

1 A bill to be entitled

2 An act relating to sexual predators and sexual offenders;
3 providing a popular name; amending s. 216.136, F.S.;
4 assigning an additional responsibility to the Criminal
5 Justice Estimating Conference; amending s. 775.082, F.S.;
6 providing for specified sentencing of persons convicted of
7 the life felony offense in s. 800.04(5)(b), F.S.; creating
8 s. 775.0821, F.S.; creating a felony offense for removing,
9 altering, or failing to maintain an electronic monitoring
10 device for the purpose of committing a crime; providing
11 criminal penalties; amending s. 775.21, F.S.; revising
12 criteria for sexual predator designation; requiring
13 certain notification of sentence; providing for electronic
14 monitoring; extending period for petition to remove sexual
15 predator designation; creating s. 775.235, F.S.;
16 prohibiting the harboring of a sexual predator or sexual
17 offender; providing criminal penalties; amending s.
18 800.04, F.S.; providing that it is a life felony for an
19 offender 18 years of age or older to commit lewd or
20 lascivious molestation against a victim younger than 12
21 years of age; amending s. 921.0022, F.S.; revising ranking
22 for certain offenses involving sexual predators and sexual
23 offenders failing to comply with registration
24 requirements; ranking offenses involving sexual predators
25 and sexual offenders failing to comply with registration
26 and other requirements; amending s. 921.141, F.S.;
27 creating an aggravating circumstance pertaining to sexual
28 predators for purposes of imposing the death penalty;

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29 | amending s. 943.043, F.S.; requiring the Department of
30 | Corrections to share information with local law
31 | enforcement agencies to assist in determining the
32 | potential whereabouts of registered sexual predators and
33 | sexual offenders; amending s. 943.0435, F.S.; revising
34 | provisions relating to sexual offender registration;
35 | creating s. 943.04352, F.S.; requiring a search of the
36 | sexual offender and sexual predator registry by entities
37 | providing probation services; amending s. 944.606, F.S.;
38 | requiring the Department of Corrections to provide
39 | information regarding electronic monitoring to the
40 | Department of Law Enforcement; amending s. 944.607, F.S.;
41 | requiring sexual offenders sentenced to electronic
42 | monitoring to provide such information to the Department
43 | of Corrections and for such department to provide that
44 | information to the Department of Law Enforcement; amending
45 | s. 947.1405, F.S.; requiring sexual offenders and sexual
46 | predators on conditional release to be placed on
47 | electronic monitoring; requiring the Parole Commission to
48 | order sexual offenders and sexual predators on conditional
49 | release to be returned to prison until expiration of
50 | sentence for any material violation of supervision;
51 | creating s. 947.1406, F.S.; providing requirements for
52 | electronic monitoring of sexual offenders and sexual
53 | predators on conditional release; amending s. 948.06,
54 | F.S.; requiring electronic monitoring for any violation of
55 | probation or community control supervision by certain
56 | offenders and sexual predators; creating s. 948.061, F.S.;

57 requiring the Department of Corrections to develop a risk
 58 assessment and alert system to monitor certain offenders
 59 placed on probation or community control; authorizing the
 60 department to adopt rules; requiring the department to
 61 have fingerprint-reading equipment and capability by a
 62 specified date; amending s. 948.11, F.S.; providing
 63 requirements for electronic monitoring of sexual offenders
 64 and sexual predators on community control or probation;
 65 amending s. 948.30, F.S.; requiring sexual offenders and
 66 sexual predators on community control or probation to be
 67 placed on electronic monitoring; requiring a study by the
 68 Office of Program Policy Analysis and Governmental
 69 Accountability of the effectiveness of Florida's sexual
 70 predator and sexual offender registration process and
 71 community and public notification provisions; providing
 72 for severability; providing an effective date.

73

74 Be It Enacted by the Legislature of the State of Florida:

75

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

78 Section 2. Paragraph (a) of subsection (5) of section
 79 216.136, Florida Statutes, is amended to read:

80 216.136 Consensus estimating conferences; duties and
 81 principals.--

82 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

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

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

90 | 2. Develop such official information relating to the
 91 | number of eligible discharges and the projected number of civil
 92 | commitments for determining space needs pursuant to the civil
 93 | proceedings provided under part V of chapter 394.

94 | 3. Develop official information relating to the number of
 95 | sexual offenders and sexual predators who are required by law to
 96 | be placed on community control, probation, or conditional
 97 | release who are subject to electronic monitoring.

98 | Section 3. Paragraph (a) of subsection (3) of section
 99 | 775.082, Florida Statutes, is amended to read:

100 | 775.082 Penalties; applicability of sentencing structures;
 101 | mandatory minimum sentences for certain reoffenders previously
 102 | released from prison.--

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

105 | (a)1. For a life felony committed prior to October 1,
 106 | 1983, by a term of imprisonment for life or for a term of years
 107 | not less than 30.

