of his or her life, unless the
158 sexual predator has received a full pardon or has had a
159 conviction set aside in a postconviction proceeding for any
160 offense that met the criteria for the sexual predator
161 designation. However, a sexual predator who was designated as a
162 sexual predator by a court before October 1, 1998, and who has
163 been lawfully released from confinement, supervision, or
164 sanction, whichever is later, for at least 10 years and has not
165 been arrested for any felony or misdemeanor offense since
166 release, may petition the criminal division of the circuit court
167 in the circuit in which the sexual predator resides for the
168 purpose of removing the sexual predator designation. A sexual
169 predator who was designated a sexual predator by a court on or
170 after October 1, 1998, who has been lawfully released from
171 confinement, supervision, or sanction, whichever is later, for
172 at least 20 years, and who has not been arrested for any felony
173 or misdemeanor offense since release may petition the criminal
174 division of the circuit court in the circuit in which the sexual

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

175 predator resides for the purpose of removing the sexual predator
176 designation. A sexual predator who was designated a sexual
177 predator by a court on or after October 1, 2005, who has been
178 lawfully released from confinement, supervision, or sanction,
179 whichever is later, for at least 30 years and who has not been
180 arrested for any felony or misdemeanor offense since release may
181 petition the criminal division of the circuit court in the
182 circuit in which the sexual predator resides for the purpose of
183 removing the sexual predator designation. The court may grant or
184 deny such relief if the petitioner demonstrates to the court
185 that he or she has not been arrested for any crime since
186 release, the requested relief complies with the provisions of
187 the federal Jacob Wetterling Act, as amended, and any other
188 federal standards applicable to the removal of the designation
189 as a sexual predator or required to be met as a condition for
190 the receipt of federal funds by the state, and the court is
191 otherwise satisfied that the petitioner is not a current or
192 potential threat to public safety. The state attorney in the
193 circuit in which the petition is filed must be given notice of
194 the petition at least 3 weeks before the hearing on the matter.
195 The state attorney may present evidence in opposition to the
196 requested relief or may otherwise demonstrate the reasons why
197 the petition should be denied. If the court denies the petition,
198 the court may set a future date at which the sexual predator may
199 again petition the court for relief, subject to the standards
200 for relief provided in this paragraph. Unless specified in the
201 order, a sexual predator who is granted relief under this

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

202 paragraph must comply with the requirements for registration as
203 a sexual offender and other requirements provided under s.
204 943.0435 or s. 944.607. If a petitioner obtains an order from
205 the court that imposed the order designating the petitioner as a
206 sexual predator which removes such designation, the petitioner
207 shall forward a certified copy of the written findings or order
208 to the department in order to have the sexual predator
209 designation removed from the sexual predator registry.

210 (m)1. A sexual predator must report in person each year
211 during the month of the sexual predator's date of birth and
212 during the sixth month following the sexual predator's birth
213 month to the sheriff's office in the county in which he or she
214 resides or is otherwise located to reregister. The sheriff's
215 office may determine the appropriate times and days for
216 reporting by the sexual predator, which shall be consistent with
217 the reporting requirements of this paragraph. Reregistration
218 shall include any changes to information provided in paragraph
219 (a).

220 2. The sheriff's office shall, within 2 working days,
221 electronically submit and update all information provided by the
222 sexual predator to the department in a manner prescribed by the
223 department. This procedure shall be implemented by December 1,
224 2005.

225
226 The sheriff shall promptly provide to the department the
227 information received from the sexual predator.

228 (10) PENALTIES.--

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

229 (a) Except as otherwise specifically provided, a sexual
230 predator who fails to register; who fails, after registration,
231 to maintain, acquire, or renew a driver's license or
232 identification card; who fails to provide required location
233 information or change-of-name information; who fails to make a
234 required report in connection with vacating a permanent
235 residence; who fails to reregister as required; who fails to
236 respond to any address verification correspondence from the
237 department within three weeks of the date of the correspondence;
238 or who otherwise fails, by act or omission, to comply with the
239 requirements of this section, commits a felony of the third
240 degree, punishable as provided in s. 775.082, s. 775.083, or s.
241 775.084.

