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LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RCS | . | |
| 01/25/2016 | . | |
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The Committee on Criminal Justice (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (g) of subsection (69) of section
39.01, Florida Statutes, is amended to read:

39.01 Definitions.—When used in this chapter, unless the
context otherwise requires:

(69) "Sexual abuse of a child" for purposes of finding a
child to be dependent means one or more of the following acts:



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11 (g) The sexual exploitation of a child, which includes the
12 act of a child offering to engage in or engaging in
13 prostitution, ~~provided that the child is not under arrest or is~~
14 ~~not being prosecuted in a delinquency or criminal proceeding for~~
15 ~~a violation of any offense in chapter 796 based on such~~
16 ~~behavior;~~ or the act of allowing, encouraging, or forcing a
17 child to:

- 18 1. Solicit for or engage in prostitution;
- 19 2. Engage in a sexual performance, as defined by chapter
20 827; or
- 21 3. Participate in the trade of human trafficking as
22 provided in s. 787.06(3)(g).

23 Section 2. Paragraph (a) of subsection (1) of section
24 782.04, Florida Statutes, is amended to read:

25 782.04 Murder.—

26 (1)(a) The unlawful killing of a human being:

- 27 1. When perpetrated from a premeditated design to effect
28 the death of the person killed or any human being;
- 29 2. When committed by a person engaged in the perpetration
30 of, or in the attempt to perpetrate, any:
 - 31 a. Trafficking offense prohibited by s. 893.135(1),
 - 32 b. Arson,
 - 33 c. Sexual battery,
 - 34 d. Robbery,
 - 35 e. Burglary,
 - 36 f. Kidnapping,
 - 37 g. Escape,
 - 38 h. Aggravated child abuse,
 - 39 i. Aggravated abuse of an elderly person or disabled adult,



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40 j. Aircraft piracy,
41 k. Unlawful throwing, placing, or discharging of a
42 destructive device or bomb,
43 l. Carjacking,
44 m. Home-invasion robbery,
45 n. Aggravated stalking,
46 o. Murder of another human being,
47 p. Resisting an officer with violence to his or her person,
48 q. Aggravated fleeing or eluding with serious bodily injury
49 or death,
50 r. Felony that is an act of terrorism or is in furtherance
51 of an act of terrorism,
52 s. Human trafficking; or
53 3. Which resulted from the unlawful distribution of any
54 substance controlled under s. 893.03(1), cocaine as described in
55 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
56 compound, derivative, or preparation of opium, or methadone by a
57 person 18 years of age or older, when such drug is proven to be
58 the proximate cause of the death of the user,
59
60 is murder in the first degree and constitutes a capital felony,
61 punishable as provided in s. 775.082.
62 Section 3. Subsections (8) and (9) of section 787.06,
63 Florida Statutes, are renumbered as subsections (9) and (10),
64 respectively, paragraph (b) of subsection (4) is amended, and a
65 new subsection (8) is added to that section, to read:
66 787.06 Human trafficking.—
67 (4)
68 (b) Any person who, for the purpose of committing or



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69 facilitating an offense under this section, permanently brands,
70 or directs to be branded, a victim of an offense under this
71 section commits a second degree felony, punishable as provided
72 in s. 775.082, s. 775.083, or s. 775.084. For purposes of this
73 subsection, the term "permanently branded" means a mark on the
74 individual's body that, if it can be removed or repaired at all,
75 can only be removed or repaired by surgical means, laser
76 treatment, or other medical procedure.

77 (8) The degree of an offense shall be reclassified as
78 follows if a person causes great bodily harm, permanent
79 disability, or permanent disfigurement to another person during
80 the commission of an offense under this section:

81 (a) A felony of the second degree shall be reclassified as
82 a felony of the first degree.

83 (b) A felony of the first degree shall be reclassified as a
84 life felony.

85 Section 4. Subsection (5) of section 456.074, Florida
86 Statutes, is amended to read:

87 456.074 Certain health care practitioners; immediate
88 suspension of license.—

89 (5) The department shall issue an emergency order
90 suspending the license of a massage therapist or establishment
91 as defined in chapter 480 upon receipt of information that the
92 massage therapist, a person with an ownership interest in the
93 establishment, or, for a corporation that has more than \$250,000
94 of business assets in this state, the owner, officer, or
95 individual directly involved in the management of the
96 establishment has been convicted or found guilty of, or has
97 entered a plea of guilty or nolo contendere to, regardless of



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98 adjudication, a violation of s. 796.07(2)(a) which is
99 reclassified under s. 796.07(7) or a felony offense under any of
100 the following provisions of state law or a similar provision in
101 another jurisdiction:

102 (a) Section 787.01, relating to kidnapping.

103 (b) Section 787.02, relating to false imprisonment.

104 (c) Section 787.025, relating to luring or enticing a
105 child.

106 (d) Section 787.06, relating to human trafficking.

107 (e) Section 787.07, relating to human smuggling.

108 (f) Section 794.011, relating to sexual battery.

109 (g) Section 794.08, relating to female genital mutilation.

110 (h) Former s. 796.03, relating to procuring a person under
111 the age of 18 for prostitution.

112 (i) Former s. 796.035, relating to the selling or buying of
113 minors into prostitution.

114 (j) Section 796.04, relating to forcing, compelling, or
115 coercing another to become a prostitute.

116 (k) Section 796.05, relating to deriving support from the
117 proceeds of prostitution.

118 (l) Section 796.07(4)(a)3. ~~796.07(4)(e)~~, relating to a
119 felony of the third degree for a third or subsequent violation
120 of s. 796.07, relating to prohibiting prostitution and related
121 acts.

122 (m) Section 800.04, relating to lewd or lascivious offenses
123 committed upon or in the presence of persons less than 16 years
124 of age.

125 (n) Section 825.1025(2)(b), relating to lewd or lascivious
126 offenses committed upon or in the presence of an elderly or



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127 disabled person.

128 (o) Section 827.071, relating to sexual performance by a
129 child.

130 (p) Section 847.0133, relating to the protection of minors.

131 (q) Section 847.0135, relating to computer pornography.

132 (r) Section 847.0138, relating to the transmission of
133 material harmful to minors to a minor by electronic device or
134 equipment.

135 (s) Section 847.0145, relating to the selling or buying of
136 minors.

137 Section 5. Subsection (7) of section 480.041, Florida
138 Statutes, is amended to read:

139 480.041 Massage therapists; qualifications; licensure;
140 endorsement.—

141 (7) The board shall deny an application for a new or
142 renewal license if an applicant has been convicted or found
143 guilty of, or enters a plea of guilty or nolo contendere to,
144 regardless of adjudication, a violation of s. 796.07(2)(a) which
145 is reclassified under s. 796.07(7) or a felony offense under any
146 of the following provisions of state law or a similar provision
147 in another jurisdiction:

148 (a) Section 787.01, relating to kidnapping.

149 (b) Section 787.02, relating to false imprisonment.

150 (c) Section 787.025, relating to luring or enticing a
151 child.

152 (d) Section 787.06, relating to human trafficking.

153 (e) Section 787.07, relating to human smuggling.

154 (f) Section 794.011, relating to sexual battery.

155 (g) Section 794.08, relating to female genital mutilation.



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156 (h) Former s. 796.03, relating to procuring a person under
157 the age of 18 for prostitution.

158 (i) Former s. 796.035, relating to the selling or buying of
159 minors into prostitution.

160 (j) Section 796.04, relating to forcing, compelling, or
161 coercing another to become a prostitute.

162 (k) Section 796.05, relating to deriving support from the
163 proceeds of prostitution.

164 (l) Section 796.07(4)(a)3. ~~796.07(4)(e)~~, relating to a
165 felony of the third degree for a third or subsequent violation
166 of s. 796.07, relating to prohibiting prostitution and related
167 acts.

168 (m) Section 800.04, relating to lewd or lascivious offenses
169 committed upon or in the presence of persons less than 16 years
170 of age.

171 (n) Section 825.1025(2)(b), relating to lewd or lascivious
172 offenses committed upon or in the presence of an elderly or
173 disabled person.

174 (o) Section 827.071, relating to sexual performance by a
175 child.

176 (p) Section 847.0133, relating to the protection of minors.

177 (q) Section 847.0135, relating to computer pornography.

178 (r) Section 847.0138, relating to the transmission of
179 material harmful to minors to a minor by electronic device or
180 equipment.

181 (s) Section 847.0145, relating to the selling or buying of
182 minors.

183 Section 6. Subsection (8) of section 480.043, Florida
184 Statutes, is amended to read:



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185 480.043 Massage establishments; requisites; licensure;
186 inspection.—

187 (8) The department shall deny an application for a new or
188 renewal license if a person with an ownership interest in the
189 establishment or, for a corporation that has more than \$250,000
190 of business assets in this state, the owner, officer, or
191 individual directly involved in the management of the
192 establishment has been convicted or found guilty of, or entered
193 a plea of guilty or nolo contendere to, regardless of
194 adjudication, a violation of s. 796.07(2)(a) which is
195 reclassified under s. 796.07(7) or a felony offense under any of
196 the following provisions of state law or a similar provision in
197 another jurisdiction:

198 (a) Section 787.01, relating to kidnapping.

199 (b) Section 787.02, relating to false imprisonment.

200 (c) Section 787.025, relating to luring or enticing a
201 child.

202 (d) Section 787.06, relating to human trafficking.

203 (e) Section 787.07, relating to human smuggling.

204 (f) Section 794.011, relating to sexual battery.

205 (g) Section 794.08, relating to female genital mutilation.

206 (h) Former s. 796.03, relating to procuring a person under
207 the age of 18 for prostitution.

208 (i) Former s. 796.035, relating to selling or buying of
209 minors into prostitution.

210 (j) Section 796.04, relating to forcing, compelling, or
211 coercing another to become a prostitute.

212 (k) Section 796.05, relating to deriving support from the
213 proceeds of prostitution.



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214 (l) Section 796.07(4)(a)3. ~~796.07(4)(e)~~, relating to a
215 felony of the third degree for a third or subsequent violation
216 of s. 796.07, relating to prohibiting prostitution and related
217 acts.

218 (m) Section 800.04, relating to lewd or lascivious offenses
219 committed upon or in the presence of persons less than 16 years
220 of age.

221 (n) Section 825.1025(2)(b), relating to lewd or lascivious
222 offenses committed upon or in the presence of an elderly or
223 disabled person.

224 (o) Section 827.071, relating to sexual performance by a
225 child.

226 (p) Section 847.0133, relating to the protection of minors.

