

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.
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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.
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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 remaining at</u>
14			<u>permanent residence after</u>
15			<u>reporting he or she would or did</u>
16			<u>vacate; failure to comply with</u>
17			<u>reporting requirements.</u>
18	<u>775.21(6)(i)</u>	<u>3rd</u>	<u>Sexual predator intending to</u>
19			<u>establish residence in another</u>
20			<u>state; failure to comply with</u>
21			<u>reporting requirements.</u>
22	<u>775.21(6)(j)</u>	<u>2nd</u>	<u>Sexual predator remains in state</u>
23			<u>after indicating intent to leave;</u>
24			<u>failure to comply with reporting</u>
25			<u>requirements.</u>
26	775.21(10)(a)	3rd	Sexual predator; failure to
27			register; failure to renew
28			driver's license or
29			identification card; other
30			registration violations.
31			

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

1	784.048(7)	3rd	Aggravated stalking; violation of
2			court order.
3	784.07(2)(d)	1st	Aggravated battery on law
4			enforcement officer.
5	784.074(1)(a)	1st	Aggravated battery on sexually
6			violent predators facility staff.
7	784.08(2)(a)	1st	Aggravated battery on a person 65
8			years of age or older.
9	784.081(1)	1st	Aggravated battery on specified
10			official or employee.
11	784.082(1)	1st	Aggravated battery by detained
12			person on visitor or other
13			detainee.
14	784.083(1)	1st	Aggravated battery on code
15			inspector.
16	790.07(4)	1st	Specified weapons violation
17			subsequent to previous conviction
18			of s. 790.07(1) or (2).
19	790.16(1)	1st	Discharge of a machine gun under
20			specified circumstances.
21	790.165(2)	2nd	Manufacture, sell, possess, or
22			deliver hoax bomb.
23	790.165(3)	2nd	Possessing, displaying, or
24			threatening to use any hoax bomb
25			while committing or attempting to
26			commit a felony.
27	790.166(3)	2nd	Possessing, selling, using, or
28			attempting to use a hoax weapon
29			of mass destruction.
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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.
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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.
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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.
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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. 787.02;

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 resentences 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.

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

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16 Clarifies the description of an offense in the severity
17 ranking chart of the Criminal Punishment Code.

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19 Corrects a statutory reference in the section expanding the
20 eligibility criteria for the conditional release program.

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