242 Section 6. Section 775.235, Florida Statutes, is created
243 to read:

244 775.235 Harboring sexual predator or sexual offender.--Any
245 person who knows or has reasonable cause to believe that a
246 sexual predator or sexual offender is not complying, or has not
247 complied, with the requirements of s. 775.21, s. 943.0435, or s.
248 944.607 and who, with the intent to assist the sexual predator
249 or sexual offender in eluding a law enforcement agency that is
250 seeking to find the sexual predator or sexual offender to
251 question the sexual predator or sexual offender about, or to
252 arrest the sexual predator or sexual offender for, his or her
253 noncompliance with the requirements of this section:

254 (1) Withholds information from, or does not notify, the
255 law enforcement agency about the sexual predator or sexual

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

256 offender's noncompliance with the requirements of this section,
257 and, if known, the whereabouts of the sexual predator or sexual
258 offender;

259 (2) Harbors, or attempts to harbor, or assists another
260 person in harboring or attempting to harbor, the sexual predator
261 or sexual offender;

262 (3) Hides or attempts to hide, or assists another person
263 in hiding or attempting to hide, the sexual predator or sexual
264 offender; or

265 (4) Provides information to the law enforcement agency
266 regarding the sexual predator or sexual offender which the
267 person knows to be false information,

268
269 commits a felony of the third degree, punishable as provided in
270 s. 775.082 , s. 775.083, or s. 775.084. This paragraph does not
271 apply if the sexual predator or sexual offender is incarcerated
272 in or is in the custody of a state correctional facility, a
273 private correctional facility, a local jail, or a federal
274 correctional facility.

275 Section 7. Paragraph (b) of subsection (5) of section
276 800.04, Florida Statutes, is amended to read:

277 800.04 Lewd or lascivious offenses committed upon or in
278 the presence of persons less than 16 years of age.--

279 (5) LEWD OR LASCIVIOUS MOLESTATION.--

280 (b) An offender 18 years of age or older who commits lewd
281 or lascivious molestation against a victim less than 12 years of
282 age commits a life felony ~~of the first degree~~, punishable as

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

283 provided in s. s. 775.082(3)(a)4. ~~775.082, s. 775.083, or s.~~
284 ~~775.084.~~

285 Section 8. Paragraphs (f) and (g) of subsection (3) of
286 section 921.0022, Florida Statutes, are amended to read:

287 921.0022 Criminal Punishment Code; offense severity
288 ranking chart.--

289 (3) OFFENSE SEVERITY RANKING CHART
290

Florida Statute	Felony Degree	Description
		(f) LEVEL 6
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Forgery of pedigree papers.
499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
499.0051(5)	2nd	Sale of legend drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.

291

292

293

294

295

296

297

708283

Amendment No. (for drafter's use only)

298	775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
299	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
300	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
301	784.041	3rd	Felony battery.
302	784.048(3)	3rd	Aggravated stalking; credible threat.
303	784.048(5)	3rd	Aggravated stalking of person under 16.
304	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
305	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

306
307
308
309
310
311
312
313

- | | | |
|---------------|-----|--|
| 784.081(2) | 2nd | Aggravated assault on specified official or employee. |
| 784.082(2) | 2nd | Aggravated assault by detained person on visitor or other detainee. |
| 784.083(2) | 2nd | Aggravated assault on code inspector. |
| 787.02(2) | 3rd | False imprisonment; restraining with purpose other than those in s. 787.01. |
| 790.115(2)(d) | 2nd | Discharging firearm or weapon on school property. |
| 790.161(2) | 2nd | Make, possess, or throw destructive device with intent to do bodily harm or damage property. |
| 790.164(1) | 2nd | False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property. |

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

but less than \$100,000, grand
theft in 2nd degree.

321

812.015(9) 2nd Retail theft; property stolen \$300
or more; second or subsequent
conviction.

322

812.13(2)(c) 2nd Robbery, no firearm or other
weapon (strong-arm robbery).

323

817.034(4)(a)1. 1st Communications fraud, value
greater than \$50,000.

324

817.4821(5) 2nd Possess cloning paraphernalia with
intent to create cloned cellular
telephones.

325

825.102(1) 3rd Abuse of an elderly person or
disabled adult.

326

825.102(3)(c) 3rd Neglect of an elderly person or
disabled adult.

327

825.1025(3) 3rd Lewd or lascivious molestation of
an elderly person or disabled
adult.

