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HB 1877, Engrossed 2

2005 Legislature

1 A bill to be entitled
2 An act relating to high-risk offenders; providing a short
3 title; amending s. 216.136, F.S.; assigning additional
4 responsibilities of the Criminal Justice Estimating
5 Conference; requiring a study; amending s. 775.21, F.S.;
6 revising sexual predator criteria; extending the period
7 for a petition to remove a sexual predator designation;
8 requiring twice yearly reregistration by sexual predators;
9 requiring reregistration information be provided to the
10 Department of Law Enforcement; providing criminal offenses
11 for failing to reregister, failing to respond to address
12 verification, failing to report or providing false
13 information about a sexual predator, and harboring or
14 concealing a sexual predator; requiring twice yearly
15 reregistration by sexual predators; requiring
16 reregistration information be provided to the Department
17 of Law Enforcement; providing criminal offenses for
18 failing to reregister, failing to respond to address
19 verification, failing to report or providing false
20 information about a sexual predator, and harboring or
21 concealing a sexual predator; amending s. 775.082, F.S.;
22 providing for specified sentencing of persons convicted of
23 the life felony offense in s. 800.04(5)(b), F.S.;
24 providing for 25-year mandatory minimum term of
25 imprisonment; amending s. 800.04, F.S.; providing that it
26 is a life felony for an offender 18 years of age or older
27 to commit lewd or lascivious molestation against a victim
28 younger than 12 years of age; amending s. 921.0022, F.S.;

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 deleting ranking for offenses involving sexual predators
30 and sexual offenders failing to comply with registration
31 requirements; ranking offenses involving sexual predators
32 and sexual offenders failing to comply with registration
33 requirements and other requirements; ranking new criminal
34 offenses for failing to reregister, failing to respond to
35 address verification, failing to report or providing false
36 information about a sexual predator or sexual offender,
37 and harboring or concealing a sexual predator or sexual
38 offender; correcting a reference to the felony degree of a
39 lewd or lascivious offense; amending s. 921.141, F.S.;
40 providing an additional aggravating circumstance
41 pertaining to sexual predators for the purpose of imposing
42 the death penalty; amending s. 943.043, F.S., requiring
43 the Department of Law Enforcement to provide to local law
44 enforcement agencies information on sexual predators and
45 sexual offenders who fail to respond to address
46 verification attempts or abscond from registration;
47 amending s. 943.0435, F.S.; requiring twice yearly
48 reregistration by sexual offenders; requiring
49 reregistration information be provided to the Department
50 of Law Enforcement; providing criminal offenses for
51 failing to reregister, failing to respond to address
52 verification, failing to report or providing false
53 information about a sexual offender, and harboring or
54 concealing a sexual offender; creating s. 943.04352, F.S.;
55 requiring a search of the sexual offender and sexual
56 predator registry by entities providing probation

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57 | services; amending s. 944.607, F.S.; requiring twice
58 | yearly reregistration by sexual offenders; requiring
59 | reregistration information be provided to the Department
60 | of Law Enforcement; providing criminal offenses for
61 | failing to reregister, failing to respond to address
62 | verification, failing to report or providing false
63 | information about a sexual offender, and harboring or
64 | concealing a sexual offender; amending s. 947.1405, F.S.;
65 | requiring electronic monitoring for certain offenders
66 | placed on conditional release supervision; amending s.
67 | 948.06(4), F.S.; requiring a court finding with regard to
68 | dangerousness to the public prior to release on bail under
69 | certain circumstances; amending s. 948.012, F.S.;
70 | requiring the court to impose a split sentence in certain
71 | circumstances; creating s. 948.061, F.S.; requiring the
72 | Department of Corrections to develop a risk assessment
73 | system to monitor certain offenders placed on probation or
74 | community control; requiring increased supervision of such
75 | offenders under certain circumstances; requiring that
76 | information be provided via FDLE's Criminal Justice
77 | Intranet to the court by the correctional probation
78 | officer; requiring the court to assist the department by
79 | creating and maintaining an automated system; requiring
80 | the department to have fingerprint reading equipment and
81 | capability by October 1, 2006; creating s. 948.062, F.S.;
82 | requiring the Department of Corrections to review the
83 | circumstances of certain arrests of offenders on probation
84 | or community control; requiring the Office of Program

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85 | Policy Analysis and Government Accountability to analyze
86 | the reviews and report to the President of the Senate and
87 | the Speaker of the House of Representatives; creating s.
88 | 948.063, F.S.; requiring the court to order electronic
89 | monitoring for designated sexual offenders and predators
90 | who violate probation or community control; amending s.
91 | 948.11, F.S.; requiring the department to develop and
92 | implement procedures to notify certain officials on the
93 | availability of electronic monitoring units; requiring the
94 | department to use certain electronic monitoring systems on
95 | high-risk offenders; prohibiting the intentional altering,
96 | tampering, damaging or destroying of any electronic
97 | monitoring equipment; amending s. 948.15, F.S.; specifying
98 | that the terms of the contract must contain procedures for
99 | accessing criminal history records concerning
100 | probationers; amending s. 948.30, F.S.; specifying
101 | additional conditions for persons placed on community
102 | control; requiring certain sex offenders and sexual
103 | predators on probation or community control to be placed
104 | on electronic monitoring; amending s. 1012.465(1), F.S.;
105 | clarifying background screening requirements for
106 | contractual personnel who have access on school grounds;
107 | creating a task force within the Department of Law
108 | Enforcement; requiring the task force to examine the
109 | collection and dissemination of offender information
110 | within the criminal justice system and community;
111 | prescribing task force membership; requiring that the task
112 | force submit findings and recommendations to the Governor

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113 and the Legislature; requiring cooperation by state
 114 agencies; providing for abolishing the task force on a
 115 specified date; requiring the Office of Program Policy
 116 Analysis and Governmental Accountability to perform a
 117 study of and report to the Legislature on the
 118 effectiveness of Florida's sexual predator and sexual
 119 offender registries and community and public notification
 120 provisions; providing appropriations and authorizing
 121 positions; providing an effective date.

122

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

124

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

127 Section 2. Paragraph (a) of subsection (5) of section
 128 216.136, Florida Statutes, is amended to read:

129 216.136 Consensus estimating conferences; duties and
 130 principals.--

131 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

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

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

139 2. Develop such official information relating to the
 140 number of eligible discharges and the projected number of civil

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141 commitments for determining space needs pursuant to the civil
 142 proceedings provided under part V of chapter 394.

143 3. Develop official information relating to the number of
 144 sexual offenders and sexual predators who are required by law to
 145 be placed on community control, probation, or conditional
 146 release who are subject to electronic monitoring. In addition,
 147 the Office of Economic and Demographic Research shall study the
 148 factors relating to the sentencing of sex offenders from the
 149 point of arrest through the imposition of sanctions by the
 150 sentencing court, including original charges, plea negotiations,
 151 trial dispositions, and sanctions. The Department of
 152 Corrections, the Office of the State Courts Administrator, the
 153 Florida Department of Law Enforcement, and the State Attorneys
 154 shall provide information deemed necessary for the study. The
 155 final report shall be provided to the President of the Senate
 156 and Speaker of the House by March 1, 2006.

