

Bill No. HB 1877, 1st Eng.

Barcode 803170

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

1/AD/3R  
04/21/2005 05:45 PM

.  
.  
.  
.  
.  
.

---

Senator Argenziano moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

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

216.136 Consensus estimating conferences; duties and principals.--

(5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

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

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

2. Develop such official information relating to the

Bill No. HB 1877, 1st Eng.

Barcode 803170

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 803170

~~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

Bill No. HB 1877, 1st Eng.

Barcode 803170

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 803170

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 803170

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 803170

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 803170

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



Bill No. HB 1877, 1st Eng.

Barcode 803170

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 803170

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 803170

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
		16 (f) LEVEL 6
17 316.193(2)(b)	3rd	17 Felony DUI, 4th or subsequent 18 conviction.
19 499.0051(3)	2nd	19 Forgery of pedigree papers.
20 499.0051(4)	2nd	20 Purchase or receipt of legend 21 drug from unauthorized person.
22 499.0051(5)	2nd	22 Sale of legend drug to 23 unauthorized person.
24 775.0875(1)	3rd	24 Taking firearm from law 25 enforcement officer.
26 <del>775.21(10)</del>	3rd	26 <del>Sexual predators, failure to</del> 27 <del>register, failure to renew</del> 28 <del>driver's license or</del> 29 <del>identification card.</del>
30 784.021(1)(a)	3rd	30 Aggravated assault; deadly weapon 31 without intent to kill.

Bill No. HB 1877, 1st Eng.

Barcode 803170

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 803170

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 803170

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 803170

1	<del>943.0435(9)</del>	3rd	<del>Sex offenders, failure to comply</del>
2			<del>with reporting requirements.</del>
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 803170

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 803170

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 803170

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 803170

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 803170

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 803170

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 803170

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 803170

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 803170

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 803170

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 803170

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 803170

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 803170

1			custodial authority.
2	800.04 (5) (b)	<u>Life 1st</u>	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 803170

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 803170

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

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,

Bill No. HB 1877, 1st Eng.

Barcode 803170

1  
2 commits a felony of the third degree, punishable as provided  
3 in s. 775.082, s. 775.083, or s. 775.084.

4 (14)(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 803170

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 803170

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 803170

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 803170

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 803170

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

Bill No. HB 1877, 1st Eng.

Barcode 803170

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

Bill No. HB 1877, 1st Eng.

Barcode 803170

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 803170

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



Bill No. HB 1877, 1st Eng.

Barcode 803170

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 county jail in the county  
29 where the arrested person is booked shall insure that state  
30 and national criminal history information and all criminal  
31 justice information available in the Florida Crime Information

Bill No. HB 1877, 1st Eng.

Barcode 803170

1 Center and the National Crime Information Center, is provided  
 2 to the court at the time of the first appearance. The courts  
 3 shall assist the department's dissemination of critical  
 4 information by creating and maintaining an automated system to  
 5 provide the information as specified in this subsection and by  
 6 providing the necessary technology in the courtroom to deliver  
 7 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 803170

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

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 803170

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. Procurement of electronic  
 20 monitoring services under this subsection shall be by  
 21 invitation to bid as defined in s. 287.057.

22           (7) A person who intentionally alters, tampers with,  
 23 damages or destroys any electronic monitoring equipment  
 24 pursuant to court or commission order, unless such person is  
 25 the owner of the equipment, or an agent of the owner,  
 26 performing ordinary maintenance and repairs commits a felony  
 27 of the third degree, punishable as provided in s. 775.082, s.  
 28 775.083, or s. 775.084.

29           Section 19. Section 948.15, Florida Statutes, is  
 30 amended to read:

31           948.15 Misdemeanor probation services.--

Bill No. HB 1877, 1st Eng.

Barcode 803170

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

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

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

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

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

24 (c) Staffing levels.

25 (d) The number of face-to-face contacts with the  
26 offender.

27 (e) Procedures for handling the collection of all  
28 offender fees and restitution.