108 | 2. For a life felony committed on or after October 1,
 109 | 1983, by a term of imprisonment for life or by a term of
 110 | imprisonment not exceeding 40 years.

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

113 imprisonment for life or by imprisonment for a term of years not
114 exceeding life imprisonment.

115 4. For a life felony committed on or after September 1,
116 2005, which is a violation of s. 800.04(5)(b), by:

117 a. A term of imprisonment for life; or

118 b. A split sentence that is a term of not less than 25
119 years imprisonment and not exceeding life imprisonment, followed
120 by probation or community control for the remainder of the
121 person's natural life and subject to a system of active
122 electronic monitoring that identifies the location of a
123 monitored offender and that can produce, upon request, reports
124 or records of the offender's presence near or within a crime
125 scene or prohibited area or the offender's departure from a
126 specified geographic location.

127 Section 4. Section 775.0821, Florida Statutes, is created
128 to read:

129 775.0821 Tampering with or removal of electronic
130 monitoring device.--

131 (1) Any person subject to electronic monitoring provided
132 in s. 775.082(3)(a)4.b., s. 947.1406, or s. 948.11(6) who
133 intentionally removes, defaces, alters, destroys, or fails to
134 maintain the electronic monitoring device in working order
135 commits a felony of the first degree, punishable as provided in
136 s. 775.082 or s. 775.083.

137 (2) Any person subject to electronic monitoring under s.
138 775.082 must follow instructions provided by the Department of
139 Corrections or the electronic monitoring device manufacturer to
140 maintain the electronic monitoring device in working order.

141 Incidental damage or defacement of the electronic monitoring
 142 device must be reported to the Department of Corrections within
 143 2 hours. Failure to comply with the reporting requirement of
 144 this subsection is a felony of the third degree, punishable as
 145 provided in s. 775.082 or s. 775.083.

146 Section 5. Paragraph (b) of subsection (4), paragraphs
 147 (a), (b), and (l) of subsection (6), and paragraph (a) of
 148 subsection (10) of section 775.21, Florida Statutes, are
 149 amended, and paragraph (m) is added to subsection (6) of said
 150 section, to read:

151 775.21 The Florida Sexual Predators Act.--

152 (4) SEXUAL PREDATOR CRITERIA.--

153 (b) In order to be counted as a prior felony for purposes
 154 of this subsection, the felony must have resulted in a
 155 conviction ~~sentenced separately,~~ or an adjudication of
 156 delinquency ~~entered separately,~~ prior to the current offense and
 157 ~~sentenced or adjudicated separately from any other felony~~
 158 ~~conviction that is to be counted as a prior felony. If the~~
 159 ~~offender's prior enumerated felony was committed more than 10~~
 160 ~~years before the primary offense, it shall not be considered a~~
 161 ~~prior felony under this subsection if the offender has not been~~
 162 ~~convicted of any other crime for a period of 10 consecutive~~
 163 ~~years from the most recent date of release from confinement,~~
 164 ~~supervision, or sanction, whichever is later.~~

165 (6) REGISTRATION.--

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

168 1. Name, social security number, age, race, sex, date of
169 birth, height, weight, hair and eye color, photograph, address
170 of legal residence and address of any current temporary
171 residence, within the state or out of state, including a rural
172 route address and a post office box, date and place of any
173 employment, date and place of each conviction, fingerprints, and
174 a brief description of the crime or crimes committed by the
175 offender. In addition, any sexual predator sentenced to
176 electronic monitoring provided in s. 775.082(3)(a)4.b., s.
177 947.1406, or s. 948.11(6) must provide that information to the
178 department. A post office box shall not be provided in lieu of a
179 physical residential address.

180 a. If the sexual predator's place of residence is a motor
181 vehicle, trailer, mobile home, or manufactured home, as defined
182 in chapter 320, the sexual predator shall also provide to the
183 department written notice of the vehicle identification number;
184 the license tag number; the registration number; and a
185 description, including color scheme, of the motor vehicle,
186 trailer, mobile home, or manufactured home. If a sexual
187 predator's place of residence is a vessel, live-aboard vessel,
188 or houseboat, as defined in chapter 327, the sexual predator
189 shall also provide to the department written notice of the hull
190 identification number; the manufacturer's serial number; the
191 name of the vessel, live-aboard vessel, or houseboat; the
192 registration number; and a description, including color scheme,
193 of the vessel, live-aboard vessel, or houseboat.

194 b. If the sexual predator is enrolled, employed, or
195 carrying on a vocation at an institution of higher education in

196 | this state, the sexual predator shall also provide to the
197 | department the name, address, and county of each institution,
198 | including each campus attended, and the sexual predator's
199 | enrollment or employment status. Each change in enrollment or
200 | employment status shall be reported in person at the sheriff's
201 | office, or the Department of Corrections if the sexual predator
202 | is in the custody or control of or under the supervision of the
203 | Department of Corrections, within 48 hours after any change in
204 | status. The sheriff or the Department of Corrections shall
205 | promptly notify each institution of the sexual predator's
206 | presence and any change in the sexual predator's enrollment or
207 | employment status.