227 (q) Section 847.0135, relating to computer pornography.

228 (r) Section 847.0138, relating to the transmission of
229 material harmful to minors to a minor by electronic device or
230 equipment.

231 (s) Section 847.0145, relating to the selling or buying of
232 minors.

233 Section 7. Subsection (2) of section 796.06, Florida
234 Statutes, is amended to read:

235 796.06 Renting space to be used for lewdness, assignation,
236 or prostitution.—

237 (2) A person who violates this section commits:

238 (a) A misdemeanor of the first ~~second~~ degree for a first
239 violation, punishable as provided in s. 775.082 or s. 775.083.

240 (b) A felony ~~misdemeanor~~ of the third ~~first~~ degree for a
241 second or subsequent violation, punishable as provided in s.
242 775.082, ~~or~~ s. 775.083, or s. 775.084.



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243 Section 8. Paragraph (e) of subsection (2) and paragraph
244 (b) of subsection (5) of section 796.07, Florida Statutes, are
245 amended, and subsection (7) is added to that section, to read:

246 796.07 Prohibiting prostitution and related acts.—

247 (2) It is unlawful:

248 (e) For a person 18 years of age or older to offer to
249 commit, or to commit, or to engage in, prostitution, lewdness,
250 or assignation.

251 (5)

252 (b) In addition to any other penalty imposed, the court
253 shall order a person convicted of a violation of paragraph
254 (2) (f) to:

255 1. Perform 100 hours of community service; and

256 2. Pay for and attend an educational program about the
257 negative effects of prostitution and human trafficking, such as
258 a sexual violence prevention education program, including such
259 programs offered by faith-based providers, if such programs
260 exist ~~program exists~~ in the judicial circuit in which the
261 offender is sentenced.

262 (7) If the place, structure, building, or conveyance that
263 is owned, established, maintained, or operated in violation of
264 paragraph (2) (a) is a massage establishment that is or should be
265 licensed under s. 480.043, the offense shall be reclassified to
266 the next higher degree as follows:

267 (a) A misdemeanor of the second degree for a first
268 violation is reclassified as a misdemeanor of the first degree,
269 punishable as provided in s. 775.082 or s. 775.083.

270 (b) A misdemeanor of the first degree for a second
271 violation is reclassified as a felony of the third degree,



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272 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

273 (c) A felony of the third degree for a third or subsequent
274 violation is reclassified as a felony of the second degree,
275 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

276 Section 9. Paragraph (a) of subsection (4) of section
277 775.21, Florida Statutes, is amended to read:

278 775.21 The Florida Sexual Predators Act.—

279 (4) SEXUAL PREDATOR CRITERIA.—

280 (a) For a current offense committed on or after October 1,
281 1993, upon conviction, an offender shall be designated as a
282 “sexual predator” under subsection (5), and subject to
283 registration under subsection (6) and community and public
284 notification under subsection (7) if:

285 1. The felony is:

286 a. A capital, life, or first degree felony violation, or
287 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
288 is a minor and the defendant is not the victim’s parent or
289 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
290 violation of a similar law of another jurisdiction; or

291 b. Any felony violation, or any attempt thereof, of s.
292 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
293 787.025(2)(c), where the victim is a minor and the defendant is
294 not the victim’s parent or guardian; s. 787.06(3)(b), (d), (f),
295 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.

296 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
297 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s. 847.0135,
298 excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court
299 makes a written finding that the racketeering activity involved
300 at least one sexual offense listed in this sub-subparagraph or



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301 at least one offense listed in this sub-subparagraph with sexual
302 intent or motive; s. 916.1075(2); or s. 985.701(1); or a
303 violation of a similar law of another jurisdiction, and the
304 offender has previously been convicted of or found to have
305 committed, or has pled nolo contendere or guilty to, regardless
306 of adjudication, any violation of s. 393.135(2); s. 394.4593(2);
307 s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
308 minor and the defendant is not the victim's parent or guardian;
309 s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
310 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
311 former s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.
312 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s.
313 895.03, if the court makes a written finding that the
314 racketeering activity involved at least one sexual offense
315 listed in this sub-subparagraph or at least one offense listed
316 in this sub-subparagraph with sexual intent or motive; s.
317 916.1075(2); or s. 985.701(1); or a violation of a similar law
318 of another jurisdiction;

319 2. The offender has not received a pardon for any felony or
320 similar law of another jurisdiction that is necessary for the
321 operation of this paragraph; and

322 3. A conviction of a felony or similar law of another
323 jurisdiction necessary to the operation of this paragraph has
324 not been set aside in any postconviction proceeding.

325 Section 10. Paragraph (a) of subsection (1) of section
326 943.0435, Florida Statutes, is amended to read:

327 943.0435 Sexual offenders required to register with the
328 department; penalty.—

329 (1) As used in this section, the term:



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330 (a)1. "Sexual offender" means a person who meets the
331 criteria in sub-subparagraph a., sub-subparagraph b., sub-
332 subparagraph c., or sub-subparagraph d., as follows:
333 a.(I) Has been convicted of committing, or attempting,
334 soliciting, or conspiring to commit, any of the criminal
335 offenses proscribed in the following statutes in this state or
336 similar offenses in another jurisdiction: s. 393.135(2); s.
337 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
338 the victim is a minor and the defendant is not the victim's
339 parent or guardian; s. 787.06(3)(b), (d), (f), or (g); former s.
340 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05;
341 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);
342 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
343 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
344 if the court makes a written finding that the racketeering
345 activity involved at least one sexual offense listed in this
346 sub-sub-subparagraph or at least one offense listed in this sub-
347 sub-subparagraph with sexual intent or motive; s. 916.1075(2);
348 or s. 985.701(1); or any similar offense committed in this state
349 which has been redesignated from a former statute number to one
350 of those listed in this sub-sub-subparagraph; and
351 (II) Has been released on or after October 1, 1997, from
352 the sanction imposed for any conviction of an offense described
353 in sub-sub-subparagraph (I). For purposes of sub-sub-
354 subparagraph (I), a sanction imposed in this state or in any
355 other jurisdiction includes, but is not limited to, a fine,
356 probation, community control, parole, conditional release,
357 control release, or incarceration in a state prison, federal
358 prison, private correctional facility, or local detention



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359 facility;

360 b. Establishes or maintains a residence in this state and
361 who has not been designated as a sexual predator by a court of
362 this state but who has been designated as a sexual predator, as
363 a sexually violent predator, or by another sexual offender
364 designation in another state or jurisdiction and was, as a
365 result of such designation, subjected to registration or
366 community or public notification, or both, or would be if the
367 person were a resident of that state or jurisdiction, without
368 regard to whether the person otherwise meets the criteria for
369 registration as a sexual offender;

370 c. Establishes or maintains a residence in this state who
371 is in the custody or control of, or under the supervision of,
372 any other state or jurisdiction as a result of a conviction for
373 committing, or attempting, soliciting, or conspiring to commit,
374 any of the criminal offenses proscribed in the following
375 statutes or similar offense in another jurisdiction: s.
376 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
377 787.025(2)(c), where the victim is a minor and the defendant is
378 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
379 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.
380 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
381 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.
382 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
383 847.0145; s. 895.03, if the court makes a written finding that
384 the racketeering activity involved at least one sexual offense
385 listed in this sub-subparagraph or at least one offense listed
386 in this sub-subparagraph with sexual intent or motive; s.
387 916.1075(2); or s. 985.701(1); or any similar offense committed



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388 in this state which has been redesignated from a former statute
389 number to one of those listed in this sub-subparagraph; or
390 d. On or after July 1, 2007, has been adjudicated
391 delinquent for committing, or attempting, soliciting, or
392 conspiring to commit, any of the criminal offenses proscribed in
393 the following statutes in this state or similar offenses in
394 another jurisdiction when the juvenile was 14 years of age or
395 older at the time of the offense:
396 (I) Section 794.011, excluding s. 794.011(10);
397 (II) Section 800.04(4)(a)2. where the victim is under 12
398 years of age or where the court finds sexual activity by the use
399 of force or coercion;
400 (III) Section 800.04(5)(c)1. where the court finds
401 molestation involving unclothed genitals; or
402 (IV) Section 800.04(5)(d) where the court finds the use of
403 force or coercion and unclothed genitals.
404 2. For all qualifying offenses listed in sub-subparagraph
405 (1)(a)1.d., the court shall make a written finding of the age of
406 the offender at the time of the offense.
407
408 For each violation of a qualifying offense listed in this
409 subsection, except for a violation of s. 794.011, the court
410 shall make a written finding of the age of the victim at the
411 time of the offense. For a violation of s. 800.04(4), the court
412 shall also make a written finding indicating whether the offense
413 involved sexual activity and indicating whether the offense
414 involved force or coercion. For a violation of s. 800.04(5), the
415 court shall also make a written finding that the offense did or
416 did not involve unclothed genitals or genital area and that the



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417 offense did or did not involve the use of force or coercion.

418 Section 11. Paragraph (b) of subsection (1) of section
419 944.606, Florida Statutes, is amended to read:

420 944.606 Sexual offenders; notification upon release.—

421 (1) As used in this section:

422 (b) "Sexual offender" means a person who has been convicted
423 of committing, or attempting, soliciting, or conspiring to
424 commit, any of the criminal offenses proscribed in the following
425 statutes in this state or similar offenses in another
426 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
427 787.02, or s. 787.025(2)(c), where the victim is a minor and the
428 defendant is not the victim's parent or guardian; s.
429 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
430 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
431 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
432 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
433 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
434 makes a written finding that the racketeering activity involved
435 at least one sexual offense listed in this paragraph or at least
436 one offense listed in this paragraph with sexual intent or
437 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
438 committed in this state which has been redesignated from a
439 former statute number to one of those listed in this subsection,
440 when the department has received verified information regarding
441 such conviction; an offender's computerized criminal history
442 record is not, in and of itself, verified information.