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

160 775.21 The Florida Sexual Predators Act.--

161 (4) SEXUAL PREDATOR CRITERIA.--

162 (b) In order to be counted as a prior felony for purposes
 163 of this subsection, the felony must have resulted in a
 164 conviction sentenced separately, or an adjudication of
 165 delinquency entered separately, prior to the current offense and
 166 sentenced or adjudicated separately from any other felony
 167 conviction that is to be counted as a prior felony. ~~If the~~
 168 ~~offender's prior enumerated felony was committed more than 10~~

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169 ~~years before the primary offense, it shall not be considered a~~
170 ~~prior felony under this subsection if the offender has not been~~
171 ~~convicted of any other crime for a period of 10 consecutive~~
172 ~~years from the most recent date of release from confinement,~~
173 ~~supervision, or sanction, whichever is later.~~

174 (6) REGISTRATION.--

175 (1) A sexual predator must maintain registration with the
176 department for the duration of his or her life, unless the
177 sexual predator has received a full pardon or has had a
178 conviction set aside in a postconviction proceeding for any
179 offense that met the criteria for the sexual predator
180 designation. However, a sexual predator who was designated as a
181 sexual predator by a court before October 1, 1998, and who has
182 been lawfully released from confinement, supervision, or
183 sanction, whichever is later, for at least 10 years and has not
184 been arrested for any felony or misdemeanor offense since
185 release, may petition the criminal division of the circuit court
186 in the circuit in which the sexual predator resides for the
187 purpose of removing the sexual predator designation. A sexual
188 predator who was designated a sexual predator by a court on or
189 after October 1, 1998, who has been lawfully released from
190 confinement, supervision, or sanction, whichever is later, for
191 at least 20 years, and who has not been arrested for any felony
192 or misdemeanor offense since release may petition the criminal
193 division of the circuit court in the circuit in which the sexual
194 predator resides for the purpose of removing the sexual predator
195 designation. A sexual predator who was designated as a sexual
196 predator by a court on or after September 1, 2005, who has been

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197 | lawfully released from confinement, supervision, or sanction,
198 | whichever is later, for at least 30 years, and who has not been
199 | arrested for any felony or misdemeanor offense since release may
200 | petition the criminal division of the circuit court in the
201 | circuit in which the sexual predator resides for the purpose of
202 | removing the sexual predator designation. The court may grant or
203 | deny such relief if the petitioner demonstrates to the court
204 | that he or she has not been arrested for any crime since
205 | release, the requested relief complies with the provisions of
206 | the federal Jacob Wetterling Act, as amended, and any other
207 | federal standards applicable to the removal of the designation
208 | as a sexual predator or required to be met as a condition for
209 | the receipt of federal funds by the state, and the court is
210 | otherwise satisfied that the petitioner is not a current or
211 | potential threat to public safety. The state attorney in the
212 | circuit in which the petition is filed must be given notice of
213 | the petition at least 3 weeks before the hearing on the matter.
214 | The state attorney may present evidence in opposition to the
215 | requested relief or may otherwise demonstrate the reasons why
216 | the petition should be denied. If the court denies the petition,
217 | the court may set a future date at which the sexual predator may
218 | again petition the court for relief, subject to the standards
219 | for relief provided in this paragraph. Unless specified in the
220 | order, a sexual predator who is granted relief under this
221 | paragraph must comply with the requirements for registration as
222 | a sexual offender and other requirements provided under s.
223 | 943.0435 or s. 944.607. If a petitioner obtains an order from
224 | the court that imposed the order designating the petitioner as a

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225 sexual predator which removes such designation, the petitioner
226 shall forward a certified copy of the written findings or order
227 to the department in order to have the sexual predator
228 designation removed from the sexual predator registry.

229

230 The sheriff shall promptly provide to the department the
231 information received from the sexual predator.

232 (8) VERIFICATION.--The department and the Department of
233 Corrections shall implement a system for verifying the addresses
234 of sexual predators. The system must be consistent with the
235 provisions of the federal Jacob Wetterling Act, as amended, and
236 any other federal standards applicable to such verification or
237 required to be met as a condition for the receipt of federal
238 funds by the state. The Department of Corrections shall verify
239 the addresses of sexual predators who are not incarcerated but
240 who reside in the community under the supervision of the
241 Department of Corrections. County and local law enforcement
242 agencies, in conjunction with the department, shall verify the
243 addresses of sexual predators who are not under the care,
244 custody, control, or supervision of the Department of
245 Corrections.

246 (a) A sexual predator must report in person each year
247 during the month of the sexual predator's birthday and during
248 the sixth month following the sexual predator's birth month to
249 the sheriff's office in the county in which he or she resides or
250 is otherwise located to reregister. The sheriff's office may
251 determine the appropriate times and days for reporting by the
252 sexual predator, which shall be consistent with the reporting

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253 requirements of this paragraph. Reregistration shall include any
 254 changes to the following information:

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

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

269 3. If the sexual predator's place of residence is a motor
 270 vehicle, trailer, mobile home, or manufactured home, as defined
 271 in chapter 320, the sexual predator shall also provide vehicle
 272 identification number; the license tag number; the registration
 273 number; and a description, including color scheme, of the motor
 274 vehicle, trailer, mobile home, or manufactured home. If the
 275 sexual predator's place of residence is a vessel, live-aboard
 276 vessel, or houseboat, as defined in chapter 327, the sexual
 277 predator shall also provide the hull identification number; the
 278 manufacturer's serial number; the name of the vessel, live-
 279 aboard vessel, or houseboat; the registration number; and a

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280 description, including color scheme, of the vessel, live-aboard
281 vessel, or houseboat.

282 (b) The sheriff's office shall, within 2 working days,
283 electronically submit and update all information provided by the
284 sexual predator to the department in a manner prescribed by the
285 department. This procedure shall be implemented by December 1,
286 2005.

287 (10) PENALTIES.--.

288 (a) Except as otherwise specifically provided, a sexual
289 predator who fails to register; who fails, after registration,
290 to maintain, acquire, or renew a driver's license or
291 identification card; who fails to provide required location
292 information or change-of-name information; who fails to make a
293 required report in connection with vacating a permanent
294 residence; who fails to reregister as required; who fails to
295 respond to any address verification correspondence from the
296 department within three weeks of the date of the correspondence;
297 or who otherwise fails, by act or omission, to comply with the
298 requirements of this section, commits a felony of the third
299 degree, punishable as provided in s. 775.082, s. 775.083, or s.
300 775.084.

301 (b) A sexual predator who has been convicted of or found
302 to have committed, or has pled nolo contendere or guilty to,
303 regardless of adjudication, any violation, or attempted
304 violation, of s. 787.01, s. 787.02, or s. 787.025, where the
305 victim is a minor and the defendant is not the victim's parent;
306 s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s. 796.03; s.
307 800.04; s. 827.071; s. 847.0133; or s. 847.0145, or a violation

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308 of a similar law of another jurisdiction, when the victim of the
309 offense was a minor, and who works, whether for compensation or
310 as a volunteer, at any business, school, day care center, park,
311 playground, or other place where children regularly congregate,
312 commits a felony of the third degree, punishable as provided in
313 s. 775.082, s. 775.083, or s. 775.084.

314 (c) Any person who misuses public records information
315 relating to a sexual predator, as defined in this section, or a
316 sexual offender, as defined in s. 943.0435 or s. 944.607, to
317 secure a payment from such a predator or offender; who knowingly
318 distributes or publishes false information relating to such a
319 predator or offender which the person misrepresents as being
320 public records information; or who materially alters public
321 records information with the intent to misrepresent the
322 information, including documents, summaries of public records
323 information provided by law enforcement agencies, or public
324 records information displayed by law enforcement agencies on
325 websites or provided through other means of communication,
326 commits a misdemeanor of the first degree, punishable as
327 provided in s. 775.082 or s. 775.083.

328 (d) A sexual predator who commits any act or omission in
329 violation of this section may be prosecuted for the act or
330 omission in the county in which the act or omission was
331 committed, the county of the last registered address of the
332 sexual predator, or the county in which the conviction occurred
333 for the offense or offenses that meet the criteria for
334 designating a person as a sexual predator. In addition, a
335 sexual predator may be prosecuted for any such act or omission

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336 in the county in which he or she was designated a sexual
337 predator.

338 (e) An arrest on charges of failure to register, the
339 service of an information or a complaint for a violation of this
340 section, or an arraignment on charges for a violation of this
341 section constitutes actual notice of the duty to register when
342 the predator has been provided and advised of his or her
343 statutory obligation to register under subsection (6). A sexual
344 predator's failure to immediately register as required by this
345 section following such arrest, service, or arraignment
346 constitutes grounds for a subsequent charge of failure to
347 register. A sexual predator charged with the crime of failure to
348 register who asserts, or intends to assert, a lack of notice of
349 the duty to register as a defense to a charge of failure to
350 register shall immediately register as required by this section.
351 A sexual predator who is charged with a subsequent failure to
352 register may not assert the defense of a lack of notice of the
353 duty to register.