208 | 2. Any other information determined necessary by the
209 | department, including criminal and corrections records;
210 | nonprivileged personnel and treatment records; and evidentiary
211 | genetic markers when available.

212 | (b) If the sexual predator is in the custody or control
213 | of, or under the supervision of, the Department of Corrections,
214 | or is in the custody of a private correctional facility, the
215 | sexual predator must register with the Department of
216 | Corrections. The Department of Corrections shall provide to the
217 | department registration information and the location of, and
218 | local telephone number for, any Department of Corrections office
219 | that is responsible for supervising the sexual predator. ~~In~~
220 | ~~addition,~~ The Department of Corrections shall also notify the
221 | department if the sexual predator escapes or absconds from
222 | custody or supervision or if the sexual predator dies. In
223 | addition, for any sexual predator sentenced to electronic

224 monitoring provided in s. 775.082(3)(a)4.b., s. 947.1406, or s.
225 948.11(6), the Department of Corrections must provide that
226 information to the department.

227 (1) A sexual predator must maintain registration with the
228 department for the duration of his or her life, unless the
229 sexual predator has received a full pardon or has had a
230 conviction set aside in a postconviction proceeding for any
231 offense that met the criteria for the sexual predator
232 designation. However, a sexual predator who was designated as a
233 sexual predator by a court before October 1, 1998, and who has
234 been lawfully released from confinement, supervision, or
235 sanction, whichever is later, for at least 10 years and has not
236 been arrested for any felony or misdemeanor offense since
237 release, may petition the criminal division of the circuit court
238 in the circuit in which the sexual predator resides for the
239 purpose of removing the sexual predator designation. A sexual
240 predator who was designated a sexual predator by a court on or
241 after October 1, 1998, who has been lawfully released from
242 confinement, supervision, or sanction, whichever is later, for
243 at least 20 years, and who has not been arrested for any felony
244 or misdemeanor offense since release may petition the criminal
245 division of the circuit court in the circuit in which the sexual
246 predator resides for the purpose of removing the sexual predator
247 designation. A sexual predator who was designated a sexual
248 predator by a court on or after October 1, 2005, who has been
249 lawfully released from confinement, supervision, or sanction,
250 whichever is later, for at least 30 years and who has not been
251 arrested for any felony or misdemeanor offense since release may

252 petition the criminal division of the circuit court in the
253 circuit in which the sexual predator resides for the purpose of
254 removing the sexual predator designation. The court may grant or
255 deny such relief if the petitioner demonstrates to the court
256 that he or she has not been arrested for any crime since
257 release, the requested relief complies with the provisions of
258 the federal Jacob Wetterling Act, as amended, and any other
259 federal standards applicable to the removal of the designation
260 as a sexual predator or required to be met as a condition for
261 the receipt of federal funds by the state, and the court is
262 otherwise satisfied that the petitioner is not a current or
263 potential threat to public safety. The state attorney in the
264 circuit in which the petition is filed must be given notice of
265 the petition at least 3 weeks before the hearing on the matter.
266 The state attorney may present evidence in opposition to the
267 requested relief or may otherwise demonstrate the reasons why
268 the petition should be denied. If the court denies the petition,
269 the court may set a future date at which the sexual predator may
270 again petition the court for relief, subject to the standards
271 for relief provided in this paragraph. Unless specified in the
272 order, a sexual predator who is granted relief under this
273 paragraph must comply with the requirements for registration as
274 a sexual offender and other requirements provided under s.
275 943.0435 or s. 944.607. If a petitioner obtains an order from
276 the court that imposed the order designating the petitioner as a
277 sexual predator which removes such designation, the petitioner
278 shall forward a certified copy of the written findings or order

279 | to the department in order to have the sexual predator
280 | designation removed from the sexual predator registry.

281 | (m)1. A sexual predator must report in person each year
282 | during the month of the sexual predator's date of birth and
283 | during the sixth month following the sexual predator's birth
284 | month to the sheriff's office in the county in which he or she
285 | resides or is otherwise located to reregister. The sheriff's
286 | office may determine the appropriate times and days for
287 | reporting by the sexual predator, which shall be consistent with
288 | the reporting requirements of this paragraph. Reregistration
289 | shall include any changes to information provided in paragraph
290 | (a).

291 | 2. The sheriff's office shall, within 2 working days,
292 | electronically submit and update all information provided by the
293 | sexual predator to the department in a manner prescribed by the
294 | department. This procedure shall be implemented by December 1,
295 | 2005.

296 |

297 | The sheriff shall promptly provide to the department the
298 | information received from the sexual predator.