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

31 (g) Circumstances under which revocation of an

Bill No. HB 1877, 1st Eng.

Barcode 803170

1 offender's probation may be recommended.

2 (h) Reporting and recordkeeping requirements.

3 (i) Default and contract termination procedures.

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

5 (k) Procedures for accessing criminal history records  
6 of probationers.

7

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

17 (4) A private entity that provides court-ordered  
18 services to offenders and that charges a fee for such services  
19 must register with the board of county commissioners in the  
20 county in which the services are offered. The entity shall  
21 provide the following information for each program it  
22 operates:

23 (a) The length of time the program has been operating  
24 in the county.

25 (b) A list of the staff and a summary of their  
26 qualifications.

27 (c) A summary of the types of services that are  
28 offered under the program.

29 (d) The fees the entity charges for court-ordered  
30 services and its procedures, if any, for handling indigent  
31 offenders.

Bill No. HB 1877, 1st Eng.

Barcode 803170

1           (5) The private entity providing misdemeanor  
2 supervision services shall also comply with all other  
3 applicable provisions of law.

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

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

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

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

30           (b) Maintenance of a driving log and a prohibition  
31 against driving a motor vehicle alone without the prior



Bill No. HB 1877, 1st Eng.

Barcode 803170

1 approval of the supervising officer.

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

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

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

13 (3) Effective for a probationer or community  
14 controllee whose crime was committed on or after September 1,  
15 2005, and who:

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

21 (b) Is designated a sexual predator pursuant to s.  
22 775.21; or

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

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

Bill No. HB 1877, 1st Eng.

Barcode 803170

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

3 1012.465 Background screening requirements for certain  
4 noninstructional school district employees and contractors.--

5 (1) Noninstructional school district employees or  
6 contractual personnel who are permitted access on school  
7 grounds when students are present, who have direct contact  
8 with students or who have access to or control of school funds  
9 must meet level 2 screening requirements as described in s.  
10 1012.32. Contractual personnel shall include any vendor,  
11 individual, or entity under contract with the school board.

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

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

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

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

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

Bill No. HB 1877, 1st Eng.

Barcode 803170

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

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

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

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

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

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

27 Section 23. The Office of Program Policy Analysis and  
28 Governmental Accountability shall, every 3 years, perform a  
29 study of the effectiveness of Florida's sexual predator and  
30 sexual offender registration process and community and public  
31 notification provisions. As part of determining the

Bill No. HB 1877, 1st Eng.

Barcode 803170

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

Bill No. HB 1877, 1st Eng.

Barcode 803170

1 of Sexual Abusers in addition to other interested entities  
2 that may offer experiences and perspectives unique to this  
3 area of research. The report shall be submitted to the  
4 President of the Senate and the Speaker of the House of  
5 Representatives by January 1, 2006.

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

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

Bill No. HB 1877, 1st Eng.

Barcode 803170

1 in chapters 948 and 947, Florida Statutes. Procurement of  
2 electronic monitoring services under this act shall be by  
3 invitation to bid as defined in section 287.057, Florida  
4 Statutes.

5 Section 26. Nine full-time positions are authorized  
6 and the sum of \$389,905 in recurring funds is appropriated  
7 from the General Revenue Fund to the Department of Law  
8 Enforcement for salaries and benefits for the 2005-2006 fiscal  
9 year. The sums of \$58,617 in recurring funds and \$77,070 in  
10 nonrecurring funds are appropriated from the General Revenue  
11 Fund to the Department of Law Enforcement for expenses for the  
12 2005-2006 fiscal year. The sum of \$94,200 in nonrecurring  
13 funds is appropriated from the General Revenue Fund to the  
14 Department of Law Enforcement for operating capital outlay for  
15 the 2005-06 fiscal year. The sums of \$143,000 in recurring  
16 funds and \$521,000 in nonrecurring funds are appropriated from  
17 the General Revenue Fund to the Department of Law Enforcement  
18 for other personal services for the 2005-2006 fiscal year.

