

1 | probation or community control by certain
2 | offenders who are designated as sexual
3 | offenders or sexual predators; amending s.
4 | 948.30, F.S.; requiring that the court order
5 | mandatory electronic monitoring as a condition
6 | of probation or community control supervision
7 | for certain sex offenders whose crimes involved
8 | young children; amending s. 947.1405, F.S.;
9 | expanding the eligibility criteria for the
10 | conditional release program; providing an
11 | effective date.

12 |
13 | Be It Enacted by the Legislature of the State of Florida:

14 |
15 | Section 1. Paragraph (g) of subsection (3) of section
16 | 921.0022, Florida Statutes, is amended to read:

17 | 921.0022 Criminal Punishment Code; offense severity
18 | ranking chart.--

19 | (3) OFFENSE SEVERITY RANKING CHART

20 |

| 21 Florida | Felony | |
|----------------------|--------|-----------------------------------|
| 22 Statute | Degree | Description |
| 23 | | |
| 24 | | |
| 25 | | (g) LEVEL 7 |
| 26 316.027(1)(b) | 2nd | Accident involving death, failure |
| 27 | | to stop; leaving scene. |
| 28 316.193(3)(c)2. | 3rd | DUI resulting in serious bodily |
| 29 | | injury. |
| 30 | | |
| 31 | | |

| | | | |
|----|----------------|-----|-----------------------------------|
| 1 | 316.1935(3)(b) | 1st | Causing serious bodily injury or |
| 2 | | | death to another person; driving |
| 3 | | | at high speed or with wanton |
| 4 | | | disregard for safety while |
| 5 | | | fleeing or attempting to elude |
| 6 | | | law enforcement officer who is in |
| 7 | | | a patrol vehicle with siren and |
| 8 | | | lights activated. |
| 9 | 327.35(3)(c)2. | 3rd | Vessel BUI resulting in serious |
| 10 | | | bodily injury. |
| 11 | 402.319(2) | 2nd | Misrepresentation and negligence |
| 12 | | | or intentional act resulting in |
| 13 | | | great bodily harm, permanent |
| 14 | | | disfiguration, permanent |
| 15 | | | disability, or death. |
| 16 | 409.920(2) | 3rd | Medicaid provider fraud. |
| 17 | 456.065(2) | 3rd | Practicing a health care |
| 18 | | | profession without a license. |
| 19 | 456.065(2) | 2nd | Practicing a health care |
| 20 | | | profession without a license |
| 21 | | | which results in serious bodily |
| 22 | | | injury. |
| 23 | 458.327(1) | 3rd | Practicing medicine without a |
| 24 | | | license. |
| 25 | 459.013(1) | 3rd | Practicing osteopathic medicine |
| 26 | | | without a license. |
| 27 | 460.411(1) | 3rd | Practicing chiropractic medicine |
| 28 | | | without a license. |
| 29 | 461.012(1) | 3rd | Practicing podiatric medicine |
| 30 | | | without a license. |
| 31 | | | |

| | | | |
|----|---------------|-----|-----------------------------------|
| 1 | 462.17 | 3rd | Practicing naturopathy without a |
| 2 | | | license. |
| 3 | 463.015(1) | 3rd | Practicing optometry without a |
| 4 | | | license. |
| 5 | 464.016(1) | 3rd | Practicing nursing without a |
| 6 | | | license. |
| 7 | 465.015(2) | 3rd | Practicing pharmacy without a |
| 8 | | | license. |
| 9 | 466.026(1) | 3rd | Practicing dentistry or dental |
| 10 | | | hygiene without a license. |
| 11 | 467.201 | 3rd | Practicing midwifery without a |
| 12 | | | license. |
| 13 | 468.366 | 3rd | Delivering respiratory care |
| 14 | | | services without a license. |
| 15 | 483.828(1) | 3rd | Practicing as clinical laboratory |
| 16 | | | personnel without a license. |
| 17 | 483.901(9) | 3rd | Practicing medical physics |
| 18 | | | without a license. |
| 19 | 484.013(1)(c) | 3rd | Preparing or dispensing optical |
| 20 | | | devices without a prescription. |
| 21 | 484.053 | 3rd | Dispensing hearing aids without a |
| 22 | | | license. |
| 23 | 494.0018(2) | 1st | Conviction of any violation of |
| 24 | | | ss. 494.001-494.0077 in which the |
| 25 | | | total money and property |
| 26 | | | unlawfully obtained exceeded |
| 27 | | | \$50,000 and there were five or |
| 28 | | | more victims. |
| 29 | | | |
| 30 | | | |
| 31 | | | |