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

357 (g) Any person who has reason to believe that a sexual
358 predator is not complying, or has not complied, with the
359 requirements of this section and who, with the intent to assist
360 the sexual predator in eluding a law enforcement agency that is
361 seeking to find the sexual predator to question the sexual
362 predator about, or to arrest the sexual predator for, his or her
363 noncompliance with the requirements of this section:

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364 1. Withholds information from, or does not notify, the law
 365 enforcement agency about the sexual predator's noncompliance
 366 with the requirements of this section, and, if known, the
 367 whereabouts of the sexual predator;

368 2. Harbors, or attempts to harbor, or assists another
 369 person in harboring or attempting to harbor, the sexual
 370 predator;

371 3. Conceals or attempts to conceal, or assists another
 372 person in concealing or attempting to conceal, the sexual
 373 predator; or

374 4. Provides information to the law enforcement agency
 375 regarding the sexual predator which the person knows to be false
 376 information,

377
 378 commits a felony of the third degree, punishable as provided in
 379 s. 775.082, s. 775.083, or s. 775.084. This paragraph does not
 380 apply if the sexual predator is incarcerated in or is in the
 381 custody of a state correctional facility, a private correctional
 382 facility, a local jail, or a federal correctional facility.

383 Section 4. Paragraph (a) of subsection (3) of section
 384 775.082, Florida Statutes, is amended to read:

385 775.082 Penalties; applicability of sentencing structures;
 386 mandatory minimum sentences for certain reoffenders previously
 387 released from prison.--

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

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390 (a)1. For a life felony committed prior to October 1,
 391 1983, by a term of imprisonment for life or for a term of years
 392 not less than 30.

393 2. For a life felony committed on or after October 1,
 394 1983, by a term of imprisonment for life or by a term of
 395 imprisonment not exceeding 40 years.

396 3. Except as provided in subparagraph 4., for a life
 397 felony committed on or after July 1, 1995, by a term of
 398 imprisonment for life or by imprisonment for a term of years not
 399 exceeding life imprisonment.

400 4. For a life felony committed on or after September 1,
 401 2005, which is a violation of s. 800.04(5)(b), by:

402 a. A term of imprisonment for life; or

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

407 Section 5. Paragraph (b) of subsection (5) of section
 408 800.04, Florida Statutes, is amended to read:

409 800.04 Lewd or lascivious offenses committed upon or in
 410 the presence of persons less than 16 years of age.--

411 (5) LEWD OR LASCIVIOUS MOLESTATION.--

412 (b) An offender 18 years of age or older who commits lewd
 413 or lascivious molestation against a victim less than 12 years of
 414 age commits a life felony ~~of the first degree~~, punishable as
 415 provided in s. 775.082(3)(a)4. ~~s. 775.082, s. 775.083, or s.~~
 416 ~~775.084.~~

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

419 921.0022 Criminal Punishment Code; offense severity
 420 ranking chart.--

421 (3) OFFENSE SEVERITY RANKING CHART

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

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430	775.0875 (1)	3rd	to unauthorized person. Taking firearm from law enforcement officer.
431	775.21 (10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
432	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
433	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
434	784.041	3rd	Felony battery.
435	784.048 (3)	3rd	Aggravated stalking; credible threat.
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437	784.048 (5)	3rd	Aggravated stalking of person under 16.
438	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
439	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
440	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
441	784.081 (2)	2nd	Aggravated assault on specified official or employee.
442	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
	784.083 (2)	2nd	Aggravated assault

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443	787.02 (2)	3rd	on code inspector.
444	790.115 (2) (d)	2nd	False imprisonment; restraining with purpose other than those in s. 787.01.
445	790.161 (2)	2nd	Discharging firearm or weapon on school property.
446	790.164 (1)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
447	790.19	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
			Shooting or throwing deadly missiles into dwellings, vessels,

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448	794.011 (8) (a)	3rd	or vehicles. Solicitation of minor to participate in sexual activity by custodial adult.
449	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
450	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.
451	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
452	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
453			

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454	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
455	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
456	812.015 (9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
457	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
458	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
	817.4821 (5)	2nd	Possess cloning

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459	825.102 (1)	3rd	paraphernalia with intent to create cloned cellular telephones.
460	825.102 (3) (c)	3rd	Abuse of an elderly person or disabled adult.
461	825.1025 (3)	3rd	Neglect of an elderly person or disabled adult.
462	825.103 (2) (c)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
463	827.03 (1)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
464			Abuse of a child.

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465	827.03 (3) (c)	3rd	Neglect of a child.
466	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
467	836.05	2nd	Threats; extortion.
468	836.10	2nd	Written threats to kill or do bodily injury.
469	843.12	3rd	Aids or assists person to escape.
470	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
471	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.

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472	943.0435(9)	3rd	Sex offenders, failure to comply with reporting requirements.
473	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.
474	944.40	2nd	Escapes.
475	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
475	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional

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476			facility.
	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
477			
478			(g) LEVEL 7
	316.027 (1) (b)	2nd	Accident involving death, failure to stop; leaving scene.
479			
	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
480			
	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

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481	327.35 (3) (c) 2.	3rd	who is in a patrol vehicle with siren and lights activated.
482	402.319 (2)	2nd	Vessel BUI resulting in serious bodily injury.
483	409.920 (2)	3rd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
484	456.065 (2)	3rd	Medicaid provider fraud.
485			Practicing a health care profession without a license.

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486	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
487	458.327 (1)	3rd	Practicing medicine without a license.
488	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
489	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
490	461.012 (1)	3rd	Practicing podiatric medicine without a license.
491	462.17	3rd	Practicing naturopathy without a license.

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492	463.015 (1)	3rd	Practicing optometry without a license.
493	464.016 (1)	3rd	Practicing nursing without a license.
494	465.015 (2)	3rd	Practicing pharmacy without a license.
495	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
496	467.201	3rd	Practicing midwifery without a license.
497	468.366	3rd	Delivering respiratory care services without a license.
498	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
	483.901 (9)	3rd	Practicing medical

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499	484.013 (1) (c)	3rd	physics without a license.
500	484.053	3rd	Preparing or dispensing optical devices without a prescription.
501	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.
502	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by

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503	560.125 (5) (a)	3rd	money transmitter.
504	655.50 (10) (b) 1.	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
505	<u>775.21 (10) (a)</u>	<u>3rd</u>	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
506	<u>775.21 (10) (b)</u>	<u>3rd</u>	<u>Sexual predator;</u> <u>failure to register;</u> <u>failure to renew</u> <u>driver's license or</u> <u>identification card;</u> <u>other registration</u> <u>violations.</u> <u>Sexual predator</u>

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507	<u>775.21 (10) (g)</u>	<u>3rd</u>	<u>working where children regularly congregate.</u>
508	782.051 (3)	2nd	<u>Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.</u>
509	782.07 (1)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
510	782.071	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
			Killing of human

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511	782.072	2nd	being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
512	784.045 (1) (a) 1.	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
513	784.045 (1) (a) 2.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
514	784.045 (1) (b)	2nd	Aggravated battery; using deadly weapon.
515			Aggravated battery; perpetrator aware victim pregnant.

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516	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
517	784.048 (7)	3rd	Aggravated stalking; violation of court order.
518	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
519	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
520	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
521	784.081 (1)	1st	Aggravated battery on specified official or employee.