299 | (10) PENALTIES.--

300 | (a) Except as otherwise specifically provided, a sexual
301 | predator who fails to register; who fails, after registration,
302 | to maintain, acquire, or renew a driver's license or
303 | identification card; who fails to provide required location
304 | information or change-of-name information; who fails to make a
305 | required report in connection with vacating a permanent
306 | residence; who fails to reregister as required; who fails to

307 respond to any address verification correspondence from the
 308 department within three weeks of the date of the correspondence;
 309 or who otherwise fails, by act or omission, to comply with the
 310 requirements of this section, commits a felony of the third
 311 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 312 775.084.

313 Section 6. Section 775.235, Florida Statutes, is created
 314 to read:

315 775.235 Harboring sexual predator or sexual offender.--Any
 316 person who knows or has reasonable cause to believe that a
 317 sexual predator or sexual offender is not complying, or has not
 318 complied, with the requirements of s. 775.21, s. 943.0435, or s.
 319 944.607 and who, with the intent to assist the sexual predator
 320 or sexual offender in eluding a law enforcement agency that is
 321 seeking to find the sexual predator or sexual offender to
 322 question the sexual predator or sexual offender about, or to
 323 arrest the sexual predator or sexual offender for, his or her
 324 noncompliance with the requirements of this section:

325 (1) Withholds information from, or does not notify, the
 326 law enforcement agency about the sexual predator or sexual
 327 offender's noncompliance with the requirements of this section,
 328 and, if known, the whereabouts of the sexual predator or sexual
 329 offender;

330 (2) Harbors, or attempts to harbor, or assists another
 331 person in harboring or attempting to harbor, the sexual predator
 332 or sexual offender;

333 (3) Hides or attempts to hide, or assists another person
 334 in hiding or attempting to hide, the sexual predator or sexual
 335 offender; or

336 (4) Provides information to the law enforcement agency
 337 regarding the sexual predator or sexual offender which the
 338 person knows to be false information,
 339
 340 commits a felony of the third degree, punishable as provided in
 341 s. 775.082 , s. 775.083, or s. 775.084. This paragraph does not
 342 apply if the sexual predator or sexual offender is incarcerated
 343 in or is in the custody of a state correctional facility, a
 344 private correctional facility, a local jail, or a federal
 345 correctional facility.

346 Section 7. Paragraph (b) of subsection (5) of section
 347 800.04, Florida Statutes, is amended to read:

348 800.04 Lewd or lascivious offenses committed upon or in
 349 the presence of persons less than 16 years of age.--

350 (5) LEWD OR LASCIVIOUS MOLESTATION.--

351 (b) An offender 18 years of age or older who commits lewd
 352 or lascivious molestation against a victim less than 12 years of
 353 age commits a life felony ~~of the first degree~~, punishable as
 354 provided in s. s. 775.082(3)(a)4. ~~775.082, s. 775.083, or s.~~
 355 ~~775.084.~~

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

358 921.0022 Criminal Punishment Code; offense severity
 359 ranking chart.--

360 (3) OFFENSE SEVERITY RANKING CHART

361	Florida Statute	Felony Degree	Description
362			(f) LEVEL 6
363	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
364	499.0051 (3)	2nd	Forgery of pedigree papers.
365	499.0051 (4)	2nd	Purchase or receipt of legend drug from unauthorized person.
366	499.0051 (5)	2nd	Sale of legend drug to unauthorized person.
367	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
368	775.21 (10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
369	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
370			

371	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
372	784.041	3rd	Felony battery.
373	784.048 (3)	3rd	Aggravated stalking; credible threat.
374	784.048 (5)	3rd	Aggravated stalking of person under 16.
375	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
376	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
377	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
378	784.081 (2)	2nd	Aggravated assault on specified official or employee.
379	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.

380	784.083 (2)	2nd	Aggravated assault on code inspector.
381	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
382	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
383	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
384	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
385	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
386	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.

387	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
388	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
389	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
390	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
391	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
392	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
393	812.015 (9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
	812.13 (2) (c)	2nd	Robbery, no firearm or other

394			weapon (strong-arm robbery).
	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
395			
	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
396			
	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
397			
	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
398			
	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
399			
	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
400			
	827.03 (1)	3rd	Abuse of a child.
401			
	827.03 (3) (c)	3rd	Neglect of a child.
402			

403	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
404	836.05	2nd	Threats; extortion.
405	836.10	2nd	Written threats to kill or do bodily injury.
406	843.12	3rd	Aids or assists person to escape.
407	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
408	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
409	943.0435(9)	3rd	Sex offenders; failure to comply with reporting requirements.
410	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

411	944.40	2nd	Escapes.
412	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
413	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
414	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
415			(g) LEVEL 7
416	316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
417	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a

			patrol vehicle with siren and lights activated.
418	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
419	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
420	409.920(2)	3rd	Medicaid provider fraud.
421	456.065(2)	3rd	Practicing a health care profession without a license.
422	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
423	458.327(1)	3rd	Practicing medicine without a license.
424	459.013(1)	3rd	Practicing osteopathic medicine without a license.
425			

426	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
427	461.012 (1)	3rd	Practicing podiatric medicine without a license.
428	462.17	3rd	Practicing naturopathy without a license.
429	463.015 (1)	3rd	Practicing optometry without a license.
430	464.016 (1)	3rd	Practicing nursing without a license.
431	465.015 (2)	3rd	Practicing pharmacy without a license.
432	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
433	467.201	3rd	Practicing midwifery without a license.
434	468.366	3rd	Delivering respiratory care services without a license.