443 Section 12. Paragraph (a) of subsection (1) of section
444 944.607, Florida Statutes, is amended to read:

445 944.607 Notification to Department of Law Enforcement of



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446 information on sexual offenders.-

447 (1) As used in this section, the term:

448 (a) "Sexual offender" means a person who is in the custody
449 or control of, or under the supervision of, the department or is
450 in the custody of a private correctional facility:

451 1. On or after October 1, 1997, as a result of a conviction
452 for committing, or attempting, soliciting, or conspiring to
453 commit, any of the criminal offenses proscribed in the following
454 statutes in this state or similar offenses in another
455 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
456 787.02, or s. 787.025(2)(c), where the victim is a minor and the
457 defendant is not the victim's parent or guardian; s.
458 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
459 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
460 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
461 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
462 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
463 makes a written finding that the racketeering activity involved
464 at least one sexual offense listed in this subparagraph or at
465 least one offense listed in this subparagraph with sexual intent
466 or motive; s. 916.1075(2); or s. 985.701(1); or any similar
467 offense committed in this state which has been redesignated from
468 a former statute number to one of those listed in this
469 paragraph; or

470 2. Who establishes or maintains a residence in this state
471 and who has not been designated as a sexual predator by a court
472 of this state but who has been designated as a sexual predator,
473 as a sexually violent predator, or by another sexual offender
474 designation in another state or jurisdiction and was, as a



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475 result of such designation, subjected to registration or
476 community or public notification, or both, or would be if the
477 person were a resident of that state or jurisdiction, without
478 regard as to whether the person otherwise meets the criteria for
479 registration as a sexual offender.

480 Section 13. For the purpose of incorporating the amendment
481 made by this act to section 39.01, Florida Statutes, in a
482 reference thereto, paragraph (p) of subsection (4) of section
483 394.495, Florida Statutes, is reenacted to read:

484 394.495 Child and adolescent mental health system of care;
485 programs and services.—

486 (4) The array of services may include, but is not limited
487 to:

488 (p) Trauma-informed services for children who have suffered
489 sexual exploitation as defined in s. 39.01(69)(g).

490 Section 14. For the purpose of incorporating the amendment
491 made by this act to section 39.01, Florida Statutes, in
492 references thereto, paragraph (c) of subsection (1) and
493 paragraphs (a) and (b) of subsection (6) of section 409.1678,
494 Florida Statutes, are reenacted to read:

495 409.1678 Specialized residential options for children who
496 are victims of sexual exploitation.—

497 (1) DEFINITIONS.—As used in this section, the term:

498 (c) "Sexually exploited child" means a child who has
499 suffered sexual exploitation as defined in s. 39.01(69)(g) and
500 is ineligible for relief and benefits under the federal
501 Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

502 (6) LOCATION INFORMATION.—

503 (a) Information about the location of a safe house, safe



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504 foster home, or other residential facility serving victims of
505 sexual exploitation, as defined in s. 39.01(69)(g), which is
506 held by an agency, as defined in s. 119.011, is confidential and
507 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
508 Constitution. This exemption applies to such confidential and
509 exempt information held by an agency before, on, or after the
510 effective date of the exemption.

511 (b) Information about the location of a safe house, safe
512 foster home, or other residential facility serving victims of
513 sexual exploitation, as defined in s. 39.01(69)(g), may be
514 provided to an agency, as defined in s. 119.011, as necessary to
515 maintain health and safety standards and to address emergency
516 situations in the safe house, safe foster home, or other
517 residential facility.

518 Section 15. For the purpose of incorporating the amendment
519 made by this act to section 39.01, Florida Statutes, in a
520 reference thereto, subsection (5) of section 960.065, Florida
521 Statutes, is reenacted to read:

522 960.065 Eligibility for awards.—

523 (5) A person is not ineligible for an award pursuant to
524 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that
525 person is a victim of sexual exploitation of a child as defined
526 in s. 39.01(69)(g).

527 Section 16. For the purpose of incorporating the amendments
528 made by this act to sections 775.21 and 782.04, Florida
529 Statutes, in references thereto, paragraphs (d) and (n) of
530 subsection (1) of section 39.806, Florida Statutes, are
531 reenacted to read:

532 39.806 Grounds for termination of parental rights.—



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533 (1) Grounds for the termination of parental rights may be
534 established under any of the following circumstances:

535 (d) When the parent of a child is incarcerated and either:

536 1. The period of time for which the parent is expected to
537 be incarcerated will constitute a significant portion of the
538 child's minority. When determining whether the period of time is
539 significant, the court shall consider the child's age and the
540 child's need for a permanent and stable home. The period of time
541 begins on the date that the parent enters into incarceration;

542 2. The incarcerated parent has been determined by the court
543 to be a violent career criminal as defined in s. 775.084, a
544 habitual violent felony offender as defined in s. 775.084, or a
545 sexual predator as defined in s. 775.21; has been convicted of
546 first degree or second degree murder in violation of s. 782.04
547 or a sexual battery that constitutes a capital, life, or first
548 degree felony violation of s. 794.011; or has been convicted of
549 an offense in another jurisdiction which is substantially
550 similar to one of the offenses listed in this paragraph. As used
551 in this section, the term "substantially similar offense" means
552 any offense that is substantially similar in elements and
553 penalties to one of those listed in this subparagraph, and that
554 is in violation of a law of any other jurisdiction, whether that
555 of another state, the District of Columbia, the United States or
556 any possession or territory thereof, or any foreign
557 jurisdiction; or

558 3. The court determines by clear and convincing evidence
559 that continuing the parental relationship with the incarcerated
560 parent would be harmful to the child and, for this reason, that
561 termination of the parental rights of the incarcerated parent is



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562 in the best interest of the child. When determining harm, the
563 court shall consider the following factors:

564 a. The age of the child.

565 b. The relationship between the child and the parent.

566 c. The nature of the parent's current and past provision
567 for the child's developmental, cognitive, psychological, and
568 physical needs.

569 d. The parent's history of criminal behavior, which may
570 include the frequency of incarceration and the unavailability of
571 the parent to the child due to incarceration.

572 e. Any other factor the court deems relevant.

573 (n) The parent is convicted of an offense that requires the
574 parent to register as a sexual predator under s. 775.21.

575 Section 17. For the purpose of incorporating the amendments
576 made by this act to sections 775.21 and 782.04, Florida
577 Statutes, in references thereto, paragraph (b) of subsection (4)
578 of section 63.089, Florida Statutes, is reenacted to read:

579 63.089 Proceeding to terminate parental rights pending
580 adoption; hearing; grounds; dismissal of petition; judgment.—

581 (4) FINDING OF ABANDONMENT.—A finding of abandonment
582 resulting in a termination of parental rights must be based upon
583 clear and convincing evidence that a parent or person having
584 legal custody has abandoned the child in accordance with the
585 definition contained in s. 63.032. A finding of abandonment may
586 also be based upon emotional abuse or a refusal to provide
587 reasonable financial support, when able, to a birth mother
588 during her pregnancy or on whether the person alleged to have
589 abandoned the child, while being able, failed to establish
590 contact with the child or accept responsibility for the child's



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591 welfare.

592 (b) The child has been abandoned when the parent of a child
593 is incarcerated on or after October 1, 2001, in a federal,
594 state, or county correctional institution and:

595 1. The period of time for which the parent has been or is
596 expected to be incarcerated will constitute a significant
597 portion of the child's minority. In determining whether the
598 period of time is significant, the court shall consider the
599 child's age and the child's need for a permanent and stable
600 home. The period of time begins on the date that the parent
601 enters into incarceration;

602 2. The incarcerated parent has been determined by a court
603 of competent jurisdiction to be a violent career criminal as
604 defined in s. 775.084, a habitual violent felony offender as
605 defined in s. 775.084, convicted of child abuse as defined in s.
606 827.03, or a sexual predator as defined in s. 775.21; has been
607 convicted of first degree or second degree murder in violation
608 of s. 782.04 or a sexual battery that constitutes a capital,
609 life, or first degree felony violation of s. 794.011; or has
610 been convicted of a substantially similar offense in another
611 jurisdiction. As used in this section, the term "substantially
612 similar offense" means any offense that is substantially similar
613 in elements and penalties to one of those listed in this
614 subparagraph, and that is in violation of a law of any other
615 jurisdiction, whether that of another state, the District of
616 Columbia, the United States or any possession or territory
617 thereof, or any foreign jurisdiction; or

618 3. The court determines by clear and convincing evidence
619 that continuing the parental relationship with the incarcerated



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620 parent would be harmful to the child and, for this reason,
621 termination of the parental rights of the incarcerated parent is
622 in the best interests of the child.

623 Section 18. For the purpose of incorporating the amendment
624 made by this act to section 782.04, Florida Statutes, in
625 references thereto, subsection (10) of section 95.11, Florida
626 Statutes, is reenacted to read:

627 95.11 Limitations other than for the recovery of real
628 property.—Actions other than for recovery of real property shall
629 be commenced as follows:

630 (10) FOR INTENTIONAL TORTS RESULTING IN DEATH FROM ACTS
631 DESCRIBED IN S. 782.04 OR S. 782.07.—Notwithstanding paragraph
632 (4) (d), an action for wrongful death seeking damages authorized
633 under s. 768.21 brought against a natural person for an
634 intentional tort resulting in death from acts described in s.
635 782.04 or s. 782.07 may be commenced at any time. This
636 subsection shall not be construed to require an arrest, the
637 filing of formal criminal charges, or a conviction for a
638 violation of s. 782.04 or s. 782.07 as a condition for filing a
639 civil action.

640 Section 19. For the purpose of incorporating the amendment
641 made by this act to section 782.04, Florida Statutes, in
642 references thereto, paragraph (b) of subsection (1) and
643 paragraphs (a), (b), and (c) of subsection (3) of section
644 775.082, Florida Statutes, are reenacted to read:

645 775.082 Penalties; applicability of sentencing structures;
646 mandatory minimum sentences for certain reoffenders previously
647 released from prison.—

648 (1)



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649 (b)1. A person who actually killed, intended to kill, or
650 attempted to kill the victim and who is convicted under s.
651 782.04 of a capital felony, or an offense that was reclassified
652 as a capital felony, which was committed before the person
653 attained 18 years of age shall be punished by a term of
654 imprisonment for life if, after a sentencing hearing conducted
655 by the court in accordance with s. 921.1401, the court finds
656 that life imprisonment is an appropriate sentence. If the court
657 finds that life imprisonment is not an appropriate sentence,
658 such person shall be punished by a term of imprisonment of at
659 least 40 years. A person sentenced pursuant to this subparagraph
660 is entitled to a review of his or her sentence in accordance
661 with s. 921.1402(2)(a).

662 2. A person who did not actually kill, intend to kill, or
663 attempt to kill the victim and who is convicted under s. 782.04
664 of a capital felony, or an offense that was reclassified as a
665 capital felony, which was committed before the person attained
666 18 years of age may be punished by a term of imprisonment for
667 life or by a term of years equal to life if, after a sentencing
668 hearing conducted by the court in accordance with s. 921.1401,
669 the court finds that life imprisonment is an appropriate
670 sentence. A person who is sentenced to a term of imprisonment of
671 more than 15 years is entitled to a review of his or her
672 sentence in accordance with s. 921.1402(2)(c).