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522	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
523	784.083 (1)	1st	Aggravated battery on code inspector.
524	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
525	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
526	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
526	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while

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527	790.166 (3)	2nd	committing or attempting to commit a felony.
528	790.166 (4)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
529	796.03	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
530	800.04 (5) (c) 1.	2nd	Procuring any person under 16 years for prostitution.
531			Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

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532	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.
533	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
534	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
535	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
536	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
536	812.014 (2) (a) 1.	1st	Property stolen,

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537	812.014 (2) (b) 2.	2nd	valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
538	812.014 (2) (b) 3.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
539	812.0145 (2) (a)	1st	Property stolen, emergency medical equipment; 2nd degree grand theft.
540	812.019 (2)	1st	Theft from person 65 years of age or older; \$50,000 or more.
			Stolen property; initiates, organizes, plans, etc., the theft of property and

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541	812.131 (2) (a)	2nd	traffics in stolen property.
542	812.133 (2) (b)	1st	Robbery by sudden snatching.
543	817.234 (8) (a)	2nd	Carjacking; no firearm, deadly weapon, or other weapon.
544	817.234 (9)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
545	817.234 (11) (c)	1st	Organizing, planning, or participating in an intentional motor vehicle collision.
546			Insurance fraud; property value \$100,000 or more.

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547	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material 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.
548	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
549	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.

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550	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
551	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
552	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
553	838.015	2nd	Bribery.
554	838.016	2nd	Unlawful compensation or reward for official behavior.
555	838.021 (3) (a)	2nd	Unlawful harm to a public servant.

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556	838.22	2nd	Bid tampering.
557	872.06	2nd	Abuse of a dead human body.
558	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) ,

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559	893.13 (4) (a)	1st	(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.
560	893.135 (1) (a) 1.	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).
561	893.135 (1) (b) 1.a.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
562	893.135	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
	893.135	1st	Trafficking in

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563	(1) (c) 1. a.	1st	illegal drugs, more than 4 grams, less than 14 grams.
564	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
565	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
566	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
567	893.135 (1) (g) 1. a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
	893.135 (1) (h) 1. a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1

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568	893.135 (1) (j) 1.a.	1st	kilogram or more, less than 5 kilograms. Trafficking in 1,4- Butanediol, 1 kilogram or more, less than 5 kilograms.
569	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
570	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
571	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial

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572	<u>943.0435(4)(c)</u>	<u>2nd</u>	transactions exceeding \$300 but less than \$20,000.
573	<u>943.0435(8)</u>	<u>2nd</u>	<u>Sexual offender vacating permanent residence; failure to comply with reporting requirements.</u>
574	<u>943.0435(9)(a)</u>	<u>3rd</u>	<u>Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.</u>
575	<u>943.0435(13)</u>	<u>3rd</u>	<u>Sexual offender; failure to comply with reporting requirements.</u> <u>Failure to report or providing false information about a</u>

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576	<u>943.0435 (14)</u>	<u>3rd</u>	<u>sexual offender;</u> <u>harbor or conceal a</u> <u>sexual offender.</u>
577	<u>944.607 (9)</u>	<u>3rd</u>	<u>Sexual offender;</u> <u>failure to report</u> <u>and reregister;</u> <u>failure to respond</u> <u>to address</u> <u>verification.</u>
578	<u>944.607 (10) (a)</u>	<u>3rd</u>	<u>Sexual offender;</u> <u>failure to comply</u> <u>with reporting</u> <u>requirements.</u>
579	<u>944.607 (12)</u>	<u>3rd</u>	<u>Sexual offender;</u> <u>failure to submit to</u> <u>the taking of a</u> <u>digitized</u> <u>photograph.</u>
			<u>Failure to report or</u> <u>providing false</u> <u>information about a</u> <u>sexual offender;</u> <u>harbor or conceal a</u>

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580	<u>944.607(13)</u>	<u>3rd</u>	<u>sexual offender.</u>
			<u>Sexual offender;</u> <u>failure to report</u> <u>and reregister;</u> <u>failure to respond</u> <u>to address</u> <u>verification.</u>
581			
582	316.193	1st	(i) LEVEL 9
	(3)(c)3.b.		DUI manslaughter; failing to render aid or give information.
583	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
584	499.0053	1st	Sale or purchase of contraband legend drugs resulting in great bodily harm.
585	560.123(8)(b)3.	1st	Failure to report

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586	560.125 (5) (c)	1st	currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
587	655.50 (10) (b) 3.	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
588	775.0844	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
589	782.04 (1)	1st	Aggravated white collar crime. Attempt, conspire, or solicit to commit

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590	782.04 (3)	1st, PBL	premeditated murder.
591	782.051 (1)	1st	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
592	782.07 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3).
593	787.01 (1) (a) 1.	1st, PBL	Aggravated manslaughter of an elderly person or disabled adult.
594			Kidnapping; hold for ransom or reward or as a shield or hostage.

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595	787.01 (1) (a) 2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
596	787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
597	787.02 (3) (a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
598	790.161	1st	Attempted capital destructive device offense.

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599	790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
600	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
601	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
602	794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
602	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial

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603	800.04 (5) (b)	<u>Life</u> 1st	or custodial authority.
604	812.13 (2) (a)	1st, PBL	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
605	812.133 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
606	812.135 (2) (b)	1st	Carjacking; firearm or other deadly weapon.
607	817.568 (7)	2nd, PBL	Home-invasion robbery with weapon. Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal

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608	827.03 (2)	1st	guardian, or person exercising custodial authority.
609	847.0145 (1)	1st	Aggravated child abuse.
610	847.0145 (2)	1st	Selling, or otherwise transferring custody or control, of a minor.
611	859.01	1st	Purchasing, or otherwise obtaining custody or control, of a minor. Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to

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612	893.135	1st	kill or injure another person.
613	893.135 (1) (a) 3.	1st	Attempted capital trafficking offense.
614	893.135 (1) (b) 1.c.	1st	Trafficking in cannabis, more than 10,000 lbs.
615	893.135 (1) (c) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
616	893.135 (1) (d) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
617	893.135 (1) (e) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
618	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.

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619	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
620	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
621	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4- Butanediol, 10 kilograms or more.
622	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
623	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration

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requirements,
 financial
 transactions
 totaling or
 exceeding \$100,000.

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

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

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

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

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

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

(5) In an effort to ensure that sexual predators and sexual offenders who fail to respond to address-verification attempts or who otherwise abscond from registration are located in a timely manner, the department shall share information with local law enforcement agencies. The department shall use analytical resources to assist local law enforcement agencies to determine the potential whereabouts of any sexual predator or

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647 sexual offender who fails to respond to address-verification
 648 attempts or who otherwise absconds from registration. The
 649 department shall review and analyze all available information
 650 concerning any such predator or offender who fails to respond to
 651 address-verification attempts or who otherwise absconds from
 652 registration and provide the information to local law
 653 enforcement agencies in order to assist the agencies in locating
 654 and apprehending the sexual predator or sexual offender.

655 Section 9. Subsections (13) and (14) are added to section
 656 943.0435, Florida Statutes, to read:

657 943.0435 Sexual offenders required to register with the
 658 department; penalty.--

659 (13) Any person who has reason to believe that a sexual
 660 offender is not complying, or has not complied, with the
 661 requirements of this section and who, with the intent to assist
 662 the sexual offender in eluding a law enforcement agency that is
 663 seeking to find the sexual offender to question the sexual
 664 offender about, or to arrest the sexual offender for, his or her
 665 noncompliance with the requirements of this section:

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

670 2. Harbors, or attempts to harbor, or assists another
 671 person in harboring or attempting to harbor, the sexual
 672 offender; or

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673 3. Conceals or attempts to conceal, or assists another
674 person in concealing or attempting to conceal, the sexual
675 offender; or

676 4. Provides information to the law enforcement agency
677 regarding the sexual offender that the person knows to be false
678 information,

679
680 commits a felony of the third degree, punishable as provided in
681 s. 775.082, s. 775.083, or s. 775.084.