| | | | |
|----|-----------------------|------------|------------------------------------------|
| 1 | 560.123(8)(b)1. | 3rd | Failure to report currency or |
| 2 | | | payment instruments exceeding |
| 3 | | | \$300 but less than \$20,000 by |
| 4 | | | money transmitter. |
| 5 | 560.125(5)(a) | 3rd | Money transmitter business by |
| 6 | | | unauthorized person, currency or |
| 7 | | | payment instruments exceeding |
| 8 | | | \$300 but less than \$20,000. |
| 9 | 655.50(10)(b)1. | 3rd | Failure to report financial |
| 10 | | | transactions exceeding \$300 but |
| 11 | | | less than \$20,000 by financial |
| 12 | | | institution. |
| 13 | <u>775.21(6)(g)3.</u> | <u>2nd</u> | <u>Sexual predator vacating</u> |
| 14 | | | <u>permanent residence; failure to</u> |
| 15 | | | <u>comply with reporting</u> |
| 16 | | | <u>requirements.</u> |
| 17 | <u>775.21(6)(i)</u> | <u>3rd</u> | <u>Sexual predator intending to</u> |
| 18 | | | <u>establish residence in another</u> |
| 19 | | | <u>state; failure to comply with</u> |
| 20 | | | <u>reporting requirements.</u> |
| 21 | <u>775.21(6)(j)</u> | <u>2nd</u> | <u>Sexual predator remains in state</u> |
| 22 | | | <u>after indicating intent to leave;</u> |
| 23 | | | <u>failure to comply with reporting</u> |
| 24 | | | <u>requirements.</u> |
| 25 | 775.21(10)(a) | 3rd | Sexual predator; failure to |
| 26 | | | register; failure to renew |
| 27 | | | driver's license or |
| 28 | | | identification card; other |
| 29 | | | registration violations. |
| 30 | 775.21(10)(b) | 3rd | Sexual predator working where |
| 31 | | | children regularly congregate. |

| | | | |
|----|-----------------|-----|-----------------------------------|
| 1 | 775.21(10)(g) | 3rd | Failure to report or providing |
| 2 | | | false information about a sexual |
| 3 | | | predator; harbor or conceal a |
| 4 | | | sexual predator. |
| 5 | 782.051(3) | 2nd | Attempted felony murder of a |
| 6 | | | person by a person other than the |
| 7 | | | perpetrator or the perpetrator of |
| 8 | | | an attempted felony. |
| 9 | 782.07(1) | 2nd | Killing of a human being by the |
| 10 | | | act, procurement, or culpable |
| 11 | | | negligence of another |
| 12 | | | (manslaughter). |
| 13 | 782.071 | 2nd | Killing of human being or viable |
| 14 | | | fetus by the operation of a motor |
| 15 | | | vehicle in a reckless manner |
| 16 | | | (vehicular homicide). |
| 17 | 782.072 | 2nd | Killing of a human being by the |
| 18 | | | operation of a vessel in a |
| 19 | | | reckless manner (vessel |
| 20 | | | homicide). |
| 21 | 784.045(1)(a)1. | 2nd | Aggravated battery; intentionally |
| 22 | | | causing great bodily harm or |
| 23 | | | disfigurement. |
| 24 | 784.045(1)(a)2. | 2nd | Aggravated battery; using deadly |
| 25 | | | weapon. |
| 26 | 784.045(1)(b) | 2nd | Aggravated battery; perpetrator |
| 27 | | | aware victim pregnant. |
| 28 | 784.048(4) | 3rd | Aggravated stalking; violation of |
| 29 | | | injunction or court order. |
| 30 | 784.048(7) | 3rd | Aggravated stalking; violation of |
| 31 | | | court order. |