673 3. The court shall make a written finding as to whether a
674 person is eligible for a sentence review hearing under s.
675 921.1402(2)(a) or (c). Such a finding shall be based upon
676 whether the person actually killed, intended to kill, or
677 attempted to kill the victim. The court may find that multiple



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678 defendants killed, intended to kill, or attempted to kill the
679 victim.

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

682 (a)1. For a life felony committed before October 1, 1983,
683 by a term of imprisonment for life or for a term of at least 30
684 years.

685 2. For a life felony committed on or after October 1, 1983,
686 by a term of imprisonment for life or by a term of imprisonment
687 not exceeding 40 years.

688 3. Except as provided in subparagraph 4., for a life felony
689 committed on or after July 1, 1995, by a term of imprisonment
690 for life or by imprisonment for a term of years not exceeding
691 life imprisonment.

692 4.a. Except as provided in sub-subparagraph b., for a life
693 felony committed on or after September 1, 2005, which is a
694 violation of s. 800.04(5)(b), by:

695 (I) A term of imprisonment for life; or

696 (II) A split sentence that is a term of at least 25 years'
697 imprisonment and not exceeding life imprisonment, followed by
698 probation or community control for the remainder of the person's
699 natural life, as provided in s. 948.012(4).

700 b. For a life felony committed on or after July 1, 2008,
701 which is a person's second or subsequent violation of s.
702 800.04(5)(b), by a term of imprisonment for life.

703 5. Notwithstanding subparagraphs 1.-4., a person who is
704 convicted under s. 782.04 of an offense that was reclassified as
705 a life felony which was committed before the person attained 18
706 years of age may be punished by a term of imprisonment for life



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707 or by a term of years equal to life imprisonment if the judge
708 conducts a sentencing hearing in accordance with s. 921.1401 and
709 finds that life imprisonment or a term of years equal to life
710 imprisonment is an appropriate sentence.

711 a. A person who actually killed, intended to kill, or
712 attempted to kill the victim and is sentenced to a term of
713 imprisonment of more than 25 years is entitled to a review of
714 his or her sentence in accordance with s. 921.1402(2)(b).

715 b. A person who did not actually kill, intend to kill, or
716 attempt to kill the victim and is sentenced to a term of
717 imprisonment of more than 15 years is entitled to a review of
718 his or her sentence in accordance with s. 921.1402(2)(c).

719 c. The court shall make a written finding as to whether a
720 person is eligible for a sentence review hearing under s.
721 921.1402(2)(b) or (c). Such a finding shall be based upon
722 whether the person actually killed, intended to kill, or
723 attempted to kill the victim. The court may find that multiple
724 defendants killed, intended to kill, or attempted to kill the
725 victim.

726 6. For a life felony committed on or after October 1, 2014,
727 which is a violation of s. 787.06(3)(g), by a term of
728 imprisonment for life.

729 (b)1. For a felony of the first degree, by a term of
730 imprisonment not exceeding 30 years or, when specifically
731 provided by statute, by imprisonment for a term of years not
732 exceeding life imprisonment.

733 2. Notwithstanding subparagraph 1., a person convicted
734 under s. 782.04 of a first degree felony punishable by a term of
735 years not exceeding life imprisonment, or an offense that was



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736 reclassified as a first degree felony punishable by a term of
737 years not exceeding life, which was committed before the person
738 attained 18 years of age may be punished by a term of years
739 equal to life imprisonment if the judge conducts a sentencing
740 hearing in accordance with s. 921.1401 and finds that a term of
741 years equal to life imprisonment is an appropriate sentence.

742 a. A person who actually killed, intended to kill, or
743 attempted to kill the victim and is sentenced to a term of
744 imprisonment of more than 25 years is entitled to a review of
745 his or her sentence in accordance with s. 921.1402(2)(b).

746 b. A person who did not actually kill, intend to kill, or
747 attempt to kill the victim and is sentenced to a term of
748 imprisonment of more than 15 years is entitled to a review of
749 his or her sentence in accordance with s. 921.1402(2)(c).

750 c. The court shall make a written finding as to whether a
751 person is eligible for a sentence review hearing under s.
752 921.1402(2)(b) or (c). Such a finding shall be based upon
753 whether the person actually killed, intended to kill, or
754 attempted to kill the victim. The court may find that multiple
755 defendants killed, intended to kill, or attempted to kill the
756 victim.

757 (c) Notwithstanding paragraphs (a) and (b), a person
758 convicted of an offense that is not included in s. 782.04 but
759 that is an offense that is a life felony or is punishable by a
760 term of imprisonment for life or by a term of years not
761 exceeding life imprisonment, or an offense that was reclassified
762 as a life felony or an offense punishable by a term of
763 imprisonment for life or by a term of years not exceeding life
764 imprisonment, which was committed before the person attained 18



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765 years of age may be punished by a term of imprisonment for life
766 or a term of years equal to life imprisonment if the judge
767 conducts a sentencing hearing in accordance with s. 921.1401 and
768 finds that life imprisonment or a term of years equal to life
769 imprisonment is an appropriate sentence. A person who is
770 sentenced to a term of imprisonment of more than 20 years is
771 entitled to a review of his or her sentence in accordance with
772 s. 921.1402(2)(d).

773 Section 20. For the purpose of incorporating the amendment
774 made by this act to section 782.04, Florida Statutes, in
775 references thereto, section 782.065, Florida Statutes, is
776 reenacted to read:

777 782.065 Murder; law enforcement officer, correctional
778 officer, correctional probation officer.—Notwithstanding ss.
779 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant
780 shall be sentenced to life imprisonment without eligibility for
781 release upon findings by the trier of fact that, beyond a
782 reasonable doubt:

783 (1) The defendant committed murder in the first degree in
784 violation of s. 782.04(1) and a death sentence was not imposed;
785 murder in the second or third degree in violation of s.
786 782.04(2), (3), or (4); attempted murder in the first or second
787 degree in violation of s. 782.04(1)(a)1. or (2); or attempted
788 felony murder in violation of s. 782.051; and

789 (2) The victim of any offense described in subsection (1)
790 was a law enforcement officer, part-time law enforcement
791 officer, auxiliary law enforcement officer, correctional
792 officer, part-time correctional officer, auxiliary correctional
793 officer, correctional probation officer, part-time correctional



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794 probation officer, or auxiliary correctional probation officer,
795 as those terms are defined in s. 943.10, engaged in the lawful
796 performance of a legal duty.

797 Section 21. For the purpose of incorporating the amendment
798 made by this act to section 782.04, Florida Statutes, in a
799 reference thereto, subsection (1) of section 921.16, Florida
800 Statutes, is reenacted to read:

801 921.16 When sentences to be concurrent and when
802 consecutive.—

803 (1) A defendant convicted of two or more offenses charged
804 in the same indictment, information, or affidavit or in
805 consolidated indictments, informations, or affidavits shall
806 serve the sentences of imprisonment concurrently unless the
807 court directs that two or more of the sentences be served
808 consecutively. Sentences of imprisonment for offenses not
809 charged in the same indictment, information, or affidavit shall
810 be served consecutively unless the court directs that two or
811 more of the sentences be served concurrently. Any sentence for
812 sexual battery as defined in chapter 794 or murder as defined in
813 s. 782.04 must be imposed consecutively to any other sentence
814 for sexual battery or murder which arose out of a separate
815 criminal episode or transaction.

816 Section 22. For the purpose of incorporating the amendment
817 made by this act to section 782.04, Florida Statutes, in a
818 reference thereto, paragraph (a) of subsection (1) of section
819 948.062, Florida Statutes, is reenacted to read:

820 948.062 Reviewing and reporting serious offenses committed
821 by offenders placed on probation or community control.—

822 (1) The department shall review the circumstances related



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823 to an offender placed on probation or community control who has
824 been arrested while on supervision for the following offenses:

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

826 Section 23. For the purpose of incorporating the amendment
827 made by this act to section 782.04, Florida Statutes, in a
828 reference thereto, paragraph (b) of subsection (3) of section
829 985.265, Florida Statutes, is reenacted to read:

830 985.265 Detention transfer and release; education; adult
831 jails.—

832 (3)

833 (b) When a juvenile is released from secure detention or
834 transferred to nonsecure detention, detention staff shall
835 immediately notify the appropriate law enforcement agency,
836 school personnel, and victim if the juvenile is charged with
837 committing any of the following offenses or attempting to commit
838 any of the following offenses:

839 1. Murder, under s. 782.04;

840 2. Sexual battery, under chapter 794;

841 3. Stalking, under s. 784.048; or

842 4. Domestic violence, as defined in s. 741.28.

843 Section 24. For the purpose of incorporating the amendment
844 made by this act to section 782.04, Florida Statutes, in a
845 reference thereto, paragraph (d) of subsection (1) of section
846 1012.315, Florida Statutes, is reenacted to read:

847 1012.315 Disqualification from employment.—A person is
848 ineligible for educator certification, and instructional
849 personnel and school administrators, as defined in s. 1012.01,
850 are ineligible for employment in any position that requires
851 direct contact with students in a district school system,



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852 charter school, or private school that accepts scholarship
853 students under s. 1002.39 or s. 1002.395, if the person,
854 instructional personnel, or school administrator has been
855 convicted of:

856 (1) Any felony offense prohibited under any of the
857 following statutes:

858 (d) Section 782.04, relating to murder.

859 Section 25. For the purpose of incorporating the amendment
860 made by this act to sections 782.04 and 943.0435, Florida
861 Statutes, in references thereto, paragraph (g) of subsection (2)
862 of section 1012.467, Florida Statutes, is reenacted to read:

863 1012.467 Noninstructional contractors who are permitted
864 access to school grounds when students are present; background
865 screening requirements.—

866 (2)

867 (g) A noninstructional contractor for whom a criminal
868 history check is required under this section may not have been
869 convicted of any of the following offenses designated in the
870 Florida Statutes, any similar offense in another jurisdiction,
871 or any similar offense committed in this state which has been
872 redesignated from a former provision of the Florida Statutes to
873 one of the following offenses:

874 1. Any offense listed in s. 943.0435(1)(a)1., relating to
875 the registration of an individual as a sexual offender.

876 2. Section 393.135, relating to sexual misconduct with
877 certain developmentally disabled clients and the reporting of
878 such sexual misconduct.

879 3. Section 394.4593, relating to sexual misconduct with
880 certain mental health patients and the reporting of such sexual



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881 misconduct.

882 4. Section 775.30, relating to terrorism.

883 5. Section 782.04, relating to murder.