682 (14) (a) A sexual offender must report in person each year
683 during the month of the sexual offender's birthday and during
684 the sixth month following the sexual offender's birth month to
685 the sheriff's office in the county in which he or she resides or
686 is otherwise located to reregister. The sheriff's office may
687 determine the appropriate times and days for reporting by the
688 sexual offender, which shall be consistent with the reporting
689 requirements of this paragraph. Reregistration shall include any
690 changes to the following information:

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

699 2. If the sexual offender is enrolled, employed, or
700 carrying on a vocation at an institution of higher education in

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701 this state, the sexual offender shall also provide to the
702 department the name, address, and county of each institution,
703 including each campus attended, and the sexual offender's
704 enrollment or employment status.

705 3. If the sexual offender's place of residence is a motor
706 vehicle, trailer, mobile home, or manufactured home, as defined
707 in chapter 320, the sexual offender shall also provide vehicle
708 identification number; the license tag number; the registration
709 number; and a description, including color scheme, of the motor
710 vehicle, trailer, mobile home, or manufactured home. If the
711 sexual offender's place of residence is a vessel, live-aboard
712 vessel, or houseboat, as defined in chapter 327, the sexual
713 offender shall also provide the hull identification number; the
714 manufacturer's serial number; the name of the vessel, live-
715 aboard vessel, or houseboat; the registration number; and a
716 description, including color scheme, of the vessel, live-aboard
717 vessel or houseboat.

718 4. Any sexual offender who fails to report in person as
719 required at the sheriff's office, or who fails to respond to any
720 address verification correspondence from the department within
721 three weeks of the date of the correspondence, commits a felony
722 of the third degree, punishable as provided in s. 775.082, s.
723 775.083, or s. 775.084.

724 (b) The sheriff's office shall, within 2 working days,
725 electronically submit and update all information provided by the
726 sexual offender to the department in a manner prescribed by the
727 department. This procedure shall be implemented by December 1,
728 2005.

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729 Section 10. Section 943.04352, Florida Statutes, is
 730 created to read:

731 943.04352 Search of registration information regarding
 732 sexual predators and sexual offenders required when placement on
 733 misdemeanor probation.--When the court places a defendant on
 734 misdemeanor probation pursuant to ss. 948.01 and 948.15, the
 735 public or private entity providing probation services must
 736 conduct a search of the probationer's name or other identifying
 737 information against the registration information regarding
 738 sexual predators and sexual offenders maintained by the
 739 Department of Law Enforcement under s. 943.043. The probation
 740 services provider may conduct the search using the Internet site
 741 maintained by the Department of Law Enforcement.

742 Section 11. Subsections (12) and (13) are added to section
 743 944.607, Florida Statutes, to read:

744 944.607 Notification to Department of Law Enforcement of
 745 information on sexual offenders.--

746 (12) Any person who has reason to believe that a sexual
 747 offender is not complying, or has not complied, with the
 748 requirements of this section and who, with the intent to assist
 749 the sexual offender in eluding a law enforcement agency that is
 750 seeking to find the sexual offender to question the sexual
 751 offender about, or to arrest the sexual offender for, his or her
 752 noncompliance with the requirements of this section:

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

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757 2. Harbors, or attempts to harbor, or assists another
 758 person in harboring or attempting to harbor, the sexual
 759 offender; or

760 3. Conceals or attempts to conceal, or assists another
 761 person in concealing or attempting to conceal, the sexual
 762 offender; or

763 4. Provides information to the law enforcement agency
 764 regarding the sexual offender which the person knows to be false
 765 information,

766
 767 commits a felony of the third degree, punishable as provided in
 768 s. 775.082, s. 775.083, or s. 775.084. This subsection does not
 769 apply if the sexual offender is incarcerated in or is in the
 770 custody of a state correctional facility, a private correctional
 771 facility, a local jail, or a federal correctional facility.

772 (13) (a) A sexual offender must report in person each year
 773 during the month of the sexual offender's birthday and during
 774 the sixth month following the sexual offender's birth month to
 775 the sheriff's office in the county in which he or she resides or
 776 is otherwise located to reregister. The sheriff's office may
 777 determine the appropriate times and days for reporting by the
 778 sexual offender, which shall be consistent with the reporting
 779 requirements of this paragraph. Reregistration shall include any
 780 changes to the following information:

781 1. Name; social security number; age; race; sex; date of
 782 birth; height; weight; hair and eye color; address of any
 783 permanent residence and address of any current temporary
 784 residence, within the state or out of state, including a rural

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785 route address and a post office box; date and place of any
786 employment; vehicle make, model, color, and license tag number;
787 fingerprints; and photograph. A post office box shall not be
788 provided in lieu of a physical residential address.

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

795 3. If the sexual offender's place of residence is a motor
796 vehicle, trailer, mobile home, or manufactured home, as defined
797 in chapter 320, the sexual offender shall also provide vehicle
798 identification number; the license tag number; the registration
799 number; and a description, including color scheme, of the motor
800 vehicle, trailer, mobile home, or manufactured home. If the
801 sexual offender's place of residence is a vessel, live-aboard
802 vessel, or houseboat, as defined in chapter 327, the sexual
803 offender shall also provide the hull identification number; the
804 manufacturer's serial number; the name of the vessel, live-
805 aboard vessel, or houseboat; the registration number; and a
806 description, including color scheme, of the vessel, live-aboard
807 vessel, or houseboat.

808 4. Any sexual offender who fails to report in person as
809 required at the sheriff's office, or who fails to respond to any
810 address verification correspondence from the department within
811 three weeks of the date of the correspondence, commits a felony

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812 of the third degree, punishable as provided in s. 775.082, s.
 813 775.083, and s. 775.084.

814 (b) The sheriff's office shall, within 2 working days,
 815 electronically submit and update all information provided by the
 816 sexual offender to the Florida Department of Law Enforcement in
 817 a manner prescribed by the Florida Department of Law
 818 Enforcement. This procedure shall be implemented by December 1,
 819 2005.

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

822 947.1405 Conditional release program.--

823 (10) Effective for a releasee whose crime was committed on
 824 or after September 1, 2005, in violation of chapter 794, s.
 825 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the
 826 unlawful activity involved a victim who was 15 years of age or
 827 younger and the offender is 18 years of age or older or for a
 828 releasee who is designated as a sexual predator pursuant to s.
 829 775.21, in addition to any other provision of this section, the
 830 commission must order electronic monitoring for the duration of
 831 the releasee's supervision.

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

834 948.06 Violation of probation or community control;
 835 revocation; modification; continuance; failure to pay
 836 restitution or cost of supervision.--

837 (4) Notwithstanding any other provision of this section, a
 838 probationer or an offender in community control who is arrested
 839 for violating his or her probation or community control in a

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840 material respect may be taken before the court in the county or
841 circuit in which the probationer or offender was arrested. That
842 court shall advise him or her of such charge of a violation and,
843 if such charge is admitted, shall cause him or her to be brought
844 before the court which granted the probation or community
845 control. If such violation is not admitted by the probationer or
846 offender, the court may commit him or her or release him or her
847 with or without bail to await further hearing. However, if the
848 probationer or offender is under supervision for any criminal
849 offense proscribed in chapter 794, s. 800.04(4), s. 800.04(5),
850 s. 800.04(6), s. 827.071, or s. 847.0145, or is a registered
851 sexual predator or a registered sexual offender, or is under
852 supervision for a criminal offense for which he or she would
853 meet the registration criteria in s. 775.21, s. 943.0435, or s.
854 944.607 but for the effective date of those sections, the court
855 must make a finding that the probationer or offender is not a
856 danger to the public prior to release with or without bail. In
857 determining the danger posed by the offender or probationer's
858 release, the court may consider the nature and circumstances of
859 the violation and any new offenses charged; the offender or
860 probationer's past and present conduct, including convictions of
861 crimes; any record of arrests without conviction for crimes
862 involving violence or sexual crimes; any other evidence of
863 allegations of unlawful sexual conduct or the use of violence by
864 the offender or probationer; the offender or probationer's
865 family ties, length of residence in the community, employment
866 history, and mental condition; his or her history and conduct
867 during the probation or community control supervision from which

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868 the violation arises and any other previous supervisions,
869 including disciplinary records of previous incarcerations; the
870 likelihood that the offender or probationer will engage again in
871 a criminal course of conduct; the weight of the evidence against
872 the offender or probationer; and any other facts the court
873 considers relevant. The court, as soon as is practicable, shall
874 give the probationer or offender an opportunity to be fully
875 heard on his or her behalf in person or by counsel. After such
876 hearing, the court shall make findings of fact and forward the
877 findings to the court which granted the probation or community
878 control and to the probationer or offender or his or her
879 attorney. The findings of fact by the hearing court are binding
880 on the court which granted the probation or community control.
881 Upon the probationer or offender being brought before it, the
882 court which granted the probation or community control may
883 revoke, modify, or continue the probation or community control
884 or may place the probationer into community control as provided
885 in this section.