328

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

329	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
330	827.03(1)	3rd	Abuse of a child.
331	827.03(3)(c)	3rd	Neglect of a child.
332	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
333	836.05	2nd	Threats; extortion.
334	836.10	2nd	Written threats to kill or do bodily injury.
335	843.12	3rd	Aids or assists person to escape.
336	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
337	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

338	943.0435(9)	3rd	Sex offenders; failure to comply with reporting requirements.
	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
339			
340	944.40	2nd	Escapes.
	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
341			
	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
342			
	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
343			
			(g) LEVEL 7
344			
	316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
345			

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

346	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
347	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
348	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
349	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
350	409.920(2)	3rd	Medicaid provider fraud.
351	456.065(2)	3rd	Practicing a health care profession without a license.
	456.065(2)	2nd	Practicing a health care

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

profession without a license which
results in serious bodily injury.

352

458.327(1) 3rd Practicing medicine without a
license.

353

459.013(1) 3rd Practicing osteopathic medicine
without a license.

354

460.411(1) 3rd Practicing chiropractic medicine
without a license.

355

461.012(1) 3rd Practicing podiatric medicine
without a license.

356

462.17 3rd Practicing naturopathy without a
license.

357

463.015(1) 3rd Practicing optometry without a
license.

358

464.016(1) 3rd Practicing nursing without a
license.

359

465.015(2) 3rd Practicing pharmacy without a
license.

360

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

361	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
362	467.201	3rd	Practicing midwifery without a license.
363	468.366	3rd	Delivering respiratory care services without a license.
364	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
365	483.901(9)	3rd	Practicing medical physics without a license.
366	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
367	484.053	3rd	Dispensing hearing aids without a license.
	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

375	<u>775.235</u>	<u>3rd</u>	<u>Harboring sexual predator or</u>
376			<u>sexual offender.</u>
	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
377	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
378	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
379	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
380	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
381			
	708283		

Amendment No. (for drafter's use only)

382	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
383	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
384	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
385	784.048(7)	3rd	Aggravated stalking; violation of court order.
386	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
387	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
388	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
389	784.081(1)	1st	Aggravated battery on specified official or employee.
	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

a felony.

397

796.03 2nd Procuring any person under 16
years for prostitution.

398

800.04(5)(c)1. 2nd Lewd or lascivious molestation;
victim less than 12 years of age;
offender less than 18 years.

399

800.04(5)(c)2. 2nd Lewd or lascivious molestation;
victim 12 years of age or older
but less than 16 years; offender
18 years or older.

400

806.01(2) 2nd Maliciously damage structure by
fire or explosive.

401

810.02(3)(a) 2nd Burglary of occupied dwelling;
unarmed; no assault or battery.

402

810.02(3)(b) 2nd Burglary of unoccupied dwelling;
unarmed; no assault or battery.

403

810.02(3)(d) 2nd Burglary of occupied conveyance;
unarmed; no assault or battery.

404

812.014(2)(a)1. 1st Property stolen, valued at

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

\$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.

405

812.014(2)(b)2. 2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.

406

812.014(2)(b)3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.

407

812.0145(2)(a) 1st Theft from person 65 years of age or older; \$50,000 or more.

408

812.019(2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

409

812.131(2)(a) 2nd Robbery by sudden snatching.

410

812.133(2)(b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

411

817.234(8)(a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

412

817.234(9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

413

817.234(11)(c) 1st Insurance fraud; property value \$100,000 or more.

414

817.2341(2)(b) & 1st Making false entries of material (3)(b) fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

415

825.102(3)(b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

416

825.103(2)(b) 2nd Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.

417

827.03(3)(b) 2nd Neglect of a child causing great bodily harm, disability, or

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

disfigurement.

418

827.04(3) 3rd Impregnation of a child under 16
years of age by person 21 years of
age or older.

419

837.05(2) 3rd Giving false information about
alleged capital felony to a law
enforcement officer.

420

838.015 2nd Bribery.

421

838.016 2nd Unlawful compensation or reward
for official behavior.

422

838.021(3)(a) 2nd Unlawful harm to a public servant.

423

838.22 2nd Bid tampering.

424

872.06 2nd Abuse of a dead human body.

425

893.13(1)(c)1. 1st Sell, manufacture, or deliver
cocaine (or other drug prohibited
under s. 893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or
(2)(c)4.) within 1,000 feet of a
child care facility, school, or

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

state, county, or municipal park
or publicly owned recreational
facility or community center.

426

893.13(1)(e)1. 1st Sell, manufacture, or deliver
cocaine or other drug prohibited
under s. 893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or
(2)(c)4., within 1,000 feet of
property used for religious
services or a specified business
site.