884 6. Section 787.01, relating to kidnapping.

885 7. Any offense under chapter 800, relating to lewdness and
886 indecent exposure.

887 8. Section 826.04, relating to incest.

888 9. Section 827.03, relating to child abuse, aggravated
889 child abuse, or neglect of a child.

890 Section 26. For the purpose of incorporating the amendment
891 made by this act to section 782.04, Florida Statutes, in
892 references thereto, subsections (1) and (2) of section 775.0823,
893 Florida Statutes, are reenacted to read:

894 775.0823 Violent offenses committed against law enforcement
895 officers, correctional officers, state attorneys, assistant
896 state attorneys, justices, or judges.—The Legislature does
897 hereby provide for an increase and certainty of penalty for any
898 person convicted of a violent offense against any law
899 enforcement or correctional officer, as defined in s. 943.10(1),
900 (2), (3), (6), (7), (8), or (9); against any state attorney
901 elected pursuant to s. 27.01 or assistant state attorney
902 appointed under s. 27.181; or against any justice or judge of a
903 court described in Art. V of the State Constitution, which
904 offense arises out of or in the scope of the officer's duty as a
905 law enforcement or correctional officer, the state attorney's or
906 assistant state attorney's duty as a prosecutor or investigator,
907 or the justice's or judge's duty as a judicial officer, as
908 follows:

909 (1) For murder in the first degree as described in s.



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910 782.04(1), if the death sentence is not imposed, a sentence of
911 imprisonment for life without eligibility for release.

912 (2) For attempted murder in the first degree as described
913 in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083,
914 or s. 775.084.

915
916 Notwithstanding the provisions of s. 948.01, with respect to any
917 person who is found to have violated this section, adjudication
918 of guilt or imposition of sentence shall not be suspended,
919 deferred, or withheld.

920 Section 27. For the purpose of incorporating the amendment
921 made by this act to section 782.04, Florida Statutes, in a
922 reference thereto, paragraph (i) of subsection (3) of section
923 921.0022, Florida Statutes, is reenacted to read:

924 921.0022 Criminal Punishment Code; offense severity ranking
925 chart.—

926 (3) OFFENSE SEVERITY RANKING CHART

927 (i) LEVEL 9

928
929

| Florida Statute | Felony Degree | Description |
|-------------------------|---------------|--|
| 316.193 (3) (c) 3.b. | 1st | DUI manslaughter; failing to render aid or give information. |
| 327.35 (3) (c) 3.b. | 1st | BUI manslaughter; failing to render aid or give information. |

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| | | | |
|-----|-------------------------|----------|---|
| 933 | 409.920 (2) (b) 1.c. | 1st | Medicaid provider fraud; \$50,000 or more. |
| 934 | 499.0051 (9) | 1st | Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm. |
| 935 | 560.123 (8) (b) 3. | 1st | Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter. |
| 936 | 560.125 (5) (c) | 1st | Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000. |
| 937 | 655.50 (10) (b) 3. | 1st | Failure to report financial transactions totaling or exceeding \$100,000 by financial institution. |
| 938 | 775.0844 | 1st | Aggravated white collar crime. |
| 939 | 782.04 (1) | 1st | Attempt, conspire, or solicit to commit premeditated murder. |
| | 782.04 (3) | 1st, PBL | Accomplice to murder in connection with arson, sexual |



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battery, robbery, burglary,
aggravated fleeing or eluding
with serious bodily injury or
death, and other specified
felonies.

940

782.051(1) 1st Attempted felony murder while
perpetrating or attempting to
perpetrate a felony enumerated
in s. 782.04(3).

941

782.07(2) 1st Aggravated manslaughter of an
elderly person or disabled
adult.

942

787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or
reward or as a shield or
hostage.

943

787.01(1)(a)2. 1st,PBL Kidnapping with intent to
commit or facilitate commission
of any felony.

944

787.01(1)(a)4. 1st,PBL Kidnapping with intent to
interfere with performance of
any governmental or political
function.

945

787.02(3)(a) 1st,PBL False imprisonment; child under



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age 13; perpetrator also
commits aggravated child abuse,
sexual battery, or lewd or
lascivious battery,
molestation, conduct, or
exhibition.

946

787.06(3)(c)1. 1st Human trafficking for labor and
services of an unauthorized
alien child.

947

787.06(3)(d) 1st Human trafficking using
coercion for commercial sexual
activity of an unauthorized
adult alien.

948

787.06(3)(f)1. 1st,PBL Human trafficking for
commercial sexual activity by
the transfer or transport of
any child from outside Florida
to within the state.

949

790.161 1st Attempted capital destructive
device offense.

950

790.166(2) 1st,PBL Possessing, selling, using, or
attempting to use a weapon of
mass destruction.

951



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| | | | |
|-----|---------------|---------|---|
| 952 | 794.011(2) | 1st | Attempted sexual battery; victim less than 12 years of age. |
| 953 | 794.011(2) | Life | Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years. |
| 954 | 794.011(4)(a) | 1st,PBL | Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older. |
| 955 | 794.011(4)(b) | 1st | Sexual battery, certain circumstances; victim and offender 18 years of age or older. |
| 956 | 794.011(4)(c) | 1st | Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years. |
| | 794.011(4)(d) | 1st,PBL | Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex |



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offenses.

957

794.011(8)(b) 1st,PBL Sexual battery; engage in
sexual conduct with minor 12 to
18 years by person in familial
or custodial authority.

958

794.08(2) 1st Female genital mutilation;
victim younger than 18 years of
age.

959

800.04(5)(b) Life Lewd or lascivious molestation;
victim less than 12 years;
offender 18 years or older.

960

812.13(2)(a) 1st,PBL Robbery with firearm or other
deadly weapon.

961

812.133(2)(a) 1st,PBL Carjacking; firearm or other
deadly weapon.

962

812.135(2)(b) 1st Home-invasion robbery with
weapon.

963

817.535(3)(b) 1st Filing false lien or other
unauthorized document; second
or subsequent offense; property
owner is a public officer or
employee.



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| 964 | 817.535 (4) (a) 2. | 1st | Filing false claim or other unauthorized document; defendant is incarcerated or under supervision. |
| 965 | 817.535 (5) (b) | 1st | Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument. |
| 966 | 817.568 (7) | 2nd, PBL | Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority. |
| 967 | 827.03 (2) (a) | 1st | Aggravated child abuse. |
| 968 | 847.0145 (1) | 1st | Selling, or otherwise transferring custody or control, of a minor. |
| 969 | 847.0145 (2) | 1st | Purchasing, or otherwise obtaining custody or control, of a minor. |



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| 970 | 859.01 | 1st | Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person. |
| 971 | 893.135 | 1st | Attempted capital trafficking offense. |
| 972 | 893.135 (1) (a) 3. | 1st | Trafficking in cannabis, more than 10,000 lbs. |
| 973 | 893.135 (1) (b) 1.c. | 1st | Trafficking in cocaine, more than 400 grams, less than 150 kilograms. |
| 974 | 893.135 (1) (c) 1.c. | 1st | Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms. |
| 975 | 893.135 (1) (c) 2.d. | 1st | Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms. |
| 976 | 893.135 (1) (c) 3.d. | 1st | Trafficking in oxycodone, 100 grams or more, less than 30 kilograms. |



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kilograms.

977

893.135 1st Trafficking in phencyclidine,
(1) (d) 1.c. more than 400 grams.

978

893.135 1st Trafficking in methaqualone,
(1) (e) 1.c. more than 25 kilograms.

979

893.135 1st Trafficking in amphetamine,
(1) (f) 1.c. more than 200 grams.

980

893.135 1st Trafficking in gamma-
(1) (h) 1.c. hydroxybutyric acid (GHB), 10
kilograms or more.

981

893.135 1st Trafficking in 1,4-Butanediol,
(1) (j) 1.c. 10 kilograms or more.

982

893.135 1st Trafficking in Phenethylamines,
(1) (k) 2.c. 400 grams or more.

983

896.101 (5) (c) 1st Money laundering, financial
instruments totaling or
exceeding \$100,000.

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896.104 (4) (a) 3. 1st Structuring transactions to
evade reporting or registration
requirements, financial
transactions totaling or



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exceeding \$100,000.

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Section 28. For the purpose of incorporating the amendment made by this act to section 782.04, Florida Statutes, in a reference thereto, paragraph (i) of subsection (3) of section 947.146, Florida Statutes, is reenacted to read:

947.146 Control Release Authority.—

(3) Within 120 days prior to the date the state correctional system is projected pursuant to s. 216.136 to exceed 99 percent of total capacity, the authority shall determine eligibility for and establish a control release date for an appropriate number of parole ineligible inmates committed to the department and incarcerated within the state who have been determined by the authority to be eligible for discretionary early release pursuant to this section. In establishing control release dates, it is the intent of the Legislature that the authority prioritize consideration of eligible inmates closest to their tentative release date. The authority shall rely upon commitment data on the offender information system maintained by the department to initially identify inmates who are to be reviewed for control release consideration. The authority may use a method of objective risk assessment in determining if an eligible inmate should be released. Such assessment shall be a part of the department's management information system. However, the authority shall have sole responsibility for determining control release eligibility, establishing a control release date, and effectuating the release of a sufficient number of inmates to maintain the inmate



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1013 population between 99 percent and 100 percent of total capacity.
1014 Inmates who are ineligible for control release are inmates who
1015 are parole eligible or inmates who:

1016 (i) Are convicted, or have been previously convicted, of
1017 committing or attempting to commit murder in the first, second,
1018 or third degree under s. 782.04(1), (2), (3), or (4), or have
1019 ever been convicted of any degree of murder or attempted murder
1020 in another jurisdiction;

1021
1022 In making control release eligibility determinations under this
1023 subsection, the authority may rely on any document leading to or
1024 generated during the course of the criminal proceedings,
1025 including, but not limited to, any presentence or postsentence
1026 investigation or any information contained in arrest reports
1027 relating to circumstances of the offense.

1028 Section 29. For the purpose of incorporating the amendment
1029 made by this act to section 782.04, Florida Statutes, in a
1030 reference thereto, paragraph (a) of subsection (9) of section
1031 394.912, Florida Statutes, is reenacted to read:

1032 394.912 Definitions.—As used in this part, the term:

1033 (9) "Sexually violent offense" means:

1034 (a) Murder of a human being while engaged in sexual battery
1035 in violation of s. 782.04(1)(a)2.;

1036 Section 30. For the purpose of incorporating the amendment
1037 made by this act to section 787.06, Florida Statutes, in a
1038 reference thereto, subsection (19) of section 775.15, Florida
1039 Statutes, is reenacted to read:

1040 775.15 Time limitations; general time limitations;
1041 exceptions.—



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1042 (19) A prosecution for a violation of s. 787.06 may be
1043 commenced at any time. This subsection applies to any such
1044 offense except an offense the prosecution of which would have
1045 been barred by subsection (2) on or before October 1, 2014.