| | | | |
|----|---------------|-----|-----------------------------------|
| 1 | 784.07(2)(d) | 1st | Aggravated battery on law |
| 2 | | | enforcement officer. |
| 3 | 784.074(1)(a) | 1st | Aggravated battery on sexually |
| 4 | | | violent predators facility staff. |
| 5 | 784.08(2)(a) | 1st | Aggravated battery on a person 65 |
| 6 | | | years of age or older. |
| 7 | 784.081(1) | 1st | Aggravated battery on specified |
| 8 | | | official or employee. |
| 9 | 784.082(1) | 1st | Aggravated battery by detained |
| 10 | | | person on visitor or other |
| 11 | | | detainee. |
| 12 | 784.083(1) | 1st | Aggravated battery on code |
| 13 | | | inspector. |
| 14 | 790.07(4) | 1st | Specified weapons violation |
| 15 | | | subsequent to previous conviction |
| 16 | | | of s. 790.07(1) or (2). |
| 17 | 790.16(1) | 1st | Discharge of a machine gun under |
| 18 | | | specified circumstances. |
| 19 | 790.165(2) | 2nd | Manufacture, sell, possess, or |
| 20 | | | deliver hoax bomb. |
| 21 | 790.165(3) | 2nd | Possessing, displaying, or |
| 22 | | | threatening to use any hoax bomb |
| 23 | | | while committing or attempting to |
| 24 | | | commit a felony. |
| 25 | 790.166(3) | 2nd | Possessing, selling, using, or |
| 26 | | | attempting to use a hoax weapon |
| 27 | | | of mass destruction. |
| 28 | | | |
| 29 | | | |
| 30 | | | |
| 31 | | | |

| | | | |
|----|-----------------|-----|------------------------------------|
| 1 | 790.166(4) | 2nd | Possessing, displaying, or |
| 2 | | | threatening to use a hoax weapon |
| 3 | | | of mass destruction while |
| 4 | | | committing or attempting to |
| 5 | | | commit a felony. |
| 6 | 796.03 | 2nd | Procuring any person under 16 |
| 7 | | | years for prostitution. |
| 8 | 800.04(5)(c)1. | 2nd | Lewd or lascivious molestation; |
| 9 | | | victim less than 12 years of age; |
| 10 | | | offender less than 18 years. |
| 11 | 800.04(5)(c)2. | 2nd | Lewd or lascivious molestation; |
| 12 | | | victim 12 years of age or older |
| 13 | | | but less than 16 years; offender |
| 14 | | | 18 years or older. |
| 15 | 806.01(2) | 2nd | Maliciously damage structure by |
| 16 | | | fire or explosive. |
| 17 | 810.02(3)(a) | 2nd | Burglary of occupied dwelling; |
| 18 | | | unarmed; no assault or battery. |
| 19 | 810.02(3)(b) | 2nd | Burglary of unoccupied dwelling; |
| 20 | | | unarmed; no assault or battery. |
| 21 | 810.02(3)(d) | 2nd | Burglary of occupied conveyance; |
| 22 | | | unarmed; no assault or battery. |
| 23 | 812.014(2)(a)1. | 1st | Property stolen, valued at |
| 24 | | | \$100,000 or more; property stolen |
| 25 | | | while causing other property |
| 26 | | | damage; 1st degree grand theft. |
| 27 | 812.014(2)(b)2. | 2nd | Property stolen, cargo valued at |
| 28 | | | less than \$50,000, grand theft in |
| 29 | | | 2nd degree. |
| 30 | | | |
| 31 | | | |

| | | | |
|----|-----------------|-----|-----------------------------------|
| 1 | 812.014(2)(b)3. | 2nd | Property stolen, emergency |
| 2 | | | medical equipment; 2nd degree |
| 3 | | | grand theft. |
| 4 | 812.0145(2)(a) | 1st | Theft from person 65 years of age |
| 5 | | | or older; \$50,000 or more. |
| 6 | 812.019(2) | 1st | Stolen property; initiates, |
| 7 | | | organizes, plans, etc., the theft |
| 8 | | | of property and traffics in |
| 9 | | | stolen property. |
| 10 | 812.131(2)(a) | 2nd | Robbery by sudden snatching. |
| 11 | 812.133(2)(b) | 1st | Carjacking; no firearm, deadly |
| 12 | | | weapon, or other weapon. |
| 13 | 817.234(8)(a) | 2nd | Solicitation of motor vehicle |
| 14 | | | accident victims with intent to |
| 15 | | | defraud. |
| 16 | 817.234(9) | 2nd | Organizing, planning, or |
| 17 | | | participating in an intentional |
| 18 | | | motor vehicle collision. |
| 19 | 817.234(11)(c) | 1st | Insurance fraud; property value |
| 20 | | | \$100,000 or more. |
| 21 | 817.2341(2)(b)& | | |
| 22 | (3)(b) | 1st | Making false entries of material |
| 23 | | | fact or false statements |
| 24 | | | regarding property values |
| 25 | | | relating to the solvency of an |
| 26 | | | insuring entity which are a |
| 27 | | | significant cause of the |
| 28 | | | insolvency of that entity. |
| 29 | | | |
| 30 | | | |
| 31 | | | |