427

893.13(4)(a) 1st Deliver to minor cocaine (or other
s. 893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)4.
drugs).

428

893.135(1)(a)1. 1st Trafficking in cannabis, more than
25 lbs., less than 2,000 lbs.

429

893.135(1)(b)1.a. 1st Trafficking in cocaine, more than
28 grams, less than 200 grams.

430

893.135(1)(c)1.a. 1st Trafficking in illegal drugs, more
than 4 grams, less than 14 grams.

431

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

432
433
434
435
436
437
438

- 893.135(1)(d)1. 1st Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
- 893.135(1)(e)1. 1st Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
- 893.135(1)(f)1. 1st Trafficking in amphetamine, more than 14 grams, less than 28 grams.
- 893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
- 893.135(1)(h)1.a. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
- 893.135(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
- 893.135(1)(k)2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

439

896.101(5)(a) 3rd Money laundering, financial transactions exceeding \$300 but less than \$20,000.

440

896.104(4)(a)1. 3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

441

943.0435(4)(c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.

442

943.0435(8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

443

943.0435(9)(a) 3rd Sexual offender; failure to comply with reporting requirements.

444

944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

photograph.

445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470

Section 9. Paragraph (o) is added to subsection (5) of section 921.141, Florida Statutes, to read:

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

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

(o) The capital felony was committed by a person designated a sexual predator under s. 775.21 or a person previously designated a sexual predator whose sexual predator designation had been removed.

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

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

(5) The department shall share information with local law enforcement agencies to assist local law enforcement agencies in determining the potential whereabouts of any sexual predator or sexual offender who fails to respond to address-verification attempts or otherwise absconds from registration.

Section 11. Subsection (13) is added to section 943.0435, Florida Statutes, to read:

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

(13)(a) A sexual offender must report in person each year during the month of the sexual offender's date of birth and

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

471 during the sixth month following the sexual offender's birth
472 month to the sheriff's office in the county in which he or she
473 resides or is otherwise located to reregister. The sheriff's
474 office may determine the appropriate times and days for
475 reporting by the sexual offender, which shall be consistent with
476 the reporting requirements of this paragraph. Reregistration
477 shall include any changes to the information provided in
478 subsection (2). Any sexual offender who fails to report in
479 person as required at the sheriff's office, or who fails to
480 respond to any address verification correspondence from the
481 department within three weeks of the date of the correspondence,
482 commits a felony of the third degree, punishable as provided in
483 s. 775.082, s. 775.083, or s. 775.084.

484 (b) The sheriff's office shall, within 2 working days,
485 electronically submit and update all information provided by the
486 sexual offender to the department in a manner prescribed by the
487 department. This procedure shall be implemented by December 1,
488 2005.

489 Section 12. Section 943.04352, Florida Statutes, is
490 created to read:

491 943.04352 Search of registration information regarding
492 sexual predators and sexual offenders required for misdemeanor
493 probation placement.--When the court places a defendant on
494 misdemeanor probation pursuant to ss. 948.01 and 948.15, the
495 public or private entity providing probation services must
496 conduct a search of the probationer's name or other identifying
497 information against the registration information regarding

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

498 sexual predators and sexual offenders maintained by the
499 Department of Law Enforcement under s. 943.043. The probation
500 services provider may conduct the search using the Internet site
501 maintained by the Department of Law Enforcement.

502 Section 13. Paragraph (a) of subsection (3) of section
503 944.606, Florida Statutes, is amended to read:

504 944.606 Sexual offenders; notification upon release.--

505 (3)(a) The department must provide information regarding
506 any sexual offender who is being released after serving a period
507 of incarceration for any offense, as follows:

508 1. The department must provide: the sexual offender's
509 name, any change in the offender's name by reason of marriage or
510 other legal process, and any alias, if known; the correctional
511 facility from which the sexual offender is released; the sexual
512 offender's social security number, race, sex, date of birth,
513 height, weight, and hair and eye color; date and county of
514 sentence and each crime for which the offender was sentenced; a
515 copy of the offender's fingerprints and a digitized photograph
516 taken within 60 days before release; the date of release of the
517 sexual offender; and the offender's intended residence address,
518 if known. The department shall notify the Department of Law
519 Enforcement if the sexual offender escapes, absconds, or dies.
520 In addition, for any sexual offender sentenced to electronic
521 monitoring provided in s. 775.082(3)(a)4.b., s. 947.1406, or s.
522 948.11(6), the department must provide that information to the
523 Department of Law Enforcement. If the sexual offender is in the
524 custody of a private correctional facility, the facility shall

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

525 take the digitized photograph of the sexual offender within 60
526 days before the sexual offender's release and provide this
527 photograph to the Department of Corrections and also place it in
528 the sexual offender's file. If the sexual offender is in the
529 custody of a local jail, the custodian of the local jail shall
530 notify the Department of Law Enforcement of the sexual
531 offender's release and provide to the Department of Law
532 Enforcement the information specified in this paragraph and any
533 information specified in subparagraph 2. that the Department of
534 Law Enforcement requests.