1046 Section 31. For the purpose of incorporating the amendment
1047 made by this act to section 796.07, Florida Statutes, in a
1048 reference thereto, subsection (4) of section 60.05, Florida
1049 Statutes, is reenacted to read:

1050 60.05 Abatement of nuisances.—

1051 (4) On trial if the existence of a nuisance is shown, the
1052 court shall issue a permanent injunction and order the costs to
1053 be paid by the persons establishing or maintaining the nuisance
1054 and shall adjudge that the costs are a lien on all personal
1055 property found in the place of the nuisance and on the failure
1056 of the property to bring enough to pay the costs, then on the
1057 real estate occupied by the nuisance. No lien shall attach to
1058 the real estate of any other than said persons unless 5 days'
1059 written notice has been given to the owner or his or her agent
1060 who fails to begin to abate the nuisance within said 5 days. In
1061 a proceeding abating a nuisance pursuant to s. 823.10 or s.
1062 823.05, if a tenant has been convicted of an offense under
1063 chapter 893 or s. 796.07, the court may order the tenant to
1064 vacate the property within 72 hours if the tenant and owner of
1065 the premises are parties to the nuisance abatement action and
1066 the order will lead to the abatement of the nuisance.

1067 Section 32. For the purpose of incorporating the amendment
1068 made by this act to section 796.07, Florida Statutes, in a
1069 reference thereto, paragraph (m) of subsection (1) of section
1070 775.0877, Florida Statutes, is reenacted to read:



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1071 775.0877 Criminal transmission of HIV; procedures;
1072 penalties.—

1073 (1) In any case in which a person has been convicted of or
1074 has pled nolo contendere or guilty to, regardless of whether
1075 adjudication is withheld, any of the following offenses, or the
1076 attempt thereof, which offense or attempted offense involves the
1077 transmission of body fluids from one person to another:

1078 (m) Sections 796.07 and 796.08, relating to prostitution;

1079
1080 the court shall order the offender to undergo HIV testing, to be
1081 performed under the direction of the Department of Health in
1082 accordance with s. 381.004, unless the offender has undergone
1083 HIV testing voluntarily or pursuant to procedures established in
1084 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
1085 rule providing for HIV testing of criminal offenders or inmates,
1086 subsequent to her or his arrest for an offense enumerated in
1087 paragraphs (a)-(n) for which she or he was convicted or to which
1088 she or he pled nolo contendere or guilty. The results of an HIV
1089 test performed on an offender pursuant to this subsection are
1090 not admissible in any criminal proceeding arising out of the
1091 alleged offense.

1092 Section 33. For the purpose of incorporating the amendment
1093 made by this act to section 796.07, Florida Statutes, in
1094 references thereto, subsections (2) and (3) of section 796.08,
1095 Florida Statutes, are reenacted to read:

1096 796.08 Screening for HIV and sexually transmissible
1097 diseases; providing penalties.—

1098 (2) A person arrested under s. 796.07 may request screening
1099 for a sexually transmissible disease under direction of the



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1100 Department of Health and, if infected, shall submit to
1101 appropriate treatment and counseling. A person who requests
1102 screening for a sexually transmissible disease under this
1103 subsection must pay any costs associated with such screening.

1104 (3) A person convicted under s. 796.07 of prostitution or
1105 procuring another to commit prostitution must undergo screening
1106 for a sexually transmissible disease, including, but not limited
1107 to, screening to detect exposure to the human immunodeficiency
1108 virus, under direction of the Department of Health. If the
1109 person is infected, he or she must submit to treatment and
1110 counseling prior to release from probation, community control,
1111 or incarceration. Notwithstanding the provisions of s. 384.29,
1112 the results of tests conducted pursuant to this subsection shall
1113 be made available by the Department of Health to the offender,
1114 medical personnel, appropriate state agencies, state attorneys,
1115 and courts of appropriate jurisdiction in need of such
1116 information in order to enforce the provisions of this chapter.

1117 Section 34. For the purpose of incorporating the amendment
1118 made by this act to section 796.07, Florida Statutes, in a
1119 reference thereto, subsection (2) of section 796.09, Florida
1120 Statutes, is reenacted to read:

1121 796.09 Coercion; civil cause of action; evidence; defenses;
1122 attorney's fees.—

1123 (2) As used in this section, the term "prostitution" has
1124 the same meaning as in s. 796.07.

1125 Section 35. For the purpose of incorporating the amendment
1126 made by this act to section 796.07, Florida Statutes, in a
1127 reference thereto, paragraph (a) of subsection (1) of section
1128 895.02, Florida Statutes, is reenacted to read:



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1129 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

1130 (1) "Racketeering activity" means to commit, to attempt to
1131 commit, to conspire to commit, or to solicit, coerce, or
1132 intimidate another person to commit:

1133 (a) Any crime that is chargeable by petition, indictment,
1134 or information under the following provisions of the Florida
1135 Statutes:

1136 1. Section 210.18, relating to evasion of payment of
1137 cigarette taxes.

1138 2. Section 316.1935, relating to fleeing or attempting to
1139 elude a law enforcement officer and aggravated fleeing or
1140 eluding.

1141 3. Section 403.727(3)(b), relating to environmental
1142 control.

1143 4. Section 409.920 or s. 409.9201, relating to Medicaid
1144 fraud.

1145 5. Section 414.39, relating to public assistance fraud.

1146 6. Section 440.105 or s. 440.106, relating to workers'
1147 compensation.

1148 7. Section 443.071(4), relating to creation of a fictitious
1149 employer scheme to commit reemployment assistance fraud.

1150 8. Section 465.0161, relating to distribution of medicinal
1151 drugs without a permit as an Internet pharmacy.

1152 9. Section 499.0051, relating to crimes involving
1153 contraband and adulterated drugs.

1154 10. Part IV of chapter 501, relating to telemarketing.

1155 11. Chapter 517, relating to sale of securities and
1156 investor protection.

1157 12. Section 550.235 or s. 550.3551, relating to dogracing



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1158 and horseracing.
1159 13. Chapter 550, relating to jai alai frontons.
1160 14. Section 551.109, relating to slot machine gaming.
1161 15. Chapter 552, relating to the manufacture, distribution,
1162 and use of explosives.
1163 16. Chapter 560, relating to money transmitters, if the
1164 violation is punishable as a felony.
1165 17. Chapter 562, relating to beverage law enforcement.
1166 18. Section 624.401, relating to transacting insurance
1167 without a certificate of authority, s. 624.437(4)(c)1., relating
1168 to operating an unauthorized multiple-employer welfare
1169 arrangement, or s. 626.902(1)(b), relating to representing or
1170 aiding an unauthorized insurer.
1171 19. Section 655.50, relating to reports of currency
1172 transactions, when such violation is punishable as a felony.
1173 20. Chapter 687, relating to interest and usurious
1174 practices.
1175 21. Section 721.08, s. 721.09, or s. 721.13, relating to
1176 real estate timeshare plans.
1177 22. Section 775.13(5)(b), relating to registration of
1178 persons found to have committed any offense for the purpose of
1179 benefiting, promoting, or furthering the interests of a criminal
1180 gang.
1181 23. Section 777.03, relating to commission of crimes by
1182 accessories after the fact.
1183 24. Chapter 782, relating to homicide.
1184 25. Chapter 784, relating to assault and battery.
1185 26. Chapter 787, relating to kidnapping or human
1186 trafficking.



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- 1187 27. Chapter 790, relating to weapons and firearms.
- 1188 28. Chapter 794, relating to sexual battery, but only if
1189 such crime was committed with the intent to benefit, promote, or
1190 further the interests of a criminal gang, or for the purpose of
1191 increasing a criminal gang member's own standing or position
1192 within a criminal gang.
- 1193 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
1194 796.05, or s. 796.07, relating to prostitution.
- 1195 30. Chapter 806, relating to arson and criminal mischief.
- 1196 31. Chapter 810, relating to burglary and trespass.
- 1197 32. Chapter 812, relating to theft, robbery, and related
1198 crimes.
- 1199 33. Chapter 815, relating to computer-related crimes.
- 1200 34. Chapter 817, relating to fraudulent practices, false
1201 pretenses, fraud generally, and credit card crimes.
- 1202 35. Chapter 825, relating to abuse, neglect, or
1203 exploitation of an elderly person or disabled adult.
- 1204 36. Section 827.071, relating to commercial sexual
1205 exploitation of children.
- 1206 37. Section 828.122, relating to fighting or baiting
1207 animals.
- 1208 38. Chapter 831, relating to forgery and counterfeiting.
- 1209 39. Chapter 832, relating to issuance of worthless checks
1210 and drafts.
- 1211 40. Section 836.05, relating to extortion.
- 1212 41. Chapter 837, relating to perjury.
- 1213 42. Chapter 838, relating to bribery and misuse of public
1214 office.
- 1215 43. Chapter 843, relating to obstruction of justice.



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1216 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
1217 s. 847.07, relating to obscene literature and profanity.

1218 45. Chapter 849, relating to gambling, lottery, gambling or
1219 gaming devices, slot machines, or any of the provisions within
1220 that chapter.

1221 46. Chapter 874, relating to criminal gangs.

1222 47. Chapter 893, relating to drug abuse prevention and
1223 control.

1224 48. Chapter 896, relating to offenses related to financial
1225 transactions.

1226 49. Sections 914.22 and 914.23, relating to tampering with
1227 or harassing a witness, victim, or informant, and retaliation
1228 against a witness, victim, or informant.

1229 50. Sections 918.12 and 918.13, relating to tampering with
1230 jurors and evidence.

1231 Section 36. For the purpose of incorporating the amendment
1232 made by this act to section 796.07, Florida Statutes, in a
1233 reference thereto, paragraph (a) of subsection (1) of section
1234 948.16, Florida Statutes, is reenacted to read:

1235 948.16 Misdemeanor pretrial substance abuse education and
1236 treatment intervention program; misdemeanor pretrial veterans'
1237 treatment intervention program.—

1238 (1) (a) A person who is charged with a nonviolent,
1239 nontraffic-related misdemeanor and identified as having a
1240 substance abuse problem or who is charged with a misdemeanor for
1241 possession of a controlled substance or drug paraphernalia under
1242 chapter 893, prostitution under s. 796.07, possession of alcohol
1243 while under 21 years of age under s. 562.111, or possession of a
1244 controlled substance without a valid prescription under s.



