

By Senator Argenziano

3-168D-06

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

A bill to be entitled  
An act relating to criminal justice; amending  
s. 921.0022, F.S.; ranking in the offense  
severity ranking chart of the Criminal  
Punishment Code several offenses relating to  
failure by a sexual predator or sexual offender  
to comply with certain reporting requirements;  
amending s. 943.04351, F.S.; requiring a search  
of the National Sex Offender Registry before a  
person may work or volunteer at a place where  
children regularly congregate; amending s.  
948.063, F.S.; requiring that the court order  
electronic monitoring as a condition of  
probation or community control following a  
violation of probation or community control by  
certain offenders who are designated as sexual  
offenders or sexual predators; amending s.  
948.30, F.S.; requiring that the court order  
mandatory electronic monitoring as a condition  
of probation or community control supervision  
for certain sex offenders whose crimes involved  
young children; amending s. 947.1405, F.S.;  
expanding the eligibility criteria for the  
conditional release program; providing an  
effective date.

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

Section 1. Paragraph (g) of subsection (3) of section  
921.0022, Florida Statutes, is amended to read:

1           921.0022 Criminal Punishment Code; offense severity  
2 ranking chart.--  
3           (3) OFFENSE SEVERITY RANKING CHART  
4  
5 Florida           Felony  
6 Statute           Degree           Description  
7  
8  
9                                   (g) LEVEL 7  
10 316.027(1)(b)       2nd       Accident involving death, failure  
11                                   to stop; leaving scene.  
12 316.193(3)(c)2.     3rd       DUI resulting in serious bodily  
13                                   injury.  
14 316.1935(3)(b)     1st       Causing serious bodily injury or  
15                                   death to another person; driving  
16                                   at high speed or with wanton  
17                                   disregard for safety while  
18                                   fleeing or attempting to elude  
19                                   law enforcement officer who is in  
20                                   a patrol vehicle with siren and  
21                                   lights activated.  
22 327.35(3)(c)2.     3rd       Vessel BUI resulting in serious  
23                                   bodily injury.  
24 402.319(2)           2nd       Misrepresentation and negligence  
25                                   or intentional act resulting in  
26                                   great bodily harm, permanent  
27                                   disfiguration, permanent  
28                                   disability, or death.  
29 409.920(2)           3rd       Medicaid provider fraud.  
30 456.065(2)           3rd       Practicing a health care  
31                                   profession without a license.

1	456.065(2)	2nd	Practicing a health care
2			profession without a license
3			which results in serious bodily
4			injury.
5	458.327(1)	3rd	Practicing medicine without a
6			license.
7	459.013(1)	3rd	Practicing osteopathic medicine
8			without a license.
9	460.411(1)	3rd	Practicing chiropractic medicine
10			without a license.
11	461.012(1)	3rd	Practicing podiatric medicine
12			without a license.
13	462.17	3rd	Practicing naturopathy without a
14			license.
15	463.015(1)	3rd	Practicing optometry without a
16			license.
17	464.016(1)	3rd	Practicing nursing without a
18			license.
19	465.015(2)	3rd	Practicing pharmacy without a
20			license.
21	466.026(1)	3rd	Practicing dentistry or dental
22			hygiene without a license.
23	467.201	3rd	Practicing midwifery without a
24			license.
25	468.366	3rd	Delivering respiratory care
26			services without a license.
27	483.828(1)	3rd	Practicing as clinical laboratory
28			personnel without a license.
29	483.901(9)	3rd	Practicing medical physics
30			without a license.
31			