435	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
436	483.901 (9)	3rd	Practicing medical physics without a license.
437	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
438	484.053	3rd	Dispensing hearing aids without a license.
439	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
440	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
	560.125 (5) (a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300

but less than \$20,000.

441

655.50 (10) (b) 1. 3rd

Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

442

775.0821 3rd

Tampering with electronic monitoring device.

443

775.21 (10) (a) 3rd

Sexual predator; failure to register; failure to renew driver's license or identification card.

444

775.21 (10) (b) 3rd

Sexual predator working where children regularly congregate.

445

775.235 3rd

Harboring sexual predator or sexual offender.

446

447

782.051 (3) 2nd

Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

448

449	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
450	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
451	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
452	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
453	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
454	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
455	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.

456	784.048 (7)	3rd	Aggravated stalking; violation of court order.
457	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
458	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
459	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
460	784.081 (1)	1st	Aggravated battery on specified official or employee.
461	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
462	784.083 (1)	1st	Aggravated battery on code inspector.
463	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
	790.16 (1)	1st	Discharge of a machine gun under

specified circumstances.

464

790.165 (2) 2nd Manufacture, sell, possess, or deliver hoax bomb.

465

790.165 (3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

466

790.166 (3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

467

790.166 (4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

468

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

469

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

470

471	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
472	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
473	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
474	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
475	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
476	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
477	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical

478			equipment; 2nd degree grand theft.
	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
479			
	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
480			
	812.131 (2) (a)	2nd	Robbery by sudden snatching.
481			
	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
482			
	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
483			
	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
484			
	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
485			
	817.2341 (2) (b) &	1st	Making false entries of material

	(3) (b)		fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
486	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
487	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
488	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
489	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
490	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
491			

492	838.015	2nd	Bribery.
493	838.016	2nd	Unlawful compensation or reward for official behavior.
494	838.021(3)(a)	2nd	Unlawful harm to a public servant.
495	838.22	2nd	Bid tampering.
496	872.06	2nd	Abuse of a dead human body.
497	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious

			services or a specified business site.
498	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
499	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
500	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
501	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
502	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
503	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
504	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
505			

506	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
507	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
508	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
509	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
510	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
511	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
	<u>943.0435 (4) (c)</u>	<u>2nd</u>	<u>Sexual offender vacating permanent</u>

residence; failure to comply with reporting requirements.

512

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

513

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

514

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

515

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

516

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

519 921.141 Sentence of death or life imprisonment for capital
520 felonies; further proceedings to determine sentence.--

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

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

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

529 943.043 Toll-free telephone number; Internet notification;
530 sexual predator and sexual offender information.--

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

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

538 943.0435 Sexual offenders required to register with the
539 department; penalty.--

540 (13) (a) A sexual offender must report in person each year
541 during the month of the sexual offender's date of birth and
542 during the sixth month following the sexual offender's birth
543 month to the sheriff's office in the county in which he or she
544 resides or is otherwise located to reregister. The sheriff's
545 office may determine the appropriate times and days for
546 reporting by the sexual offender, which shall be consistent with
547 the reporting requirements of this paragraph. Reregistration
548 shall include any changes to the information provided in
549 subsection (2). Any sexual offender who fails to report in
550 person as required at the sheriff's office, or who fails to
551 respond to any address verification correspondence from the
552 department within three weeks of the date of the correspondence,
553 commits a felony of the third degree, punishable as provided in
554 s. 775.082, s. 775.083, or s. 775.084.

555 (b) The sheriff's office shall, within 2 working days,
 556 electronically submit and update all information provided by the
 557 sexual offender to the department in a manner prescribed by the
 558 department. This procedure shall be implemented by December 1,
 559 2005.

560 Section 12. Section 943.04352, Florida Statutes, is
 561 created to read:

562 943.04352 Search of registration information regarding
 563 sexual predators and sexual offenders required for misdemeanor
 564 probation placement.--When the court places a defendant on
 565 misdemeanor probation pursuant to ss. 948.01 and 948.15, the
 566 public or private entity providing probation services must
 567 conduct a search of the probationer's name or other identifying
 568 information against the registration information regarding
 569 sexual predators and sexual offenders maintained by the
 570 Department of Law Enforcement under s. 943.043. The probation
 571 services provider may conduct the search using the Internet site
 572 maintained by the Department of Law Enforcement.