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

24 Section 28. This act shall take effect September 1,  
25 2005.

26  
27

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

29 And the title is amended as follows:

30 Delete everything before the enacting clause

31

Bill No. HB 1877, 1st Eng.

Barcode 803170

1 and insert:

2                                   A bill to be entitled

3           An act relating to high-risk offenders;

4           providing a short title; amending s. 216.136,

5           F.S.; assigning additional responsibilities of

6           the Criminal Justice Estimating Conference;

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

8           revising sexual predator criteria; extending

9           the period for a petition to remove a sexual

10          predator designation; requiring twice yearly

11          reregistration by sexual predators; requiring

12          reregistration information be provided to the

13          Department of Law Enforcement; providing

14          criminal offenses for failing to reregister,

15          failing to respond to address verification,

16          failing to report or providing false

17          information about a sexual predator, and

18          harboring or concealing a sexual predator;

19          requiring twice yearly reregistration by sexual

20          predators; requiring reregistration information

21          be provided to the Department of Law

22          Enforcement; providing criminal offenses for

23          failing to reregister, failing to respond to

24          address verification, failing to report or

25          providing false information about a sexual

26          predator, and harboring or concealing a sexual

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

28          for specified sentencing of persons convicted

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

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

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

Bill No. HB 1877, 1st Eng.

Barcode 803170

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



Bill No. HB 1877, 1st Eng.

Barcode 803170

1 Enforcement; providing criminal offenses for  
2 failing to reregister, failing to respond to  
3 address verification, failing to report or  
4 providing false information about a sexual  
5 offender, and harboring or concealing a sexual  
6 offender; creating s. 943.04352, F.S.;  
7 requiring a search of the sexual offender and  
8 sexual predator registry by entities providing  
9 probation services; amending s. 944.607, F.S.;  
10 requiring twice yearly reregistration by sexual  
11 offenders; requiring reregistration information  
12 be provided to the Department of Law  
13 Enforcement; providing criminal offenses for  
14 failing to reregister, failing to respond to  
15 address verification, failing to report or  
16 providing false information about a sexual  
17 offender, and harboring or concealing a sexual  
18 offender; amending s. 947.1405, F.S.; requiring  
19 electronic monitoring for certain offenders  
20 placed on conditional release supervision;  
21 amending s. 948.06(4), F.S.; requiring a court  
22 finding with regard to dangerousness to the  
23 public prior to release on bail under certain  
24 circumstances; amending s. 948.012, F.S.;  
25 requiring the court to impose a split sentence  
26 in certain circumstances; creating s. 948.061,  
27 F.S.; requiring the Department of Corrections  
28 to develop a risk assessment system to monitor  
29 certain offenders placed on probation or  
30 community control; requiring increased  
31 supervision of such offenders under certain

Bill No. HB 1877, 1st Eng.

Barcode 803170

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

Bill No. HB 1877, 1st Eng.

Barcode 803170

1 records concerning probationers; amending s.  
2 948.30, F.S.; specifying additional conditions  
3 for persons placed on community control;  
4 requiring certain sex offenders and sexual  
5 predators on probation or community control to  
6 be placed on electronic monitoring; amending s.  
7 1012.465(1), F.S.; clarifying background  
8 screening requirements for contractual  
9 personnel who have access on school grounds;  
10 creating a task force within the Department of  
11 Law Enforcement; requiring the task force to  
12 examine the collection and dissemination of  
13 offender information within the criminal  
14 justice system and community; prescribing task  
15 force membership; requiring that the task force  
16 submit findings and recommendations to the  
17 Governor and the Legislature; requiring  
18 cooperation by state agencies; providing for  
19 abolishing the task force on a specified date;  
20 requiring the Office of Program Policy Analysis  
21 and Governmental Accountability to perform a  
22 study of and report to the Legislature on the  
23 effectiveness of Florida's sexual predator and  
24 sexual offender registries and community and  
25 public notification provisions; providing  
26 appropriations and authorizing positions;  
27 providing an effective date.

28  
29  
30  
31