886 Section 14. Subsection 948.012, Florida Statutes, is
887 amended to read:

888 948.012 Split sentence of probation or community control
889 and imprisonment.--

890 (1) Whenever punishment by imprisonment for a misdemeanor
891 or a felony, except for a capital felony, is prescribed, the
892 court, in its discretion, may, at the time of sentencing, impose
893 a split sentence whereby the defendant is to be placed on
894 probation or, with respect to any such felony, into community
895 control upon completion of any specified period of such sentence

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896 | which may include a term of years or less. In such case, the
897 | court shall stay and withhold the imposition of the remainder of
898 | sentence imposed upon the defendant and direct that the
899 | defendant be placed upon probation or into community control
900 | after serving such period as may be imposed by the court. The
901 | period of probation or community control shall commence
902 | immediately upon the release of the defendant from
903 | incarceration, whether by parole or gain-time allowances.

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

908 | (a) If the offender meets the terms and conditions of
909 | probation or community control, any term of incarceration may be
910 | modified by court order to eliminate the term of incarceration.

911 | (b) If the offender does not meet the terms and conditions
912 | of probation or community control, the court may revoke, modify,
913 | or continue the probation or community control as provided in s.
914 | 948.06. If the probation or community control is revoked, the
915 | court may impose any sentence that it could have imposed at the
916 | time the offender was placed on probation or community control.
917 | The court may not provide credit for time served for any portion
918 | of a probation or community control term toward a subsequent
919 | term of probation or community control. However, the court may
920 | not impose a subsequent term of probation or community control
921 | which, when combined with any amount of time served on preceding
922 | terms of probation or community control for offenses pending
923 | before the court for sentencing, would exceed the maximum

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924 penalty allowable as provided in s. 775.082. Such term of
 925 incarceration shall be served under applicable law or county
 926 ordinance governing service of sentences in state or county
 927 jurisdiction. This paragraph does not prohibit any other
 928 sanction provided by law.

929 (3) The court may also impose split probation whereby,
 930 upon satisfactory completion of half the term of probation, the
 931 Department of Corrections may place the offender on
 932 administrative probation for the remainder of the term of
 933 supervision.

934 (4) Effective for offenses committed on or after September
 935 1, 2005, the court must impose a split sentence pursuant to
 936 subsection (1) for any person who is convicted of a life felony
 937 for lewd and lascivious molestation pursuant to s. 800.04(5)(b)
 938 if the court imposes a term of years in accordance with s.
 939 775.082(3)4.b. rather than life imprisonment. The probation or
 940 community control portion of the split sentence imposed by the
 941 court for a defendant must extend for the duration of the
 942 defendant's natural life and include a condition that he or she
 943 be electronically monitored.

944 Section 15. Section 948.061, Florida Statutes, is created
 945 to read:

946 948.061 Identifying, assessing, and monitoring high-risk
 947 sex offenders on community supervision; providing cumulative
 948 criminal and supervision histories on the Internet.--

949 (1) By December 1, 2005, the department shall develop a
 950 graduated risk assessment that identifies, assesses, and closely

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951 monitors a high-risk sex offender who is placed on probation or
952 in community control and who:

953 (a) Has previously been placed on probation or in
954 community control and has a history of committing multiple
955 violations of community supervision in this state or in any
956 other jurisdiction or have previously been incarcerated in this
957 state or in any other jurisdiction; and

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

961 1. Previous conviction for domestic violence;

962 2. History of substance abuse;

963 3. Unemployment or substantial financial difficulties;

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

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

967 (2) To facilitate the information available to the court
968 at first appearance hearings and at all subsequent hearings for
969 these high-risk sex offenders, the department shall, no later
970 than March 1, 2006, post on FDLE's Criminal Justice Intranet a
971 cumulative chronology of the sex offender's prior terms of state
972 probation and community control, including all substantive or
973 technical violations of state probation or community control.

974 The county jail in the county where the arrested person is
975 booked shall insure that state and national criminal history
976 information and all criminal justice information available in
977 the Florida Crime Information Center and the National Crime
978 Information Center, is provided to the court at the time of the

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979 first appearance. The courts shall assist the department's
 980 dissemination of critical information by creating and
 981 maintaining an automated system to provide the information as
 982 specified in this subsection and by providing the necessary
 983 technology in the courtroom to deliver the information.

984 (3) In monitoring the location of high-risk sex offenders,
 985 the department, shall, no later than October 1, 2006, have
 986 fingerprint-reading equipment and capability that will
 987 immediately identify the probationer or community controllee
 988 when they report to their designated probation officer and alert
 989 department probation officials when probationers and community
 990 controllees are subsequently rearrested.

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

993 948.062 Reviewing and reporting serious offenses committed
 994 by offenders placed on probation or community control.--

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

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

999 (b) Any sexual battery as provided in s. 794.011 or s.
 1000 794.023;

1001 (c) Any sexual performance by a child as provided in s.
 1002 827.071;

1003 (d) Any kidnapping, false imprisonment, or luring of a
 1004 child as provided in s. 787.01, s. 782.07, or s. 787.025;

1005 (e) Any lewd and lascivious battery or lewd and lascivious
 1006 molestation as provided in s. 800.04(4) or s. 800.04(5);

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1007 (f) Any aggravated child abuse as provided in s.
 1008 827.03(2);

1009 (g) Any robbery with a firearm or other deadly weapon,
 1010 home invasion robbery, or carjacking as provided in s.
 1011 812.13(2)(a), s. 812.135, or s. 812.133;

1012 (h) Any aggravated stalking as provided in s. 784.048(3),
 1013 (4), or (5);

1014 (i) Any forcible felony as provided in s. 776.08,
 1015 committed by any person on probation or community control who is
 1016 designated as a sexual predator; or

1017 (j) Any DUI manslaughter as provided in s. 316.193(3)(c),
 1018 or vehicular or vessel homicide as provided in s. 782.071 or s.
 1019 787.072, committed by any person who is on probation or
 1020 community control for an offense involving death or injury
 1021 resulting from a driving incident.

1022 (2) The department shall provide a statistical data
 1023 summary from these reviews to the Office of Program Policy
 1024 Analysis and Government Accountability. The Office of Program
 1025 Policy Analysis and Government Accountability shall analyze this
 1026 data and provide a written report to the President of the Senate
 1027 and the Speaker of the House of Representatives by March 1,
 1028 2006. The report must include, at a minimum, any identified
 1029 systemic deficiencies in managing high-risk offenders on
 1030 community supervision; any patterns of noncompliance by
 1031 correctional probation officers; and recommendations for
 1032 improving the community supervision program.

1033 Section 17. Section 948.063, Florida Statutes, is created
 1034 to read:

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1035 948.063 Violations of probation or community control by
 1036 designated sexual offenders and sexual predators.--If probation
 1037 or community control is revoked by the court pursuant to s.
 1038 948.06(2)(e) and the offender is designated as a sexual offender
 1039 or sexual predator pursuant to s. 775.21 for unlawful sexual
 1040 activity involving a victim 15 years of age or younger and the
 1041 offender is 18 years of age or older, and if the court imposes a
 1042 subsequent term of supervision following the revocation of
 1043 probation or community control, the court must order electronic
 1044 monitoring as a condition of the subsequent term of probation or
 1045 community control.