573 Section 13. Paragraph (a) of subsection (3) of section
 574 944.606, Florida Statutes, is amended to read:

575 944.606 Sexual offenders; notification upon release.--

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

579 1. The department must provide: the sexual offender's
 580 name, any change in the offender's name by reason of marriage or
 581 other legal process, and any alias, if known; the correctional
 582 facility from which the sexual offender is released; the sexual

583 offender's social security number, race, sex, date of birth,
584 height, weight, and hair and eye color; date and county of
585 sentence and each crime for which the offender was sentenced; a
586 copy of the offender's fingerprints and a digitized photograph
587 taken within 60 days before release; the date of release of the
588 sexual offender; and the offender's intended residence address,
589 if known. The department shall notify the Department of Law
590 Enforcement if the sexual offender escapes, absconds, or dies.
591 In addition, for any sexual offender sentenced to electronic
592 monitoring provided in s. 775.082(3)(a)4.b., s. 947.1406, or s.
593 948.11(6), the department must provide that information to the
594 Department of Law Enforcement. If the sexual offender is in the
595 custody of a private correctional facility, the facility shall
596 take the digitized photograph of the sexual offender within 60
597 days before the sexual offender's release and provide this
598 photograph to the Department of Corrections and also place it in
599 the sexual offender's file. If the sexual offender is in the
600 custody of a local jail, the custodian of the local jail shall
601 notify the Department of Law Enforcement of the sexual
602 offender's release and provide to the Department of Law
603 Enforcement the information specified in this paragraph and any
604 information specified in subparagraph 2. that the Department of
605 Law Enforcement requests.

606 2. The department may provide any other information deemed
607 necessary, including criminal and corrections records,
608 nonprivileged personnel and treatment records, when available.

609 Section 14. Paragraph (a) of subsection (4) of section
 610 944.607, Florida Statutes, is amended, and paragraph (h) is
 611 added to subsection (6) of said section, to read:

612 944.607 Notification to Department of Law Enforcement of
 613 information on sexual offenders.--

614 (4) A sexual offender, as described in this section, who
 615 is under the supervision of the Department of Corrections but is
 616 not incarcerated must register with the Department of
 617 Corrections and provide information as required by this
 618 subsection.

619 (a) The sexual offender shall provide his or her name;
 620 date of birth; social security number; race; sex; height;
 621 weight; hair and eye color; tattoos or other identifying marks;
 622 and permanent or legal residence and address of temporary
 623 residence within the state or out of state while the sexual
 624 offender is under supervision in this state, including any rural
 625 route address or post office box. In addition, any sexual
 626 offender sentenced to electronic monitoring provided in s.
 627 775.082(3)(a)4.b., s. 947.1406 or s. 948.11(6) must provide that
 628 information to the Department of Corrections. The Department of
 629 Corrections shall verify the address of each sexual offender in
 630 the manner described in ss. 775.21 and 943.0435.

631 (6) The information provided to the Department of Law
 632 Enforcement must include:

633 (h) Information obtained from the Department of
 634 Corrections that a sexual offender has been sentenced to
 635 electronic monitoring provided in s. 775.082(3)(a)4.b., s.
 636 947.1406 or s. 948.11(6).

637
638 If any information provided by the department changes during the
639 time the sexual offender is under the department's control,
640 custody, or supervision, including any change in the offender's
641 name by reason of marriage or other legal process, the
642 department shall, in a timely manner, update the information and
643 provide it to the Department of Law Enforcement in the manner
644 prescribed in subsection (2).

645 Section 15. Paragraph (b) of subsection (7) of section
646 947.1405, Florida Statutes, is amended, paragraph (c) is added
647 to said subsection, subsection (9) is renumbered as subsection
648 (10), and a new subsection (9) is added to said section, to
649 read:

650 947.1405 Conditional release program.--

651 (7)

652 (b) For a releasee whose crime was committed on or after
653 October 1, 1997, in violation of chapter 794, s. 800.04, s.
654 827.071, or s. 847.0145, and who is subject to conditional
655 release supervision, in addition to any other provision of this
656 section ~~subsection~~, the commission shall impose the following
657 additional conditions of conditional release supervision:

658 1. As part of a treatment program, participation in a
659 minimum of one annual polygraph examination to obtain
660 information necessary for risk management and treatment and to
661 reduce the sex offender's denial mechanisms. The polygraph
662 examination must be conducted by a polygrapher trained
663 specifically in the use of the polygraph for the monitoring of
664 sex offenders, where available, and at the expense of the sex

665 offender. The results of the polygraph examination shall not be
666 used as evidence in a hearing to prove that a violation of
667 supervision has occurred.

668 2. Maintenance of a driving log and a prohibition against
669 driving a motor vehicle alone without the prior approval of the
670 supervising officer.

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

673 4. If there was sexual contact, a submission to, at the
674 probationer's or community controllee's expense, an HIV test
675 with the results to be released to the victim or the victim's
676 parent or guardian.

677 5. Electronic monitoring of any form when ordered by the
678 commission.