535 2. The department may provide any other information deemed
536 necessary, including criminal and corrections records,
537 nonprivileged personnel and treatment records, when available.

538 Section 14. Paragraph (a) of subsection (4) of section
539 944.607, Florida Statutes, is amended, and paragraph (h) is
540 added to subsection (6) of said section, to read:

541 944.607 Notification to Department of Law Enforcement of
542 information on sexual offenders.--

543 (4) A sexual offender, as described in this section, who
544 is under the supervision of the Department of Corrections but is
545 not incarcerated must register with the Department of
546 Corrections and provide information as required by this
547 subsection.

548 (a) The sexual offender shall provide his or her name;
549 date of birth; social security number; race; sex; height;
550 weight; hair and eye color; tattoos or other identifying marks;
551 and permanent or legal residence and address of temporary

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

552 residence within the state or out of state while the sexual
553 offender is under supervision in this state, including any rural
554 route address or post office box. In addition, any sexual
555 offender sentenced to electronic monitoring provided in s.
556 775.082(3)(a)4.b., s. 947.1406 or s. 948.11(6) must provide that
557 information to the Department of Corrections. The Department of
558 Corrections shall verify the address of each sexual offender in
559 the manner described in ss. 775.21 and 943.0435.

560 (6) The information provided to the Department of Law
561 Enforcement must include:

562 (h) Information obtained from the Department of
563 Corrections that a sexual offender has been sentenced to
564 electronic monitoring provided in s. 775.082(3)(a)4.b., s.
565 947.1406 or s. 948.11(6).

566
567 If any information provided by the department changes during the
568 time the sexual offender is under the department's control,
569 custody, or supervision, including any change in the offender's
570 name by reason of marriage or other legal process, the
571 department shall, in a timely manner, update the information and
572 provide it to the Department of Law Enforcement in the manner
573 prescribed in subsection (2).

574 Section 15. Paragraph (b) of subsection (7) of section
575 947.1405, Florida Statutes, is amended, paragraph (c) is added
576 to said subsection, subsection (9) is renumbered as subsection
577 (10), and a new subsection (9) is added to said section, to
578 read:

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

579 947.1405 Conditional release program.--

580 (7)

581 (b) For a releasee whose crime was committed on or after
582 October 1, 1997, in violation of chapter 794, s. 800.04, s.
583 827.071, or s. 847.0145, and who is subject to conditional
584 release supervision, in addition to any other provision of this
585 section ~~subsection~~, the commission shall impose the following
586 additional conditions of conditional release supervision:

587 1. As part of a treatment program, participation in a
588 minimum of one annual polygraph examination to obtain
589 information necessary for risk management and treatment and to
590 reduce the sex offender's denial mechanisms. The polygraph
591 examination must be conducted by a polygrapher trained
592 specifically in the use of the polygraph for the monitoring of
593 sex offenders, where available, and at the expense of the sex
594 offender. The results of the polygraph examination shall not be
595 used as evidence in a hearing to prove that a violation of
596 supervision has occurred.

597 2. Maintenance of a driving log and a prohibition against
598 driving a motor vehicle alone without the prior approval of the
599 supervising officer.

600 3. A prohibition against obtaining or using a post office
601 box without the prior approval of the supervising officer.

602 4. If there was sexual contact, a submission to, at the
603 probationer's or community controllee's expense, an HIV test
604 with the results to be released to the victim or the victim's
605 parent or guardian.

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

606 5. Electronic monitoring of any form when ordered by the
607 commission.

608 (c) Effective for a releasee whose crime was committed on
609 or after September 1, 2005, in violation of chapter 794, s.
610 800.04, s. 827.071, or s. 847.0145, and the unlawful activity
611 involved a victim who was 12 years of age or younger, or for a
612 releasee who is designated as a sexual predator pursuant to s.
613 775.21, in addition to any other provision of this section, the
614 commission must order electronic monitoring for the duration of
615 the releasee's supervision.