| | | | |
|----|---------------|-----|----------------------------------|
| 1 | 825.102(3)(b) | 2nd | Neglecting an elderly person or |
| 2 | | | disabled adult causing great |
| 3 | | | bodily harm, disability, or |
| 4 | | | disfigurement. |
| 5 | 825.103(2)(b) | 2nd | Exploiting an elderly person or |
| 6 | | | disabled adult and property is |
| 7 | | | valued at \$20,000 or more, but |
| 8 | | | less than \$100,000. |
| 9 | 827.03(3)(b) | 2nd | Neglect of a child causing great |
| 10 | | | bodily harm, disability, or |
| 11 | | | disfigurement. |
| 12 | 827.04(3) | 3rd | Impregnation of a child under 16 |
| 13 | | | years of age by person 21 years |
| 14 | | | of age or older. |
| 15 | 837.05(2) | 3rd | Giving false information about |
| 16 | | | alleged capital felony to a law |
| 17 | | | enforcement officer. |
| 18 | 838.015 | 2nd | Bribery. |
| 19 | 838.016 | 2nd | Unlawful compensation or reward |
| 20 | | | for official behavior. |
| 21 | 838.021(3)(a) | 2nd | Unlawful harm to a public |
| 22 | | | servant. |
| 23 | 838.22 | 2nd | Bid tampering. |
| 24 | 847.0135(3) | 3rd | Solicitation of a child, via a |
| 25 | | | computer service, to commit an |
| 26 | | | unlawful sex act. |
| 27 | 872.06 | 2nd | Abuse of a dead human body. |
| 28 | | | |
| 29 | | | |
| 30 | | | |
| 31 | | | |

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

| | | | |
|----|-----------------|-----|-----------------------------------|
| 1 | 893.135 | | |
| 2 | (1)(d)1. | 1st | Trafficking in phencyclidine, |
| 3 | | | more than 28 grams, less than 200 |
| 4 | | | grams. |
| 5 | 893.135(1)(e)1. | 1st | Trafficking in methaqualone, more |
| 6 | | | than 200 grams, less than 5 |
| 7 | | | kilograms. |
| 8 | 893.135(1)(f)1. | 1st | Trafficking in amphetamine, more |
| 9 | | | than 14 grams, less than 28 |
| 10 | | | grams. |
| 11 | 893.135 | | |
| 12 | (1)(g)1.a. | 1st | Trafficking in flunitrazepam, 4 |
| 13 | | | grams or more, less than 14 |
| 14 | | | grams. |
| 15 | 893.135 | | |
| 16 | (1)(h)1.a. | 1st | Trafficking in |
| 17 | | | gamma-hydroxybutyric acid (GHB), |
| 18 | | | 1 kilogram or more, less than 5 |
| 19 | | | kilograms. |
| 20 | 893.135 | | |
| 21 | (1)(j)1.a. | 1st | Trafficking in 1,4-Butanediol, 1 |
| 22 | | | kilogram or more, less than 5 |
| 23 | | | kilograms. |
| 24 | 893.135 | | |
| 25 | (1)(k)2.a. | 1st | Trafficking in Phenethylamines, |
| 26 | | | 10 grams or more, less than 200 |
| 27 | | | grams. |
| 28 | 896.101(5)(a) | 3rd | Money laundering, financial |
| 29 | | | transactions exceeding \$300 but |
| 30 | | | less than \$20,000. |
| 31 | | | |