1046 Section 18. Section 948.11, Florida Statutes, is amended
 1047 to read:

1048 948.11 Electronic monitoring devices.--

1049 (1)(a) The Department of Corrections may, at its
 1050 discretion, electronically monitor an offender sentenced to
 1051 community control.

1052 (b) The Department of Corrections shall electronically
 1053 monitor an offender sentenced to criminal quarantine community
 1054 control 24 hours per day.

1055 (2) Any offender placed on community control who violates
 1056 the terms and conditions of community control and is restored to
 1057 community control may be supervised by means of an electronic
 1058 monitoring device or system.

1059 (3) For those offenders being electronically monitored,
 1060 the Department of Corrections shall develop procedures to
 1061 determine, investigate, and report the offender's noncompliance
 1062 with the terms and conditions of sentence 24 hours per day. All

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1063 reports of noncompliance shall be immediately investigated by a
 1064 community control officer.

1065 (4) The Department of Corrections may contract with local
 1066 law enforcement agencies to assist in the location and
 1067 apprehension of offenders who are in noncompliance as reported
 1068 by the electronic monitoring system. This contract is intended
 1069 to provide the department a means for providing immediate
 1070 investigation of noncompliance reports, especially after normal
 1071 office hours.

1072 (5) Any person being electronically monitored by the
 1073 department as a result of placement on community control shall
 1074 be required to pay a surcharge as provided in s. 948.09(2).

1075 (6) For probationers, community controllees, or
 1076 conditional releasees who have current or prior convictions for
 1077 violent or sexual offenses, the department, in carrying out a
 1078 court or commission order to electronically monitor an offender,
 1079 must use a system that actively monitors and identifies the
 1080 offender's location and timely reports or records the offender's
 1081 presence near or within a crime scene or in a prohibited area or
 1082 the offender's departure from specified geographic limitations.
 1083 Procurement of electronic monitoring services under this
 1084 subsection shall be by invitation to bid as defined in s.
 1085 287.057.

1086 (7) A person who intentionally alters, tampers with,
 1087 damages or destroys any electronic monitoring equipment pursuant
 1088 to court or commission order, unless such person is the owner of
 1089 the equipment, or an agent of the owner, performing ordinary

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1090 maintenance and repairs commits a felony of the third degree,
 1091 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1092 Section 19. Section 948.15, Florida Statutes, is amended
 1093 to read:

1094 948.15 Misdemeanor probation services.--

1095 (1) Defendants found guilty of misdemeanors who are placed
 1096 on probation shall be under supervision not to exceed 6 months
 1097 unless otherwise specified by the court. In relation to any
 1098 offense other than a felony in which the use of alcohol is a
 1099 significant factor, the period of probation may be up to 1 year.

1100 (2) A private entity or public entity under the
 1101 supervision of the board of county commissioners or the court
 1102 may provide probation services for offenders sentenced by the
 1103 county court.

1104 (3) Any private entity providing services for the
 1105 supervision of misdemeanor probationers must contract with the
 1106 county in which the services are to be rendered. In a county
 1107 with a population of less than 70,000, the county court judge,
 1108 or the administrative judge of the county court in a county that
 1109 has more than one county court judge, must approve the contract.
 1110 Terms of the contract must state, but are not limited to:

1111 (a) The extent of the services to be rendered by the
 1112 entity providing supervision or rehabilitation.

1113 (b) Staff qualifications and criminal record checks of
 1114 staff in accordance with essential standards established by the
 1115 American Correctional Association as of January 1, 1991.

1116 (c) Staffing levels.

1117 (d) The number of face-to-face contacts with the offender.

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1118 (e) Procedures for handling the collection of all offender
 1119 fees and restitution.

1120 (f) Procedures for handling indigent offenders which
 1121 ensure placement irrespective of ability to pay.

1122 (g) Circumstances under which revocation of an offender's
 1123 probation may be recommended.

1124 (h) Reporting and recordkeeping requirements.

1125 (i) Default and contract termination procedures.

1126 (j) Procedures that aid offenders with job assistance.

1127 (k) Procedures for accessing criminal history records of
 1128 probationers.

1129
 1130 In addition, the entity shall supply the chief judge's office
 1131 with a quarterly report summarizing the number of offenders
 1132 supervised by the private entity, payment of the required
 1133 contribution under supervision or rehabilitation, and the number
 1134 of offenders for whom supervision or rehabilitation will be
 1135 terminated. All records of the entity must be open to inspection
 1136 upon the request of the county, the court, the Auditor General,
 1137 the Office of Program Policy Analysis and Government
 1138 Accountability, or agents thereof.

1139 (4) A private entity that provides court-ordered services
 1140 to offenders and that charges a fee for such services must
 1141 register with the board of county commissioners in the county in
 1142 which the services are offered. The entity shall provide the
 1143 following information for each program it operates:

1144 (a) The length of time the program has been operating in
 1145 the county.

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1146 (b) A list of the staff and a summary of their
 1147 qualifications.

1148 (c) A summary of the types of services that are offered
 1149 under the program.

1150 (d) The fees the entity charges for court-ordered services
 1151 and its procedures, if any, for handling indigent offenders.

1152 (5) The private entity providing misdemeanor supervision
 1153 services shall also comply with all other applicable provisions
 1154 of law.

1155 Section 20. Subsection (2) of section 948.30, Florida
 1156 Statutes, is amended and subsection (3) is added to that section
 1157 to read:

1158 948.30 Additional terms and conditions of probation or
 1159 community control for certain sex offenses.--Conditions imposed
 1160 pursuant to this section do not require oral pronouncement at
 1161 the time of sentencing and shall be considered standard
 1162 conditions of probation or community control for offenders
 1163 specified in this section.

1164 (2) Effective for a probationer or community controllee
 1165 whose crime was committed on or after October 1, 1997, and who
 1166 is placed on community control or sex offender probation for a
 1167 violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145,
 1168 in addition to any other provision of this subsection, the court
 1169 must impose the following conditions of probation or community
 1170 control:

1171 (a) As part of a treatment program, participation at least
 1172 annually in polygraph examinations to obtain information
 1173 necessary for risk management and treatment and to reduce the

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1174 sex offender's denial mechanisms. A polygraph examination must
 1175 be conducted by a polygrapher trained specifically in the use of
 1176 the polygraph for the monitoring of sex offenders, where
 1177 available, and shall be paid for by the sex offender. The
 1178 results of the polygraph examination shall not be used as
 1179 evidence in court to prove that a violation of community
 1180 supervision has occurred.

1181 (b) Maintenance of a driving log and a prohibition against
 1182 driving a motor vehicle alone without the prior approval of the
 1183 supervising officer.

1184 (c) A prohibition against obtaining or using a post office
 1185 box without the prior approval of the supervising officer.

1186 (d) If there was sexual contact, a submission to, at the
 1187 probationer's or community controllee's expense, an HIV test
 1188 with the results to be released to the victim or the victim's
 1189 parent or guardian.

1190 (e) Electronic monitoring when deemed necessary by the
 1191 community control or probation officer and his or her
 1192 supervisor, and ordered by the court at the recommendation of
 1193 the Department of Corrections.

1194 (3) Effective for a probationer or community controllee
 1195 whose crime was committed on or after September 1, 2005, and
 1196 who:

1197 (a) Is placed on probation or community control for a
 1198 violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071,
 1199 or s. 847.0145 and the unlawful sexual activity involved a
 1200 victim 15 years of age or younger and the offender is 18 years
 1201 of age or older;

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1202 (b) Is designated a sexual predator pursuant to s. 775.21;
 1203 or
 1204 (c) Has previously been convicted of a violation of
 1205 chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s.
 1206 847.0145 and the unlawful sexual activity involved a victim 15
 1207 years of age or younger and the offender is 18 years of age or
 1208 older,
 1209
 1210 the court must order, in addition to any other provision of this
 1211 section, mandatory electronic monitoring as a condition of the
 1212 probation or community control supervision.