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1245 499.03, and who has not previously been convicted of a felony,
1246 is eligible for voluntary admission into a misdemeanor pretrial
1247 substance abuse education and treatment intervention program,
1248 including a treatment-based drug court program established
1249 pursuant to s. 397.334, approved by the chief judge of the
1250 circuit, for a period based on the program requirements and the
1251 treatment plan for the offender, upon motion of either party or
1252 the court's own motion, except, if the state attorney believes
1253 the facts and circumstances of the case suggest the defendant is
1254 involved in dealing and selling controlled substances, the court
1255 shall hold a preadmission hearing. If the state attorney
1256 establishes, by a preponderance of the evidence at such hearing,
1257 that the defendant was involved in dealing or selling controlled
1258 substances, the court shall deny the defendant's admission into
1259 the pretrial intervention program.

1260 Section 37. For the purpose of incorporating the amendment
1261 made by this act to section 775.21, Florida Statutes, in a
1262 reference thereto, paragraph (a) of subsection (3) of section
1263 39.0139, Florida Statutes, is reenacted to read:

1264 39.0139 Visitation or other contact; restrictions.—

1265 (3) PRESUMPTION OF DETRIMENT.—

1266 (a) A rebuttable presumption of detriment to a child is
1267 created when:

1268 1. A court of competent jurisdiction has found probable
1269 cause exists that a parent or caregiver has sexually abused a
1270 child as defined in s. 39.01;

1271 2. A parent or caregiver has been found guilty of,
1272 regardless of adjudication, or has entered a plea of guilty or
1273 nolo contendere to, charges under the following statutes or



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1274 substantially similar statutes of other jurisdictions:
1275 a. Section 787.04, relating to removing minors from the
1276 state or concealing minors contrary to court order;
1277 b. Section 794.011, relating to sexual battery;
1278 c. Section 798.02, relating to lewd and lascivious
1279 behavior;
1280 d. Chapter 800, relating to lewdness and indecent exposure;
1281 e. Section 826.04, relating to incest; or
1282 f. Chapter 827, relating to the abuse of children; or
1283 3. A court of competent jurisdiction has determined a
1284 parent or caregiver to be a sexual predator as defined in s.
1285 775.21 or a parent or caregiver has received a substantially
1286 similar designation under laws of another jurisdiction.
1287 Section 38. For the purpose of incorporating the amendment
1288 made by this act to section 775.21, Florida Statutes, in a
1289 reference thereto, paragraph (b) of subsection (6) of section
1290 39.509, Florida Statutes, is reenacted to read:
1291 39.509 Grandparents rights.—Notwithstanding any other
1292 provision of law, a maternal or paternal grandparent as well as
1293 a stepgrandparent is entitled to reasonable visitation with his
1294 or her grandchild who has been adjudicated a dependent child and
1295 taken from the physical custody of the parent unless the court
1296 finds that such visitation is not in the best interest of the
1297 child or that such visitation would interfere with the goals of
1298 the case plan. Reasonable visitation may be unsupervised and,
1299 where appropriate and feasible, may be frequent and continuing.
1300 Any order for visitation or other contact must conform to the
1301 provisions of s. 39.0139.
1302 (6) In determining whether grandparental visitation is not



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1303 in the child's best interest, consideration may be given to the
1304 following:

1305 (b) The designation by a court as a sexual predator as
1306 defined in s. 775.21 or a substantially similar designation
1307 under laws of another jurisdiction.

1308 Section 39. For the purpose of incorporating the amendment
1309 made by this act to section 775.21, Florida Statutes, in a
1310 reference thereto, subsection (3) of section 63.092, Florida
1311 Statutes, is reenacted to read:

1312 63.092 Report to the court of intended placement by an
1313 adoption entity; at-risk placement; preliminary study.-

1314 (3) PRELIMINARY HOME STUDY.-Before placing the minor in the
1315 intended adoptive home, a preliminary home study must be
1316 performed by a licensed child-placing agency, a child-caring
1317 agency registered under s. 409.176, a licensed professional, or
1318 an agency described in s. 61.20(2), unless the adoptee is an
1319 adult or the petitioner is a stepparent or a relative. If the
1320 adoptee is an adult or the petitioner is a stepparent or a
1321 relative, a preliminary home study may be required by the court
1322 for good cause shown. The department is required to perform the
1323 preliminary home study only if there is no licensed child-
1324 placing agency, child-caring agency registered under s. 409.176,
1325 licensed professional, or agency described in s. 61.20(2), in
1326 the county where the prospective adoptive parents reside. The
1327 preliminary home study must be made to determine the suitability
1328 of the intended adoptive parents and may be completed prior to
1329 identification of a prospective adoptive minor. A favorable
1330 preliminary home study is valid for 1 year after the date of its
1331 completion. Upon its completion, a signed copy of the home study



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1332 must be provided to the intended adoptive parents who were the
1333 subject of the home study. A minor may not be placed in an
1334 intended adoptive home before a favorable preliminary home study
1335 is completed unless the adoptive home is also a licensed foster
1336 home under s. 409.175. The preliminary home study must include,
1337 at a minimum:

- 1338 (a) An interview with the intended adoptive parents;
- 1339 (b) Records checks of the department's central abuse
1340 registry and criminal records correspondence checks under s.
1341 39.0138 through the Department of Law Enforcement on the
1342 intended adoptive parents;
- 1343 (c) An assessment of the physical environment of the home;
- 1344 (d) A determination of the financial security of the
1345 intended adoptive parents;
- 1346 (e) Documentation of counseling and education of the
1347 intended adoptive parents on adoptive parenting;
- 1348 (f) Documentation that information on adoption and the
1349 adoption process has been provided to the intended adoptive
1350 parents;
- 1351 (g) Documentation that information on support services
1352 available in the community has been provided to the intended
1353 adoptive parents; and
- 1354 (h) A copy of each signed acknowledgment of receipt of
1355 disclosure required by s. 63.085.

1356
1357 If the preliminary home study is favorable, a minor may be
1358 placed in the home pending entry of the judgment of adoption. A
1359 minor may not be placed in the home if the preliminary home
1360 study is unfavorable. If the preliminary home study is



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1361 unfavorable, the adoption entity may, within 20 days after
1362 receipt of a copy of the written recommendation, petition the
1363 court to determine the suitability of the intended adoptive
1364 home. A determination as to suitability under this subsection
1365 does not act as a presumption of suitability at the final
1366 hearing. In determining the suitability of the intended adoptive
1367 home, the court must consider the totality of the circumstances
1368 in the home. A minor may not be placed in a home in which there
1369 resides any person determined by the court to be a sexual
1370 predator as defined in s. 775.21 or to have been convicted of an
1371 offense listed in s. 63.089(4)(b)2.

1372 Section 40. For the purpose of incorporating the amendments
1373 made by this act to sections 775.21 and 943.0435, Florida
1374 Statutes, in references thereto, paragraph (i) of subsection (3)
1375 and subsection (6) of section 68.07, Florida Statutes, are
1376 reenacted to read:

1377 68.07 Change of name.—

1378 (3) Each petition shall be verified and show:

1379 (i) Whether the petitioner has ever been required to
1380 register as a sexual predator under s. 775.21 or as a sexual
1381 offender under s. 943.0435.

1382 (6) The clerk of the court must, within 5 business days
1383 after the filing of the final judgment, send a report of the
1384 judgment to the Department of Law Enforcement on a form to be
1385 furnished by that department. If the petitioner is required to
1386 register as a sexual predator or a sexual offender pursuant to
1387 s. 775.21 or s. 943.0435, the clerk of court shall
1388 electronically notify the Department of Law Enforcement of the
1389 name change, in a manner prescribed by that department, within 2



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1390 business days after the filing of the final judgment. The
1391 Department of Law Enforcement must send a copy of the report to
1392 the Department of Highway Safety and Motor Vehicles, which may
1393 be delivered by electronic transmission. The report must contain
1394 sufficient information to identify the petitioner, including the
1395 results of the criminal history records check if applicable, the
1396 new name of the petitioner, and the file number of the judgment.
1397 The Department of Highway Safety and Motor Vehicles shall
1398 monitor the records of any sexual predator or sexual offender
1399 whose name has been provided to it by the Department of Law
1400 Enforcement. If the sexual predator or sexual offender does not
1401 obtain a replacement driver license or identification card
1402 within the required time as specified in s. 775.21 or s.
1403 943.0435, the Department of Highway Safety and Motor Vehicles
1404 shall notify the Department of Law Enforcement. The Department
1405 of Law Enforcement shall notify applicable law enforcement
1406 agencies of the predator's or offender's failure to comply with
1407 registration requirements. Any information retained by the
1408 Department of Law Enforcement and the Department of Highway
1409 Safety and Motor Vehicles may be revised or supplemented by said
1410 departments to reflect changes made by the final judgment. With
1411 respect to a person convicted of a felony in another state or of
1412 a federal offense, the Department of Law Enforcement must send
1413 the report to the respective state's office of law enforcement
1414 records or to the office of the Federal Bureau of Investigation.
1415 The Department of Law Enforcement may forward the report to any
1416 other law enforcement agency it believes may retain information
1417 related to the petitioner.

1418 Section 41. For the purpose of incorporating the amendments



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1419 made by this act to sections 775.21, 943.0435, and 944.607,
1420 Florida Statutes, in references thereto, subsection (3) of
1421 section 322.141, Florida Statutes, is reenacted to read:

1422 322.141 Color or markings of certain licenses or
1423 identification cards.—

1424 (3) All licenses for the operation of motor vehicles or
1425 identification cards originally issued or reissued by the
1426 department to persons who are designated as sexual predators
1427 under s. 775.21 or subject to registration as sexual offenders
1428 under s. 943.0435 or s. 944.607, or who have a similar
1429 designation or are subject to a similar registration under the
1430 laws of another jurisdiction, shall have on the front of the
1431 license or identification card the following:

1432 (a) For a person designated as a sexual predator under s.
1433 775.21 or who has a similar designation under the laws of
1434 another jurisdiction, the marking "SEXUAL PREDATOR."

1435 (b) For a person subject to registration as a sexual
1436 offender under s. 943.0435 or s. 944.607, or subject to a
1437 similar registration under the laws of another jurisdiction, the
1438 marking "943.0435, F.S."