1	484.013(1)(c)	3rd	Preparing or dispensing optical
2			devices without a prescription.
3	484.053	3rd	Dispensing hearing aids without a
4			license.
5	494.0018(2)	1st	Conviction of any violation of
6			ss. 494.001-494.0077 in which the
7			total money and property
8			unlawfully obtained exceeded
9			\$50,000 and there were five or
10			more victims.
11	560.123(8)(b)1.	3rd	Failure to report currency or
12			payment instruments exceeding
13			\$300 but less than \$20,000 by
14			money transmitter.
15	560.125(5)(a)	3rd	Money transmitter business by
16			unauthorized person, currency or
17			payment instruments exceeding
18			\$300 but less than \$20,000.
19	655.50(10)(b)1.	3rd	Failure to report financial
20			transactions exceeding \$300 but
21			less than \$20,000 by financial
22			institution.
23	<u>775.21(6)(g)3.</u>	<u>2nd</u>	<u>Sexual predator vacating</u>
24			<u>permanent residence; failure to</u>
25			<u>comply with reporting</u>
26			<u>requirements.</u>
27	<u>775.21(6)(i)</u>	<u>3rd</u>	<u>Sexual predator intending to</u>
28			<u>establish residence in another</u>
29			<u>state; failure to comply with</u>
30			<u>reporting requirements.</u>
31			

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

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

1	790.165(3)	2nd	Possessing, displaying, or
2			threatening to use any hoax bomb
3			while committing or attempting to
4			commit a felony.
5	790.166(3)	2nd	Possessing, selling, using, or
6			attempting to use a hoax weapon
7			of mass destruction.
8	790.166(4)	2nd	Possessing, displaying, or
9			threatening to use a hoax weapon
10			of mass destruction while
11			committing or attempting to
12			commit a felony.
13	796.03	2nd	Procuring any person under 16
14			years for prostitution.
15	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
16			victim less than 12 years of age;
17			offender less than 18 years.
18	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
19			victim 12 years of age or older
20			but less than 16 years; offender
21			18 years or older.
22	806.01(2)	2nd	Maliciously damage structure by
23			fire or explosive.
24	810.02(3)(a)	2nd	Burglary of occupied dwelling;
25			unarmed; no assault or battery.
26	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
27			unarmed; no assault or battery.
28	810.02(3)(d)	2nd	Burglary of occupied conveyance;
29			unarmed; no assault or battery.
30			
31			

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



1	817.2341(2)(b)&		
2	(3)(b)	1st	Making false entries of material
3			fact or false statements
4			regarding property values
5			relating to the solvency of an
6			insuring entity which are a
7			significant cause of the
8			insolvency of that entity.
9	825.102(3)(b)	2nd	Neglecting an elderly person or
10			disabled adult causing great
11			bodily harm, disability, or
12			disfigurement.
13	825.103(2)(b)	2nd	Exploiting an elderly person or
14			disabled adult and property is
15			valued at \$20,000 or more, but
16			less than \$100,000.
17	827.03(3)(b)	2nd	Neglect of a child causing great
18			bodily harm, disability, or
19			disfigurement.
20	827.04(3)	3rd	Impregnation of a child under 16
21			years of age by person 21 years
22			of age or older.
23	837.05(2)	3rd	Giving false information about
24			alleged capital felony to a law
25			enforcement officer.
26	838.015	2nd	Bribery.
27	838.016	2nd	Unlawful compensation or reward
28			for official behavior.
29	838.021(3)(a)	2nd	Unlawful harm to a public
30			servant.
31	838.22	2nd	Bid tampering.

1	847.0135(3)	3rd	Solicitation of a child, via a
2			computer service, to commit an
3			unlawful sex act.
4	872.06	2nd	Abuse of a dead human body.
5	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
6			cocaine (or other drug prohibited
7			under s. 893.03(1)(a), (1)(b),
8			(1)(d), (2)(a), (2)(b), or
9			(2)(c)4.) within 1,000 feet of a
10			child care facility, school, or
11			state, county, or municipal park
12			or publicly owned recreational
13			facility or community center.
14	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
15			cocaine or other drug prohibited
16			under s. 893.03(1)(a), (1)(b),
17			(1)(d), (2)(a), (2)(b), or
18			(2)(c)4., within 1,000 feet of
19			property used for religious
20			services or a specified business
21			site.
22	893.13(4)(a)	1st	Deliver to minor cocaine (or
23			other s. 893.03(1)(a), (1)(b),
24			(1)(d), (2)(a), (2)(b), or
25			(2)(c)4. drugs).
26	893.135(1)(a)1.	1st	Trafficking in cannabis, more
27			than 25 lbs., less than 2,000
28			lbs.
29	893.135		
30	(1)(b)1.a.	1st	Trafficking in cocaine, more than
31			28 grams, less than 200 grams.

