

HB 7187

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1 A bill to be entitled
 2 An act relating to criminal justice; amending s. 921.0022,
 3 F.S.; ranking in the offense severity ranking chart of the
 4 Criminal Punishment Code several offenses relating to
 5 failure by a sexual predator or sexual offender to comply
 6 with certain reporting requirements; amending s.
 7 943.04351, F.S.; requiring a search of the National Sex
 8 Offender Public Registry before a person may work or
 9 volunteer at a place where children regularly congregate;
 10 amending s. 948.063, F.S.; requiring that the court order
 11 electronic monitoring as a condition of probation or
 12 community control following a violation of probation or
 13 community control by certain offenders who are designated
 14 as sexual offenders or sexual predators; amending s.
 15 948.30, F.S.; requiring that the court order mandatory
 16 electronic monitoring as a condition of probation or
 17 community control supervision for certain sex offenders
 18 whose crimes involved young children; amending s.
 19 947.1405, F.S.; expanding the eligibility criteria for the
 20 conditional release program; providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Paragraph (g) of subsection (3) of section
 25 921.0022, Florida Statutes, is amended to read:
 26 921.0022 Criminal Punishment Code; offense severity
 27 ranking chart.--

28 (3) OFFENSE SEVERITY RANKING CHART

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	Florida Statute	Felony Degree	Description
29			(g) LEVEL 7
30	316.027 (1) (b)	2nd	Accident involving death, failure to stop; leaving scene.
31	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
32	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
33	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
34	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
35	409.920 (2)	3rd	Medicaid provider fraud.

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36	456.065 (2)	3rd	Practicing a health care profession without a license.
37	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
38	458.327 (1)	3rd	Practicing medicine without a license.
39	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
40	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
41	461.012 (1)	3rd	Practicing podiatric medicine without a license.
42	462.17	3rd	Practicing naturopathy without a license.
43	463.015 (1)	3rd	Practicing optometry without a license.
44	464.016 (1)	3rd	Practicing nursing without a license.
45	465.015 (2)	3rd	Practicing pharmacy without a

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			license.
46	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
47	467.201	3rd	Practicing midwifery without a license.
48	468.366	3rd	Delivering respiratory care services without a license.
49	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
50	483.901 (9)	3rd	Practicing medical physics without a license.
51	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
52	484.053	3rd	Dispensing hearing aids without a license.
53	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.
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55	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
56	560.125 (5) (a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
57	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
58	<u>775.21 (6) (g) 3.</u>	<u>2nd</u>	<u>Sexual predator remaining at permanent residence after reporting intent to vacate; failure to comply with reporting requirements.</u>
59	<u>775.21 (6) (i)</u>	<u>3rd</u>	<u>Sexual predator intending to establish residence in another state; failure to comply with reporting requirements.</u>
	<u>775.21 (6) (j)</u>	<u>2nd</u>	<u>Sexual predator; remains in state after indicating intent to leave; failure to comply with reporting</u>

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			<u>requirements.</u>
60	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
61	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
62	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
63	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
64	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
65	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner

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			(vehicular homicide).
66	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
67	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
68	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
69	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
70	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
71	784.048 (7)	3rd	Aggravated stalking; violation of court order.
72	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
73	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
74	784.08 (2) (a)	1st	Aggravated battery on a person 65

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			years of age or older.
75	784.081 (1)	1st	Aggravated battery on specified official or employee.
76	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
77	784.083 (1)	1st	Aggravated battery on code inspector.
78	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
79	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
80	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
81	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
82	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

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83	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
84	796.03	2nd	Procuring any person under 16 years for prostitution.
85	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
86	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.
87	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
88	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
89	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
90	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.

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91	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
92	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
93	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
94	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
95	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
96	812.131 (2) (a)	2nd	Robbery by sudden snatching.
97	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
98	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.

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99	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
100	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
101	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.
102	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
103	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.
104	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
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106	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
107	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
108	838.015	2nd	Bribery.
109	838.016	2nd	Unlawful compensation or reward for official behavior.
110	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
111	838.22	2nd	Bid tampering.
112	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
113	872.06	2nd	Abuse of a dead human body.
	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

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			state, county, or municipal park or publicly owned recreational facility or community center.
114	893.13 (1) (e) 1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4., within 1,000 feet of property used for religious services or a specified business site.
115	893.13 (4) (a)	1st	Deliver to minor cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
116	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
117	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
118	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
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120	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
121	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
122	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
123	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
124	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
125	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
126	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
	896.101 (5) (a)	3rd	Money laundering, financial

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127	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
128	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
129	<u>943.0435 (7)</u>	<u>3rd</u>	<u>Sexual offender intending to establish residence in another state; failure to comply with reporting requirements.</u>
130	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
131	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
132	943.0435 (13)	3rd	Failure to report or providing

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			false information about a sexual offender; harbor or conceal a sexual offender.
133	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
134	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
135	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
136	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
137	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.

138
 139 Section 2. Section 943.04351, Florida Statutes, is amended
 140 to read:

141 943.04351 Search of registration information regarding
 142 sexual predators and sexual offenders required prior to

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143 appointment or employment.--A state agency or governmental
 144 subdivision, prior to making any decision to appoint or employ a
 145 person to work, whether for compensation or as a volunteer, at
 146 any park, playground, day care center, or other place where
 147 children regularly congregate, must conduct a search of that
 148 person's name or other identifying information against the
 149 registration information regarding sexual predators and sexual
 150 offenders maintained by the Department of Law Enforcement under
 151 s. 943.043 and against the registration information regarding
 152 sex offenders maintained by the Federal Bureau of Investigation
 153 in the National Sex Offender Public Registry. The agency or
 154 governmental subdivision may conduct the search using the
 155 Internet site maintained by the Department of Law Enforcement.
 156 This section does not apply to those positions or appointments
 157 within a state agency or governmental subdivision for which a
 158 state and national criminal history background check is
 159 conducted.