679 (c) Effective for a releasee whose crime was committed on
680 or after September 1, 2005, in violation of chapter 794, s.
681 800.04, s. 827.071, or s. 847.0145, and the unlawful activity
682 involved a victim who was 12 years of age or younger, or for a
683 releasee who is designated as a sexual predator pursuant to s.
684 775.21, in addition to any other provision of this section, the
685 commission must order electronic monitoring for the duration of
686 the releasee's supervision.

687 (9) For a releasee placed on electronic monitoring under
688 paragraph (7)(c) who the commission determines is in violation
689 of any material condition of supervision, the commission shall
690 order the releasee returned to prison until the expiration of
691 the sentence of imprisonment.

692 Section 16. Section 947.1406, Florida Statutes, is created
 693 to read:

694 947.1406 Electronic monitoring for certain sex offenders
 695 and sexual predators.--For any conditional releasee placed on
 696 electronic monitoring under s. 947.1405(9), the department shall
 697 use a system of active electronic monitoring that identifies the
 698 location of a monitored offender and that can produce upon
 699 request reports or records of the offender's presence near or
 700 within a crime scene or prohibited area or the offender's
 701 departure from a specified geographic location.

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

704 948.06 Violation of probation or community control;
 705 revocation; modification; continuance; failure to pay
 706 restitution or cost of supervision.--

707 (8) This subsection shall apply to any probationer or
 708 community controllee under supervision for a violation of s.
 709 787.01, s. 787.02, s. 787.025, s. 794.011, s. 800.04, s.
 710 827.071, or s. 847.0145, or who is designated a sexual predator
 711 under s. 775.21, regardless of when his or her crime was
 712 committed. In any case, when a violation of supervision is
 713 admitted or determined by the court to be proven, and the court
 714 returns the violator to probation or community control
 715 supervision, the court must, in addition to any other condition
 716 of supervision, order electronic monitoring as described in s.
 717 948.11(6).

718 Section 18. Section 948.061, Florida Statutes, is created
 719 to read:

720 948.061 Identifying, assessing, and monitoring high-risk
721 sex offenders on community supervision; providing cumulative
722 criminal and supervision histories on the Internet.--

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

727 (a) Has previously been placed on probation or in
728 community control and has a history of committing multiple
729 violations of community supervision in this state or in any
730 other jurisdiction or has previously been incarcerated in this
731 state or in any other jurisdiction; and

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

- 735 1. Previous conviction for domestic violence;
736 2. History of substance abuse;
737 3. Unemployment or substantial financial difficulties;
738 4. Previous conviction for violence or sex acts against
739 children, particularly involving strangers; or
740 5. Any other risk factor identified by the department.

741 (2) To facilitate the information available to the court
742 at first appearance hearings and at all subsequent hearings for
743 these high-risk sex offenders, the department shall, no later
744 than March 1, 2006, post on the Florida Department of Law
745 Enforcement's Criminal Justice Intranet a cumulative chronology
746 of the sex offender's prior terms of state probation and
747 community control, including all substantive or technical

748 violations of state probation or community control. The
749 sheriff's office in the county where the arrested person is
750 booked shall insure that state and national criminal history
751 information and all criminal justice information available in
752 the Florida Crime Information Center and the National Crime
753 Information Center is provided to the court at the time of first
754 appearance. The courts shall assist the department's
755 dissemination of critical information by creating and
756 maintaining an automated system to provide the information as
757 specified in this subsection and by providing the necessary
758 technology in the courtroom to deliver the information.

759 (3) In monitoring the location of high-risk offenders, the
760 department, shall, no later than October 1, 2006, have
761 fingerprint-reading equipment and capability that will
762 immediately identify probationers or community controllees when
763 they reports to their designated probation officers and alert
764 department probation officials when probationers and community
765 controllees are subsequently rearrested.

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

768 948.11 Electronic monitoring devices.--

769 (6) For any probationer or community controllee placed on
770 electronic monitoring under s. 948.30(3), the Department of
771 Corrections shall use a system of active electronic monitoring
772 that identifies the location of a monitored offender and that
773 can produce, upon request, reports or records of the offender's
774 presence near or within a crime scene or prohibited area or the
775 offender's departure from a specified geographic location.

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

778 948.15 Misdemeanor probation services.--

779 (3) Any private entity providing services for the
 780 supervision of misdemeanor probationers must contract with the
 781 county in which the services are to be rendered. In a county
 782 with a population of less than 70,000, the county court judge,
 783 or the administrative judge of the county court in a county that
 784 has more than one county court judge, must approve the contract.
 785 Terms of the contract must state, but are not limited to:

786 (k) Procedures for accessing criminal history records of
 787 probationers.