| | | | |
|----|--------------------|------------|---------------------------------------|
| 1 | 896.104(4)(a)1. | 3rd | Structuring transactions to evade |
| 2 | | | reporting or registration |
| 3 | | | requirements, financial |
| 4 | | | transactions exceeding \$300 but |
| 5 | | | less than \$20,000. |
| 6 | 943.0435(4)(c) | 2nd | Sexual offender vacating |
| 7 | | | permanent residence; failure to |
| 8 | | | comply with reporting |
| 9 | | | requirements. |
| 10 | <u>943.0435(7)</u> | <u>3rd</u> | <u>Sexual offender intending to</u> |
| 11 | | | <u>establish residence in another</u> |
| 12 | | | <u>state; failure to comply with</u> |
| 13 | | | <u>reporting requirements.</u> |
| 14 | 943.0435(8) | 2nd | Sexual offender; remains in state |
| 15 | | | after indicating intent to leave; |
| 16 | | | failure to comply with reporting |
| 17 | | | requirements. |
| 18 | 943.0435(9)(a) | 3rd | Sexual offender; failure to |
| 19 | | | comply with reporting |
| 20 | | | requirements. |
| 21 | 943.0435(13) | 3rd | Failure to report or providing |
| 22 | | | false information about a sexual |
| 23 | | | offender; harbor or conceal a |
| 24 | | | sexual offender. |
| 25 | 943.0435(14) | 3rd | Sexual offender; failure to |
| 26 | | | report and reregister; failure to |
| 27 | | | respond to address verification. |
| 28 | 944.607(9) | 3rd | Sexual offender; failure to |
| 29 | | | comply with reporting |
| 30 | | | requirements. |
| 31 | | | |

1 944.607(10)(a) 3rd Sexual offender; failure to
2 submit to the taking of a
3 digitized photograph.
4 944.607(12) 3rd Failure to report or providing
5 false information about a sexual
6 offender; harbor or conceal a
7 sexual offender.
8 944.607(13) 3rd Sexual offender; failure to
9 report and reregister; failure to
10 respond to address verification.
11 Section 2. Subsections (1) and (5) of section 943.043,
12 Florida Statutes, are amended to read:
13 943.043 Toll-free telephone number; Internet
14 notification; sexual predator and sexual offender
15 information.--
16 (1) The department may notify the public through the
17 Internet of any information regarding sexual predators and
18 sexual offenders which is not confidential and exempt from
19 public disclosure under s. 119.07(1) and s. 24(a), Art. I of
20 the State Constitution. When available from data contained in
21 the registry, information provided on the Internet shall
22 include the county where the qualifying sex-related offense
23 occurred, a link to the statutory offense of which the sexual
24 predator or sexual offender was convicted, and the court case
25 number.
26 (5) In an effort to ensure that sexual predators and
27 sexual offenders who fail to respond to address-verification
28 attempts or who otherwise abscond from registration are
29 located in a timely manner, the department shall share
30 information with local law enforcement agencies. The
31 department shall use analytical resources to assist local law

1 enforcement agencies to determine the potential whereabouts of
2 any sexual predator or sexual offender who fails to respond to
3 address-verification attempts or who otherwise absconds from
4 registration. The department shall review and analyze all
5 available information concerning any such predator or offender
6 who fails to respond to address-verification attempts or who
7 otherwise absconds from registration and provide the
8 information to local law enforcement agencies in order to
9 assist the agencies in locating and apprehending the sexual
10 predator or sexual offender. Such information shall include
11 notice to local law enforcement agencies of those sexual
12 predators and sexual offenders who, upon their release from
13 state incarceration, have no registration activity on record
14 with the department within an anticipated timeframe as
15 specified under registration requirements in s. 775.21, s.
16 943.0435, or s. 944.607.

17 Section 3. Subsection (15) is added to section
18 943.0435, Florida Statutes, to read:

19 943.0435 Sexual offenders required to register with
20 the department; penalty.--

21 (15) The department, using data supplied by the
22 Department of Corrections, the Office of the State Courts
23 Administrator, and clerks of court, shall report violations of
24 supervision and arrests related to the reregistration
25 requirements of sexual predators and sexual offenders as
26 provided in s. 775.21(8)(a), paragraph (14)(a), and s.
27 944.607(13)(a). These reports, to be compiled by the
28 department, shall include information concerning compliance
29 with registration laws, arrests of sexual predators and sexual
30 offenders and the subsequent judicial proceedings, and
31 violations of supervision requirements by these offenders

1 relating to the referenced statutes or other conditions of
2 supervision. These reports shall also provide summary
3 descriptions of the sexual predators and sexual offenders who
4 are arrested or violate probation and summarize information by
5 county and judicial circuit and statewide. The initial report
6 shall be made to the Speaker of the House of Representatives,
7 the President of the Senate, the Office of Program Policy
8 Analysis and Government Accountability, and the Executive
9 Office of the Governor on March 1, 2007, for the period from
10 December 1, 2005, through June 30, 2006, and annually
11 thereafter based on information for the preceding fiscal year.