160 Section 3. Section 948.063, Florida Statutes, is amended
 161 to read:

162 948.063 Violations of probation or community control by
 163 designated sexual offenders and sexual predators.--If probation
 164 or community control for any felony offense is revoked by the
 165 court pursuant to s. 948.06(2)(e) and the offender is designated
 166 as a sexual offender pursuant to s. 943.0435 or s. 944.607 or as
 167 a sexual predator pursuant to s. 775.21 for unlawful sexual
 168 activity involving a victim 15 years of age or younger and the
 169 offender is 18 years of age or older, and if the court imposes a
 170 subsequent term of supervision following the revocation of

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171 probation or community control, the court must order electronic
 172 monitoring as a condition of the subsequent term of probation or
 173 community control.

174 Section 4. Subsection (3) of section 948.30, Florida
 175 Statutes, is amended to read:

176 948.30 Additional terms and conditions of probation or
 177 community control for certain sex offenses.--Conditions imposed
 178 pursuant to this section do not require oral pronouncement at
 179 the time of sentencing and shall be considered standard
 180 conditions of probation or community control for offenders
 181 specified in this section.

182 (3) Effective for a probationer or community controllee
 183 whose felony offense ~~crime~~ was committed on or after September
 184 1, 2005, and who:

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

190 (b) Is designated as a sexual predator pursuant to s.
 191 775.21; or

192 (c) Has previously been convicted of a violation of
 193 chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s.
 194 847.0145 and the unlawful sexual activity involved a victim 15
 195 years of age or younger and the offender is 18 years of age or
 196 older,

197
 198 the court must order, in addition to any other provision of this

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199 section, mandatory electronic monitoring as a condition of the
 200 probation or community control supervision.

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

203 947.1405 Conditional release program.--

204 (2) Any inmate who:

205 (a) Is convicted of a crime committed on or after October
 206 1, 1988, and before January 1, 1994, and any inmate who is
 207 convicted of a crime committed on or after January 1, 1994,
 208 which crime is or was contained in category 1, category 2,
 209 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida
 210 Rules of Criminal Procedure (1993), or is convicted of any
 211 offense under the following statutory provisions committed on or
 212 after July 1, 2006:

213 1. Sexual performance by a child under s. 827.071; or

214 2. Selling or buying of minors under s. 847.0145,

215
 216 and who has served at least one prior felony commitment at a
 217 state or federal correctional institution;

218 (b) Is sentenced as a habitual or violent habitual
 219 offender or a violent career criminal pursuant to s. 775.084; or

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

222
 223 shall, upon reaching the tentative release date or provisional
 224 release date, whichever is earlier, as established by the
 225 Department of Corrections, be released under supervision subject
 226 to specified terms and conditions, including payment of the cost

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227 of supervision pursuant to s. 948.09. Such supervision shall be
228 applicable to all sentences within the overall term of sentences
229 if an inmate's overall term of sentences includes one or more
230 sentences that are eligible for conditional release supervision
231 as provided herein. Effective July 1, 1994, and applicable for
232 offenses committed on or after that date, the commission may
233 require, as a condition of conditional release, that the
234 releasee make payment of the debt due and owing to a county or
235 municipal detention facility under s. 951.032 for medical care,
236 treatment, hospitalization, or transportation received by the
237 releasee while in that detention facility. The commission, in
238 determining whether to order such repayment and the amount of
239 such repayment, shall consider the amount of the debt, whether
240 there was any fault of the institution for the medical expenses
241 incurred, the financial resources of the releasee, the present
242 and potential future financial needs and earning ability of the
243 releasee, and dependents, and other appropriate factors. If any
244 inmate placed on conditional release supervision is also subject
245 to probation or community control, resulting from a probationary
246 or community control split sentence within the overall term of
247 sentences, the Department of Corrections shall supervise such
248 person according to the conditions imposed by the court and the
249 commission shall defer to such supervision. If the court
250 revokes probation or community control and resentsences the
251 offender to a term of incarceration, such revocation also
252 constitutes a sufficient basis for the revocation of the
253 conditional release supervision on any nonprobationary or
254 noncommunity control sentence without further hearing by the

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255 | commission. If any such supervision on any nonprobationary or
256 | noncommunity control sentence is revoked, such revocation may
257 | result in a forfeiture of all gain-time, and the commission may
258 | revoke the resulting deferred conditional release supervision or
259 | take other action it considers appropriate. If the term of
260 | conditional release supervision exceeds that of the probation or
261 | community control, then, upon expiration of the probation or
262 | community control, authority for the supervision shall revert to
263 | the commission and the supervision shall be subject to the
264 | conditions imposed by the commission. A panel of no fewer than
265 | two commissioners shall establish the terms and conditions of
266 | any such release. If the offense was a controlled substance
267 | violation, the conditions shall include a requirement that the
268 | offender submit to random substance abuse testing intermittently
269 | throughout the term of conditional release supervision, upon the
270 | direction of the correctional probation officer as defined in s.
271 | 943.10(3). The commission shall also determine whether the terms
272 | and conditions of such release have been violated and whether
273 | such violation warrants revocation of the conditional release.

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