788
 789 In addition, the entity shall supply the chief judge's office
 790 with a quarterly report summarizing the number of offenders
 791 supervised by the private entity, payment of the required
 792 contribution under supervision or rehabilitation, and the number
 793 of offenders for whom supervision or rehabilitation will be
 794 terminated. All records of the entity must be open to inspection
 795 upon the request of the county, the court, the Auditor General,
 796 the Office of Program Policy Analysis and Government
 797 Accountability, or agents thereof.

798 Section 22. Subsection (2) of section 948.30, Florida
 799 Statutes, is amended, and subsection (3) is added to said
 800 section, to read:

801 948.30 Additional terms and conditions of probation or
 802 community control for certain sex offenses.--Conditions imposed
 803 pursuant to this section do not require oral pronouncement at

804 the time of sentencing and shall be considered standard
805 conditions of probation or community control for offenders
806 specified in this section.

807 (2) Effective for a probationer or community controllee
808 whose crime was committed on or after October 1, 1997, and who
809 is placed on community control or sex offender probation for a
810 violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145,
811 in addition to any other provision of this section ~~subsection~~,
812 the court must impose the following conditions of probation or
813 community control:

814 (a) As part of a treatment program, participation at least
815 annually in polygraph examinations to obtain information
816 necessary for risk management and treatment and to reduce the
817 sex offender's denial mechanisms. A polygraph examination must
818 be conducted by a polygrapher trained specifically in the use of
819 the polygraph for the monitoring of sex offenders, where
820 available, and shall be paid for by the sex offender. The
821 results of the polygraph examination shall not be used as
822 evidence in court to prove that a violation of community
823 supervision has occurred.

824 (b) Maintenance of a driving log and a prohibition against
825 driving a motor vehicle alone without the prior approval of the
826 supervising officer.

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

829 (d) If there was sexual contact, a submission to, at the
830 probationer's or community controllee's expense, an HIV test

831 with the results to be released to the victim or the victim's
832 parent or guardian.

833 (e) Electronic monitoring when deemed necessary by the
834 community control or probation officer and his or her
835 supervisor, and ordered by the court at the recommendation of
836 the Department of Corrections.

837 (3) Effective for a probationer or community controllee
838 whose crime was committed on or after September 1, 2005, and who
839 is on community control or sex offender probation for a
840 violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145,
841 or who is designated a sexual predator under s. 775.21, in
842 addition to any other provision of this section, the court shall
843 order electronic monitoring as provided in s. 948.11(6).

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

846 1012.465 Background screening requirements for certain
847 noninstructional school district employees and contractors.--

848 (1) Noninstructional school district employees or
849 contractual personnel who are permitted access on school grounds
850 when students are present, who have direct contact with
851 students, or who have access to or control of school funds must
852 meet level 2 screening requirements as described in s. 1012.32.
853 Contractual personnel shall include any vendor, individual, or
854 entity under contract with the school board.

855 Section 24. The Office of Program Policy Analysis and
856 Governmental Accountability shall perform a study of the
857 effectiveness of Florida's sexual predator and sexual offender
858 registration process and community and public notification

859 provisions. As part of determining the effectiveness of the
860 registration process, the OPPAGA shall examine the current
861 practice of Department of Corrections, county probation offices,
862 clerk of courts, court administrators, county jails and booking
863 facilities, Department of Children and Family Services, judges,
864 state attorneys offices, Department of Highway Safety and Motor
865 Vehicles, Department of Law Enforcement, and local law
866 enforcement agencies as it relates to: sharing of offender
867 information regarding registered sexual predators and sexual
868 offenders for purposes of fulfilling the requirements set forth
869 in the registration laws; insuring the most current and
870 comprehensive information is provided in a timely manner to the
871 registry; insuring the effective supervision and subsequent
872 monitoring of sexual predators and offenders; and insuring
873 informed decisions are made at each point of the criminal
874 justice and registration process. In addition to determining the
875 effectiveness of the registration process, the report shall
876 focus on the question of whether the notification provisions are
877 sufficient to apprise communities of the presence of sexual
878 predators and sexual offenders. The report shall examine how
879 local law enforcement agencies collect and disseminate
880 information in an effort to notify the public and communities of
881 the presence of sexual predators and offenders. If the report
882 finds deficiencies in the registration process, the notification
883 provisions, or both, the report shall provide options for
884 correcting those deficiencies and shall include the projected
885 cost of implementing those options. In conducting the study, the
886 Office of Program Policy Analysis and Governmental

887 Accountability shall consult with the Florida Council Against
888 Sexual Violence and the Florida Association for the Treatment of
889 Sexual Abusers in addition to other interested entities that may
890 offer experiences and perspectives unique to this area of
891 research. The report shall be submitted to the President of the
892 Senate and the Speaker of the House of Representatives on three
893 year intervals with the initial report being due on January 1,
894 2006.

895 Section 25. If any provision of this act or its
896 application to any person or circumstance is held invalid, the
897 invalidity does not affect other provisions or applications of
898 the act that can be given effect without the invalid provision
899 or application, and to this end the provisions of this act are
900 declared severable.

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