616 (9) For a releasee placed on electronic monitoring under
617 paragraph (7)(c) who the commission determines is in violation
618 of any material condition of supervision, the commission shall
619 order the releasee returned to prison until the expiration of
620 the sentence of imprisonment.

621 Section 16. Section 947.1406, Florida Statutes, is created
622 to read:

623 947.1406 Electronic monitoring for certain sex offenders
624 and sexual predators.--For any conditional releasee placed on
625 electronic monitoring under s. 947.1405(9), the department shall
626 use a system of active electronic monitoring that identifies the
627 location of a monitored offender and that can produce upon
628 request reports or records of the offender's presence near or
629 within a crime scene or prohibited area or the offender's
630 departure from a specified geographic location.

631 Section 17. Subsection (8) is added to section 948.06,
632 Florida Statutes, to read:

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

633 948.06 Violation of probation or community control;
634 revocation; modification; continuance; failure to pay
635 restitution or cost of supervision.--

636 (8) This subsection shall apply to any probationer or
637 community controllee under supervision for a violation of s.
638 787.01, s. 787.02, s. 787.025, s. 794.011, s. 800.04, s.
639 827.071, or s. 847.0145, or who is designated a sexual predator
640 under s. 775.21, regardless of when his or her crime was
641 committed. In any case, when a violation of supervision is
642 admitted or determined by the court to be proven, and the court
643 returns the violator to probation or community control
644 supervision, the court must, in addition to any other condition
645 of supervision, order electronic monitoring as described in s.
646 948.11(6).

647 Section 18. Section 948.061, Florida Statutes, is created
648 to read:

649 948.061 Identifying, assessing, and monitoring high-risk
650 sex offenders on community supervision; providing cumulative
651 criminal and supervision histories on the Internet.--

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

656 (a) Has previously been placed on probation or in
657 community control and has a history of committing multiple
658 violations of community supervision in this state or in any

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

659 other jurisdiction or has previously been incarcerated in this
660 state or in any other jurisdiction; and

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

664 1. Previous conviction for domestic violence;

665 2. History of substance abuse;

666 3. Unemployment or substantial financial difficulties;

667 4. Previous conviction for violence or sex acts against
668 children, particularly involving strangers; or

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

670 (2) In providing criminal history and background
671 information to the court for these high-risk offenders, the
672 correctional probation officer shall provide in each report
673 submitted to the court and at each hearing before the court a
674 cumulative chronology of the offender's criminal history and
675 prior terms of state probation or community control, including
676 all substantive or technical violations of state probation or
677 community control. The department may adopt rules as necessary
678 to administer this section. The booking agency shall insure that
679 state and national criminal history information, and all
680 criminal justice information available in the Florida Crime
681 Information Center and the National Crime Information Center is
682 provided to the court at the time of first appearance.

683 (3) In monitoring the location of high-risk offenders, the
684 department, shall, no later than October 1, 2006, have
685 fingerprint-reading equipment and capability that will

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

686 immediately identify probationers or community controllees when
687 they reports to their designated probation officers and alert
688 department probation officials when probationers and community
689 controllees are subsequently rearrested.

690 Section 19. Subsection (6) is added to section 948.11,
691 Florida Statutes, to read:

692 948.11 Electronic monitoring devices.--

693 (6) For any probationer or community controllee placed on
694 electronic monitoring under s. 948.30(3), the Department of
695 Corrections shall use a system of active electronic monitoring
696 that identifies the location of a monitored offender and that
697 can produce, upon request, reports or records of the offender's
698 presence near or within a crime scene or prohibited area or the
699 offender's departure from a specified geographic location.

700 Section 21. Paragraph (k) is added to subsection (3) of
701 section 948.15, Florida Statutes, to read:

702 948.15 Misdemeanor probation services.--

703 (3) Any private entity providing services for the
704 supervision of misdemeanor probationers must contract with the
705 county in which the services are to be rendered. In a county
706 with a population of less than 70,000, the county court judge,
707 or the administrative judge of the county court in a county that
708 has more than one county court judge, must approve the contract.
709 Terms of the contract must state, but are not limited to:

710 (k) Procedures for accessing criminal history records of
711 probationers.