1 893.135  
2 (1)(c)1.a. 1st Trafficking in illegal drugs,  
3 more than 4 grams, less than 14  
4 grams.  
5 893.135  
6 (1)(d)1. 1st Trafficking in phencyclidine,  
7 more than 28 grams, less than 200  
8 grams.  
9 893.135(1)(e)1. 1st Trafficking in methaqualone, more  
10 than 200 grams, less than 5  
11 kilograms.  
12 893.135(1)(f)1. 1st Trafficking in amphetamine, more  
13 than 14 grams, less than 28  
14 grams.  
15 893.135  
16 (1)(g)1.a. 1st Trafficking in flunitrazepam, 4  
17 grams or more, less than 14  
18 grams.  
19 893.135  
20 (1)(h)1.a. 1st Trafficking in  
21 gamma-hydroxybutyric acid (GHB),  
22 1 kilogram or more, less than 5  
23 kilograms.  
24 893.135  
25 (1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1  
26 kilogram or more, less than 5  
27 kilograms.  
28 893.135  
29 (1)(k)2.a. 1st Trafficking in Phenethylamines,  
30 10 grams or more, less than 200  
31 grams.

1	896.101(5)(a)	3rd	Money laundering, financial
2			transactions exceeding \$300 but
3			less than \$20,000.
4	896.104(4)(a)1.	3rd	Structuring transactions to evade
5			reporting or registration
6			requirements, financial
7			transactions exceeding \$300 but
8			less than \$20,000.
9	943.0435(4)(c)	2nd	Sexual offender vacating
10			permanent residence; failure to
11			comply with reporting
12			requirements.
13	<u>943.0435(7)</u>	<u>3rd</u>	<u>Sexual offender intending to</u>
14			<u>establish residence in another</u>
15			<u>state; failure to comply with</u>
16			<u>reporting requirements.</u>
17	943.0435(8)	2nd	Sexual offender; remains in state
18			after indicating intent to leave;
19			failure to comply with reporting
20			requirements.
21	943.0435(9)(a)	3rd	Sexual offender; failure to
22			comply with reporting
23			requirements.
24	943.0435(13)	3rd	Failure to report or providing
25			false information about a sexual
26			offender; harbor or conceal a
27			sexual offender.
28	943.0435(14)	3rd	Sexual offender; failure to
29			report and reregister; failure to
30			respond to address verification.
31			

1 944.607(9) 3rd Sexual offender; failure to  
2 comply with reporting  
3 requirements.  
4 944.607(10)(a) 3rd Sexual offender; failure to  
5 submit to the taking of a  
6 digitized photograph.  
7 944.607(12) 3rd Failure to report or providing  
8 false information about a sexual  
9 offender; harbor or conceal a  
10 sexual offender.  
11 944.607(13) 3rd Sexual offender; failure to  
12 report and reregister; failure to  
13 respond to address verification.

14 Section 2. Section 943.04351, Florida Statutes, is  
15 amended to read:

16 943.04351 Search of registration information regarding  
17 sexual predators and sexual offenders required prior to  
18 appointment or employment.--A state agency or governmental  
19 subdivision, prior to making any decision to appoint or employ  
20 a person to work, whether for compensation or as a volunteer,  
21 at any park, playground, day care center, or other place where  
22 children regularly congregate, must conduct a search of that  
23 person's name or other identifying information against the  
24 registration information regarding sexual predators and sexual  
25 offenders maintained by the Department of Law Enforcement  
26 under s. 943.043 and against the registration information  
27 regarding sex offenders maintained by the Federal Bureau of  
28 Investigation in the National Sex Offender Registry. The  
29 agency or governmental subdivision may conduct the search  
30 using the Internet site maintained by the Department of Law  
31 Enforcement. This section does not apply to those positions or

1 | appointments within a state agency or governmental subdivision  
2 | for which a state and national criminal history background  
3 | check is conducted.