12 Section 4. Section 943.04351, Florida Statutes, is
13 amended to read:

14 943.04351 Search of registration information regarding
15 sexual predators and sexual offenders required prior to
16 appointment or employment.--A state agency or governmental
17 subdivision, prior to making any decision to appoint or employ
18 a person to work, whether for compensation or as a volunteer,
19 at any park, playground, day care center, or other place where
20 children regularly congregate, must conduct a search of that
21 person's name or other identifying information against the
22 registration information regarding sexual predators and sexual
23 offenders maintained by the Department of Law Enforcement
24 under s. 943.043 and against the registration information
25 regarding sex offenders maintained by the Federal Bureau of
26 Investigation in the National Sex Offender Public Registry.

27 The agency or governmental subdivision may conduct the search
28 using the Internet site maintained by the Department of Law
29 Enforcement. This section does not apply to those positions or
30 appointments within a state agency or governmental subdivision
31

1 | for which a state and national criminal history background
2 | check is conducted.

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

5 | 948.063 Violations of probation or community control
6 | by designated sexual offenders and sexual predators.--If
7 | probation or community control for any felony offense is
8 | revoked by the court pursuant to s. 948.06(2)(e) and the
9 | offender is designated as a sexual offender pursuant to s.
10 | 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
11 | 775.21 for unlawful sexual activity involving a victim 15
12 | years of age or younger and the offender is 18 years of age or
13 | older, and if the court imposes a subsequent term of
14 | supervision following the revocation of probation or community
15 | control, the court must order electronic monitoring as a
16 | condition of the subsequent term of probation or community
17 | control.

18 | Section 6. Subsection (3) of section 948.30, Florida
19 | Statutes, is amended to read:

20 | 948.30 Additional terms and conditions of probation or
21 | community control for certain sex offenses.--Conditions
22 | imposed pursuant to this section do not require oral
23 | pronouncement at the time of sentencing and shall be
24 | considered standard conditions of probation or community
25 | control for offenders specified in this section.

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

29 | (a) Is placed on probation or community control for a
30 | violation of chapter 794, s. 800.04(4), (5), or (6), s.
31 | 827.071, or s. 847.0145 and the unlawful sexual activity

1 involved a victim 15 years of age or younger and the offender
2 is 18 years of age or older;

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

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

10
11 the court must order, in addition to any other provision of
12 this section, mandatory electronic monitoring as a condition
13 of the probation or community control supervision.

14 Section 7. Subsection (2) of section 947.1405, Florida
15 Statutes, is amended to read:

16 947.1405 Conditional release program.--

17 (2) Any inmate who:

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

26 1. Aggravated stalking, under s. 784.048;

27 2. Kidnapping, under s. 787.01;

28 3. False imprisonment, under s. 787.025;

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

30 5. Human trafficking, under s. 787.06;

31

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 8. This act shall take effect July 1, 2006.

11
12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 Senate Bill 2278

- 15 - Codifies a recommendation of OPPAGA to require FDLE,
16 using data provided by several agencies, to report
17 annually to the Legislature on violations of supervision
18 and arrest related to the re-registration requirements
19 imposed on sexual predators and offenders as a result of
20 the Jessica Lunsford Act.
21 - Codifies a recommendation of OPPAGA to require FDLE to
22 provide, when data is available, information in Florida's
23 Internet registry about the county where the sex-related
24 offense occurred, a link to the statutory offense for
25 which the sexual predator or offender was convicted, and
26 the case number.
27 - Codifies a recommendation of OPPAGA to require that
28 information that FDLE shares with local law enforcement
29 agencies about sexual predators and offenders include
30 notice to these agencies about those offenders who, upon
31 their release from state incarceration, have no
registration activity on record with FDLE in accordance
with state law requirements for registering and
reporting.