712

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

713 In addition, the entity shall supply the chief judge's office
714 with a quarterly report summarizing the number of offenders
715 supervised by the private entity, payment of the required
716 contribution under supervision or rehabilitation, and the number
717 of offenders for whom supervision or rehabilitation will be
718 terminated. All records of the entity must be open to inspection
719 upon the request of the county, the court, the Auditor General,
720 the Office of Program Policy Analysis and Government
721 Accountability, or agents thereof.

722 Section 22. Subsection (2) of section 948.30, Florida
723 Statutes, is amended, and subsection (3) is added to said
724 section, to read:

725 948.30 Additional terms and conditions of probation or
726 community control for certain sex offenses.--Conditions imposed
727 pursuant to this section do not require oral pronouncement at
728 the time of sentencing and shall be considered standard
729 conditions of probation or community control for offenders
730 specified in this section.

731 (2) Effective for a probationer or community controllee
732 whose crime was committed on or after October 1, 1997, and who
733 is placed on community control or sex offender probation for a
734 violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145,
735 in addition to any other provision of this section ~~subsection~~,
736 the court must impose the following conditions of probation or
737 community control:

738 (a) As part of a treatment program, participation at least
739 annually in polygraph examinations to obtain information

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

740 necessary for risk management and treatment and to reduce the
741 sex offender's denial mechanisms. A polygraph examination must
742 be conducted by a polygrapher trained specifically in the use of
743 the polygraph for the monitoring of sex offenders, where
744 available, and shall be paid for by the sex offender. The
745 results of the polygraph examination shall not be used as
746 evidence in court to prove that a violation of community
747 supervision has occurred.

748 (b) Maintenance of a driving log and a prohibition against
749 driving a motor vehicle alone without the prior approval of the
750 supervising officer.

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

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

757 (e) Electronic monitoring when deemed necessary by the
758 community control or probation officer and his or her
759 supervisor, and ordered by the court at the recommendation of
760 the Department of Corrections.

761 (3) Effective for a probationer or community controllee
762 whose crime was committed on or after September 1, 2005, and who
763 is on community control or sex offender probation for a
764 violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145,
765 or who is designated a sexual predator under s. 775.21, in

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

766 addition to any other provision of this section, the court shall
767 order electronic monitoring as provided in s. 948.11(6).

768 Section 23. Subsection (1) of section 1012.465, Florida
769 Statutes, is amended to read:

770 1012.465 Background screening requirements for certain
771 noninstructional school district employees and contractors.--

772 (1) Noninstructional school district employees or
773 contractual personnel who are permitted access on school grounds
774 when students are present, who have direct contact with
775 students, or who have access to or control of school funds must
776 meet level 2 screening requirements as described in s. 1012.32.
777 Contractual personnel shall include any vendor, individual, or
778 entity under contract with the school board.

779 Section 24. The Office of Program Policy Analysis and
780 Governmental Accountability shall perform a study of the
781 effectiveness of Florida's sexual predator and sexual offender
782 registration process and community and public notification
783 provisions. As part of determining the effectiveness of the
784 registration process, the OPPAGA shall examine the current
785 practice of Department of Corrections, county probation offices,
786 clerk of courts, court administrators, county jails and booking
787 facilities, Department of Children and Family Services, judges,
788 state attorneys offices, Department of Highway Safety and Motor
789 Vehicles, Department of Law Enforcement, and local law
790 enforcement agencies as it relates to: sharing of offender
791 information regarding registered sexual predators and sexual
792 offenders for purposes of fulfilling the requirements set forth

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

793 in the registration laws; insuring the most current and
794 comprehensive information is provided in a timely manner to the
795 registry; insuring the effective supervision and subsequent
796 monitoring of sexual predators and offenders; and insuring
797 informed decisions are made at each point of the criminal
798 justice and registration process. In addition to determining the
799 effectiveness of the registration process, the report shall
800 focus on the question of whether the notification provisions are
801 sufficient to apprise communities of the presence of sexual
802 predators and sexual offenders. The report shall examine how
803 local law enforcement agencies collect and disseminate
804 information in an effort to notify the public and communities of
805 the presence of sexual predators and offenders. If the report
806 finds deficiencies in the registration process, the notification
807 provisions, or both, the report shall provide options for
808 correcting those deficiencies and shall include the projected
809 cost of implementing those options. In conducting the study, the
810 Office of Program Policy Analysis and Governmental
811 Accountability shall consult with the Florida Council Against
812 Sexual Violence and the Florida Association for the Treatment of
813 Sexual Abusers in addition to other interested entities that may
814 offer experiences and perspectives unique to this area of
815 research. The report shall be submitted to the President of the
816 Senate and the Speaker of the House of Representatives on three
817 year intervals with the initial report being due on January 1,
818 2006.