4 |         Section 3. Section 948.063, Florida Statutes, is  
5 | amended to read:

6 |             948.063 Violations of probation or community control  
7 | by designated sexual offenders and sexual predators.--If  
8 | probation or community control for any felony offense is  
9 | revoked by the court pursuant to s. 948.06(2)(e) and the  
10 | offender is designated as a sexual offender pursuant to s.  
11 | 943.0435 or s. 944.607 or as a sexual predator pursuant to s.  
12 | 775.21 for unlawful sexual activity involving a victim 15  
13 | years of age or younger and the offender is 18 years of age or  
14 | older, and if the court imposes a subsequent term of  
15 | supervision following the revocation of probation or community  
16 | control, the court must order electronic monitoring as a  
17 | condition of the subsequent term of probation or community  
18 | control.

19 |         Section 4. Subsection (3) of section 948.30, Florida  
20 | Statutes, is amended to read:

21 |             948.30 Additional terms and conditions of probation or  
22 | community control for certain sex offenses.--Conditions  
23 | imposed pursuant to this section do not require oral  
24 | pronouncement at the time of sentencing and shall be  
25 | considered standard conditions of probation or community  
26 | control for offenders specified in this section.

27 |             (3) Effective for a probationer or community  
28 | controllee whose felony offense ~~crime~~ was committed on or  
29 | after September 1, 2005, and who:

30 |             (a) Is placed on probation or community control for a  
31 | violation of chapter 794, s. 800.04(4), (5), or (6), s.

1 827.071, or s. 847.0145 and the unlawful sexual activity  
2 involved a victim 15 years of age or younger and the offender  
3 is 18 years of age or older;

4 (b) Is designated as a sexual predator pursuant to s.  
5 775.21; or

6 (c) Has previously been convicted of a violation of  
7 chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s.  
8 847.0145 and the unlawful sexual activity involved a victim 15  
9 years of age or younger and the offender is 18 years of age or  
10 older,

11  
12 the court must order, in addition to any other provision of  
13 this section, mandatory electronic monitoring as a condition  
14 of the probation or community control supervision.

15 Section 5. Subsection (2) of section 947.1405, Florida  
16 Statutes, is amended to read:

17 947.1405 Conditional release program.--

18 (2) Any inmate who:

19 (a) Is convicted of a crime committed on or after  
20 October 1, 1988, and before January 1, 1994, and any inmate  
21 who is convicted of a crime committed on or after January 1,  
22 1994, which crime is or was contained in category 1, category  
23 2, category 3, or category 4 of Rule 3.701 and Rule 3.988,  
24 Florida Rules of Criminal Procedure (1993), or is convicted of  
25 any offense committed on or after July 1, 2006, under the  
26 following statutory provisions:

27 1. Aggravated stalking, under s. 784.048;

28 2. Kidnapping, under s. 787.01;

29 3. False imprisonment, under s. 787.025;

30 4. Luring or enticing a child, under s. 787.025;

31 5. Human trafficking, under s. 787.06;

1           6. Procuring person under age of 18 for prostitution,  
2 under s. 796.03;

3           7. Sexual performance by a child, under s. 827.071;

4           8. Computer pornography, under s. 847.0135;

5           9. Transmission of pornography by electronic device or  
6 equipment, under s. 847.0137;

7           10. Transmission to a minor of material harmful to  
8 minors by electronic device or equipment, under s. 847.138; or