1213 Section 21. Subsection (1) of section 1012.465, Florida
 1214 Statutes, is amended to read:

1215 1012.465 Background screening requirements for certain
 1216 noninstructional school district employees and contractors.--

1217 (1) Noninstructional school district employees or
 1218 contractual personnel who are permitted access on school grounds
 1219 when students are present, who have direct contact with students
 1220 or who have access to or control of school funds must meet level
 1221 2 screening requirements as described in s. 1012.32. Contractual
 1222 personnel shall include any vendor, individual, or entity under
 1223 contract with the school board.

1224 Section 22. (1)(a) There is created within the Department
 1225 of Law Enforcement a task force for the purpose of examining the
 1226 collection and dissemination of offender information within the
 1227 criminal justice system and community. The task force shall
 1228 recommend strategies and actions that may be implemented to
 1229 enhance coordination and cooperation among the various entities

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1230 within the criminal justice system with a common goal of public
 1231 safety.

1232 (b) The task force shall consist of the membership of the
 1233 Criminal Justice Information Systems Council set forth in
 1234 section 943.06, Florida Statutes.

1235 (2)(a) The task force shall study and take testimony
 1236 regarding:

1237 1. The collection and dissemination of offender
 1238 information, including criminal history and any other pertinent
 1239 matters, to the court, the prosecuting attorney, and defense
 1240 counsel at first appearance hearings.

1241 2. The collection and dissemination of offender
 1242 information, including criminal history and any other pertinent
 1243 matters, to the court, the prosecuting attorney and defense
 1244 counsel at all court appearances subsequent to first appearance.

1245 3. The collection and dissemination of offender
 1246 information, including criminal history and any other pertinent
 1247 matters, to county probation officers or officials.

1248 4. Any other subject that the task force deems relevant to
 1249 the collection and dissemination of offender information within
 1250 the criminal justice system and community.

1251 (b) The task force shall submit a preliminary draft report
 1252 of its findings and recommendations to the Governor, the
 1253 President of the Senate, and the Speaker of the House of
 1254 Representatives at least 45 days before the first day of the
 1255 2006 regular session of the Legislature. The final report shall
 1256 be filed with the Governor, the President of the Senate, and the
 1257 Speaker of the House of Representatives at least 30 days before

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1258 the first day of the 2006 regular session. In addition to the
 1259 findings and recommendations included in the final report, the
 1260 report must include a draft of proposed rules and proposed
 1261 legislation for any recommendations requiring proposed rules and
 1262 proposed legislation.

1263 (c) Each state agency shall fully cooperate with the task
 1264 force in the performance of its duties.

1265 (3) All meetings of the task force and all business of the
 1266 task force for which reimbursement may be requested shall be
 1267 concluded before the final report is filed. The task force is
 1268 abolished July 1, 2006.

1269 Section 23. The Office of Program Policy Analysis and
 1270 Governmental Accountability shall, every 3 years, perform a
 1271 study of the effectiveness of Florida's sexual predator and
 1272 sexual offender registration process and community and public
 1273 notification provisions. As part of determining the
 1274 effectiveness of the registration process, the OPPAGA shall
 1275 examine the current practices of: the Department of Corrections,
 1276 county probation offices, clerk of courts, court administrators,
 1277 county jails and booking facilities, Department of Children and
 1278 Family Services, judges, state attorneys offices, Department of
 1279 Highway Safety and Motor Vehicles, Department of Law
 1280 Enforcement, and local law enforcement agencies as they relate
 1281 to: sharing of offender information regarding registered sexual
 1282 predators and sexual offenders for purposes of fulfilling the
 1283 requirements set fourth in the registration laws; ensuring the
 1284 most accurate, current and comprehensive information is provided
 1285 in a timely manner to the registry; ensuring the effective

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1286 supervision and subsequent monitoring of sexual predators and
1287 offenders; and ensuring informed decisions are made at each
1288 point of the criminal justice and registration process. In
1289 addition to determining the effectiveness of the registration
1290 process, the report shall focus on the question of whether the
1291 notification provisions in statute are sufficient to apprise
1292 communities of the presence of sexual predators and sexual
1293 offenders. The report shall examine how local law enforcement
1294 agencies collect and disseminate information in an effort to
1295 notify the public and communities of the presence of sexual
1296 predators and offenders. If the report finds deficiencies in the
1297 registration process, the notification provisions, or both, the
1298 report shall provide options for correcting those deficiencies
1299 and shall include the projected cost of implementing those
1300 options. In conducting the study, the Office of Program Policy
1301 Analysis and Governmental Accountability shall consult with the
1302 Florida Council Against Sexual Violence and the Florida
1303 Association for the Treatment of Sexual Abusers in addition to
1304 other interested entities that may offer experiences and
1305 perspectives unique to this area of research. The report shall
1306 be submitted to the President of the Senate and the Speaker of
1307 the House of Representatives by January 1, 2006.

1308 Section 24. Four full-time positions are authorized and
1309 the sum of \$196,908 in recurring funds is appropriated from the
1310 General Revenue Fund to the Department of Corrections in
1311 salaries and benefits for the 2005-2006 fiscal year. The sum of
1312 \$15,840 in recurring funds is appropriated from the General
1313 Revenue Fund to the Department of Corrections for salary

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1314 incentive payments for the 2005-2006 fiscal year. The sums of
1315 \$26,052 in recurring funds and \$12,920 in nonrecurring funds are
1316 appropriated from the General Revenue Fund to the Department of
1317 Corrections for expenses for the 2005-2006 fiscal year. The sum
1318 of \$121,114 in nonrecurring funds is appropriated from the
1319 General Revenue Fund to the Department of Corrections for other
1320 capital outlay for the 2005-2006 fiscal year. The sum of
1321 \$3,169,530 in nonrecurring funds is appropriated from the
1322 General Revenue Fund to the Department of Corrections for fixed
1323 capital outlay for new prison beds, and the sum of \$164,673 in
1324 recurring funds is appropriated from the General Revenue Fund to
1325 the Department of Corrections for operating costs for the 2005-
1326 2006 fiscal year.

1327 Section 25. The sum of \$3,928,860 in recurring funds is
1328 appropriated from the General Revenue Fund to the Department of
1329 Corrections for the 2005-2006 fiscal year for the purpose of
1330 increasing by 1,200 units the number of active Global
1331 Positioning System electronic monitoring devices available to
1332 the court when placing offenders on felony probation or other
1333 forms of community supervision authorized in chapters 948 and
1334 947, Florida Statutes. Procurement of electronic monitoring
1335 services under this act shall be by invitation to bid as defined
1336 in section 287.057, Florida Statutes.

1337 Section 26. Nine full-time positions are authorized and
1338 the sum of \$389,905 in recurring funds is appropriated from the
1339 General Revenue Fund to the Department of Law Enforcement for
1340 salaries and benefits for the 2005-2006 fiscal year. The sums of
1341 \$58,617 in recurring funds and \$77,070 in nonrecurring funds are

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1342 appropriated from the General Revenue Fund to the Department of
 1343 Law Enforcement for expenses for the 2005-2006 fiscal year. The
 1344 sum of \$94,200 in nonrecurring funds is appropriated from the
 1345 General Revenue Fund to the Department of Law Enforcement for
 1346 operating capital outlay for the 2005-06 fiscal year. The sums
 1347 of \$143,000 in recurring funds and \$521,000 in nonrecurring
 1348 funds are appropriated from the General Revenue Fund to the
 1349 Department of Law Enforcement for other personal services for
 1350 the 2005-2006 fiscal year.

1351 Section 27. The sums of \$509,500 in recurring funds and
 1352 \$2,520,500 in nonrecurring funds are appropriated from the
 1353 General Revenue Fund to the Office of State Courts Administrator
 1354 for the 2005-2006 fiscal year for other data processing
 1355 services.

1356 Section 28. This act shall take effect September 1, 2005.