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

819 Section 25. If any provision of this act or its
820 application to any person or circumstance is held invalid, the
821 invalidity does not affect other provisions or applications of
822 the act that can be given effect without the invalid provision
823 or application, and to this end the provisions of this act are
824 declared severable.

825 Section 26. This act shall take effect September 1, 2005.
826

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

828 Remove the entire title and insert:

829 A bill to be entitled
830 An act relating to sexual predators and sexual offenders;
831 providing a popular name; amending s. 216.136, F.S.;

832 assigning an additional responsibility to the Criminal
833 Justice Estimating Conference; amending s. 775.082, F.S.;

834 providing for specified sentencing of persons convicted of
835 the life felony offense in s. 800.04(5)(b), F.S.; creating
836 s. 775.0821, F.S.; creating a felony offense for removing,
837 altering, or failing to maintain an electronic monitoring
838 device for the purpose of committing a crime; providing
839 criminal penalties; amending s. 775.21, F.S.; revising
840 criteria for sexual predator designation; requiring
841 certain notification of sentence; providing for electronic
842 monitoring; extending period for petition to remove sexual
843 predator designation; creating s. 775.235, F.S.;

844 prohibiting the harboring of a sexual predator or sexual
845 offender; providing criminal penalties; amending s.

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

846 800.04, F.S.; providing that it is a life felony for an
847 offender 18 years of age or older to commit lewd or
848 lascivious molestation against a victim younger than 12
849 years of age; amending s. 921.0022, F.S.; revising ranking
850 for certain offenses involving sexual predators and sexual
851 offenders failing to comply with registration
852 requirements; ranking offenses involving sexual predators
853 and sexual offenders failing to comply with registration
854 and other requirements; amending s. 921.141, F.S.;
855 creating an aggravating circumstance pertaining to sexual
856 predators for purposes of imposing the death penalty;
857 amending s. 943.043, F.S.; requiring the Department of
858 Corrections to share information with local law
859 enforcement agencies to assist in determining the
860 potential whereabouts of registered sexual predators and
861 sexual offenders; amending s. 943.0435, F.S.; revising
862 provisions relating to sexual offender registration;
863 creating s. 943.04352, F.S.; requiring a search of the
864 sexual offender and sexual predator registry by entities
865 providing probation services; amending s. 944.606, F.S.;
866 requiring the Department of Corrections to provide
867 information regarding electronic monitoring to the
868 Department of Law Enforcement; amending s. 944.607, F.S.;
869 requiring sexual offenders sentenced to electronic
870 monitoring to provide such information to the Department
871 of Corrections and for such department to provide that
872 information to the Department of Law Enforcement; amending

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

873 s. 947.1405, F.S.; requiring sexual offenders and sexual
874 predators on conditional release to be placed on
875 electronic monitoring; requiring the Parole Commission to
876 order sexual offenders and sexual predators on conditional
877 release to be returned to prison until expiration of
878 sentence for any material violation of supervision;
879 creating s. 947.1406, F.S.; providing requirements for
880 electronic monitoring of sexual offenders and sexual
881 predators on conditional release; amending s. 948.06,
882 F.S.; requiring electronic monitoring for any violation of
883 probation or community control supervision by certain
884 offenders and sexual predators; creating s. 948.061, F.S.;
885 requiring the Department of Corrections to develop a risk
886 assessment and alert system to monitor certain offenders
887 placed on probation or community control; authorizing the
888 department to adopt rules; requiring the department to
889 have fingerprint-reading equipment and capability by a
890 specified date; amending s. 948.11, F.S.; providing
891 requirements for electronic monitoring of sexual offenders
892 and sexual predators on community control or probation;
893 amending s. 948.30, F.S.; requiring sexual offenders and
894 sexual predators on community control or probation to be
895 placed on electronic monitoring; requiring a study by the
896 Office of Program Policy Analysis and Governmental
897 Accountability of the effectiveness of Florida's sexual
898 predator and sexual offender registration process and

708283

4/19/2005 12:59:56 PM

Amendment No. (for drafter's use only)

899 | community and public notification provisions; providing
900 | for severability; providing an effective date.

708283

4/19/2005 12:59:56 PM