9           11. Selling or buying of minors, under s. 847.0145,

10  
11 and who has served at least one prior felony commitment at a  
12 state or federal correctional institution;

13           (b) Is sentenced as a habitual or violent habitual  
14 offender or a violent career criminal pursuant to s. 775.084;  
15 or

16           (c) Is found to be a sexual predator under s. 775.21  
17 or former s. 775.23,

18  
19 shall, upon reaching the tentative release date or provisional  
20 release date, whichever is earlier, as established by the  
21 Department of Corrections, be released under supervision  
22 subject to specified terms and conditions, including payment  
23 of the cost of supervision pursuant to s. 948.09. Such  
24 supervision shall be applicable to all sentences within the  
25 overall term of sentences if an inmate's overall term of  
26 sentences includes one or more sentences that are eligible for  
27 conditional release supervision as provided herein. Effective  
28 July 1, 1994, and applicable for offenses committed on or  
29 after that date, the commission may require, as a condition of  
30 conditional release, that the releasee make payment of the  
31 debt due and owing to a county or municipal detention facility



1 | under s. 951.032 for medical care, treatment, hospitalization,  
2 | or transportation received by the releasee while in that  
3 | detention facility. The commission, in determining whether to  
4 | order such repayment and the amount of such repayment, shall  
5 | consider the amount of the debt, whether there was any fault  
6 | of the institution for the medical expenses incurred, the  
7 | financial resources of the releasee, the present and potential  
8 | future financial needs and earning ability of the releasee,  
9 | and dependents, and other appropriate factors. If any inmate  
10 | placed on conditional release supervision is also subject to  
11 | probation or community control, resulting from a probationary  
12 | or community control split sentence within the overall term of  
13 | sentences, the Department of Corrections shall supervise such  
14 | person according to the conditions imposed by the court and  
15 | the commission shall defer to such supervision. If the court  
16 | revokes probation or community control and resentsences the  
17 | offender to a term of incarceration, such revocation also  
18 | constitutes a sufficient basis for the revocation of the  
19 | conditional release supervision on any nonprobationary or  
20 | noncommunity control sentence without further hearing by the  
21 | commission. If any such supervision on any nonprobationary or  
22 | noncommunity control sentence is revoked, such revocation may  
23 | result in a forfeiture of all gain-time, and the commission  
24 | may revoke the resulting deferred conditional release  
25 | supervision or take other action it considers appropriate. If  
26 | the term of conditional release supervision exceeds that of  
27 | the probation or community control, then, upon expiration of  
28 | the probation or community control, authority for the  
29 | supervision shall revert to the commission and the supervision  
30 | shall be subject to the conditions imposed by the commission.  
31 | A panel of no fewer than two commissioners shall establish the

1 terms and conditions of any such release. If the offense was a  
2 controlled substance violation, the conditions shall include a  
3 requirement that the offender submit to random substance abuse  
4 testing intermittently throughout the term of conditional  
5 release supervision, upon the direction of the correctional  
6 probation officer as defined in s. 943.10(3). The commission  
7 shall also determine whether the terms and conditions of such  
8 release have been violated and whether such violation warrants  
9 revocation of the conditional release.

10 Section 6. This act shall take effect July 1, 2006.

11  
12 \*\*\*\*\*

13 SENATE SUMMARY

14 Includes within the Criminal Punishment Code various  
15 offenses involving failure by a sexual predator or sexual  
16 offender to register as required. Requires that a search  
17 be performed of the National Sex Offender Registry before  
18 a person is allowed to work or volunteer at a place where  
19 children congregate. Requires that the court order  
20 electronic monitoring as a condition of probation or  
21 community control following a violation of probation or  
community control by certain offenders who are designated  
as sexual offenders or sexual predators. Requires that  
the court order mandatory electronic monitoring as a  
condition of probation or community control supervision  
for certain sex offenders whose crimes involved young  
children. Revises the eligibility criteria for  
conditional release.