1439 Section 42. For the purpose of incorporating the amendments
1440 made by this act to sections 775.21 and 943.0435, Florida
1441 Statutes, in references thereto, paragraphs (a) and (c) of
1442 subsection (2) of section 397.4872, Florida Statutes, are
1443 reenacted to read:

1444 397.4872 Exemption from disqualification; publication.—

1445 (2) The department may exempt a person from ss. 397.487(6)
1446 and 397.4871(5) if it has been at least 3 years since the person
1447 has completed or been lawfully released from confinement,



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1448 supervision, or sanction for the disqualifying offense. An
1449 exemption from the disqualifying offenses may not be given under
1450 any circumstances for any person who is a:

1451 (a) Sexual predator pursuant to s. 775.21;

1452 (c) Sexual offender pursuant to s. 943.0435, unless the
1453 requirement to register as a sexual offender has been removed
1454 pursuant to s. 943.04354.

1455 Section 43. For the purpose of incorporating the amendments
1456 made by this act to sections 775.21, 943.0435, and 944.607,
1457 Florida Statutes, in references thereto, paragraphs (e) and (f)
1458 of subsection (4) of section 775.13, Florida Statutes, are
1459 reenacted to read:

1460 775.13 Registration of convicted felons, exemptions;
1461 penalties.—

1462 (4) This section does not apply to an offender:

1463 (e) Who is a sexual predator and has registered as required
1464 under s. 775.21;

1465 (f) Who is a sexual offender and has registered as required
1466 in s. 943.0435 or s. 944.607; or

1467 Section 44. For the purpose of incorporating the amendments
1468 made by this act to sections 775.21, 943.0435, 944.606, and
1469 944.607, Florida Statutes, in references thereto, section
1470 775.25, Florida Statutes, is reenacted to read:

1471 775.25 Prosecutions for acts or omissions.—A sexual
1472 predator or sexual offender who commits any act or omission in
1473 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
1474 944.607, or former s. 947.177 may be prosecuted for the act or
1475 omission in the county in which the act or omission was
1476 committed, in the county of the last registered address of the



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1477 sexual predator or sexual offender, in the county in which the
1478 conviction occurred for the offense or offenses that meet the
1479 criteria for designating a person as a sexual predator or sexual
1480 offender, in the county where the sexual predator or sexual
1481 offender was released from incarceration, or in the county of
1482 the intended address of the sexual predator or sexual offender
1483 as reported by the predator or offender prior to his or her
1484 release from incarceration. In addition, a sexual predator may
1485 be prosecuted for any such act or omission in the county in
1486 which he or she was designated a sexual predator.

1487 Section 45. For the purpose of incorporating the amendments
1488 made by this act to sections 775.21, 943.0435, and 944.607,
1489 Florida Statutes, in references thereto, paragraph (b) of
1490 subsection (3) of section 775.261, Florida Statutes, is
1491 reenacted to read:

1492 775.261 The Florida Career Offender Registration Act.—

1493 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

1494 (b) This section does not apply to any person who has been
1495 designated as a sexual predator and required to register under
1496 s. 775.21 or who is required to register as a sexual offender
1497 under s. 943.0435 or s. 944.607. However, if a person is no
1498 longer required to register as a sexual predator under s. 775.21
1499 or as a sexual offender under s. 943.0435 or s. 944.607, the
1500 person must register as a career offender under this section if
1501 the person is otherwise designated as a career offender as
1502 provided in this section.

1503 Section 46. For the purpose of incorporating the amendment
1504 made by this act to section 775.21, Florida Statutes, in a
1505 reference thereto, subsection (1) of section 794.075, Florida



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1506 Statutes, is reenacted to read:

1507 794.075 Sexual predators; erectile dysfunction drugs.—

1508 (1) A person may not possess a prescription drug, as
1509 defined in s. 499.003(43), for the purpose of treating erectile
1510 dysfunction if the person is designated as a sexual predator
1511 under s. 775.21.

1512 Section 47. For the purpose of incorporating the amendment
1513 made by this act to section 775.21, Florida Statutes, in a
1514 reference thereto, paragraph (c) of subsection (1) of section
1515 903.0351, Florida Statutes, is reenacted to read:

1516 903.0351 Restrictions on pretrial release pending
1517 probation-violation hearing or community-control-violation
1518 hearing.—

1519 (1) In the instance of an alleged violation of felony
1520 probation or community control, bail or any other form of
1521 pretrial release shall not be granted prior to the resolution of
1522 the probation-violation hearing or the community-control-
1523 violation hearing to:

1524 (c) A person who is on felony probation or community
1525 control and has previously been found by a court to be a
1526 habitual violent felony offender as defined in s. 775.084(1)(b),
1527 a three-time violent felony offender as defined in s.
1528 775.084(1)(c), or a sexual predator under s. 775.21, and who is
1529 arrested for committing a qualifying offense as defined in s.
1530 948.06(8)(c) on or after the effective date of this act.

1531 Section 48. For the purpose of incorporating the amendments
1532 made by this act to sections 775.21 and 943.0435, Florida
1533 Statutes, in references thereto, paragraph (m) of subsection (2)
1534 of section 903.046, Florida Statutes, is reenacted to read:



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1535 903.046 Purpose of and criteria for bail determination.-

1536 (2) When determining whether to release a defendant on bail
1537 or other conditions, and what that bail or those conditions may
1538 be, the court shall consider:

1539 (m) Whether the defendant, other than a defendant whose
1540 only criminal charge is a misdemeanor offense under chapter 316,
1541 is required to register as a sexual offender under s. 943.0435
1542 or a sexual predator under s. 775.21; and, if so, he or she is
1543 not eligible for release on bail or surety bond until the first
1544 appearance on the case in order to ensure the full participation
1545 of the prosecutor and the protection of the public.

1546 Section 49. For the purpose of incorporating the amendment
1547 made by this act to section 775.21, Florida Statutes, in a
1548 reference thereto, paragraph (o) of subsection (5) of section
1549 921.141, Florida Statutes, is reenacted to read:

1550 921.141 Sentence of death or life imprisonment for capital
1551 felonies; further proceedings to determine sentence.-

1552 (5) AGGRAVATING CIRCUMSTANCES.-Aggravating circumstances
1553 shall be limited to the following:

1554 (o) The capital felony was committed by a person designated
1555 as a sexual predator pursuant to s. 775.21 or a person
1556 previously designated as a sexual predator who had the sexual
1557 predator designation removed.

1558 Section 50. For the purpose of incorporating the amendments
1559 made by this act to sections 775.21 and 943.0435, Florida
1560 Statutes, in references thereto, subsection (1) of section
1561 938.10, Florida Statutes, is reenacted to read:

1562 938.10 Additional court cost imposed in cases of certain
1563 crimes.-



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1564 (1) If a person pleads guilty or nolo contendere to, or is
1565 found guilty of, regardless of adjudication, any offense against
1566 a minor in violation of s. 784.085, chapter 787, chapter 794,
1567 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.
1568 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,
1569 s. 893.147(3), or s. 985.701, or any offense in violation of s.
1570 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
1571 court shall impose a court cost of \$151 against the offender in
1572 addition to any other cost or penalty required by law.

1573 Section 51. For the purpose of incorporating the amendments
1574 made by this act to sections 775.21, 944.606, and 944.607,
1575 Florida Statutes, in references thereto, subsections (3), (4),
1576 and (5) of section 943.0435, Florida Statutes, are reenacted to
1577 read:

1578 943.0435 Sexual offenders required to register with the
1579 department; penalty.—

1580 (3) Within 48 hours after the report required under
1581 subsection (2), a sexual offender shall report in person at a
1582 driver license office of the Department of Highway Safety and
1583 Motor Vehicles, unless a driver license or identification card
1584 that complies with the requirements of s. 322.141(3) was
1585 previously secured or updated under s. 944.607. At the driver
1586 license office the sexual offender shall:

1587 (a) If otherwise qualified, secure a Florida driver
1588 license, renew a Florida driver license, or secure an
1589 identification card. The sexual offender shall identify himself
1590 or herself as a sexual offender who is required to comply with
1591 this section and shall provide proof that the sexual offender
1592 reported as required in subsection (2). The sexual offender



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1593 shall provide any of the information specified in subsection
1594 (2), if requested. The sexual offender shall submit to the
1595 taking of a photograph for use in issuing a driver license,
1596 renewed license, or identification card, and for use by the
1597 department in maintaining current records of sexual offenders.

1598 (b) Pay the costs assessed by the Department of Highway
1599 Safety and Motor Vehicles for issuing or renewing a driver
1600 license or identification card as required by this section. The
1601 driver license or identification card issued must be in
1602 compliance with s. 322.141(3).

1603 (c) Provide, upon request, any additional information
1604 necessary to confirm the identity of the sexual offender,
1605 including a set of fingerprints.

1606 (4) (a) Each time a sexual offender's driver license or
1607 identification card is subject to renewal, and, without regard
1608 to the status of the offender's driver license or identification
1609 card, within 48 hours after any change in the offender's
1610 permanent, temporary, or transient residence or change in the
1611 offender's name by reason of marriage or other legal process,
1612 the offender shall report in person to a driver license office,
1613 and is subject to the requirements specified in subsection (3).
1614 The Department of Highway Safety and Motor Vehicles shall
1615 forward to the department all photographs and information
1616 provided by sexual offenders. Notwithstanding the restrictions
1617 set forth in s. 322.142, the Department of Highway Safety and
1618 Motor Vehicles may release a reproduction of a color-photograph
1619 or digital-image license to the Department of Law Enforcement
1620 for purposes of public notification of sexual offenders as
1621 provided in this section and ss. 943.043 and 944.606. A sexual



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1622 offender who is unable to secure or update a driver license or
1623 identification card with the Department of Highway Safety and
1624 Motor Vehicles as provided in subsection (3) and this subsection
1625 shall also report any change in the sexual offender's permanent,
1626 temporary, or transient residence or change in the offender's
1627 name by reason of marriage or other legal process within 48
1628 hours after the change to the sheriff's office in the county
1629 where the offender resides or is located and provide
1630 confirmation that he or she reported such information to the
1631 Department of Highway Safety and Motor Vehicles.

1632 (b)1. A sexual offender who vacates a permanent, temporary,
1633 or transient residence and fails to establish or maintain
1634 another permanent, temporary, or transient residence shall,
1635 within 48 hours after vacating the permanent, temporary, or
1636 transient residence, report in person to the sheriff's office of
1637 the county in which he or she is located. The sexual offender
1638 shall specify the date upon which he or she intends to or did
1639 vacate such residence. The sexual offender must provide or
1640 update all of the registration information required under
1641 paragraph (2)(b). The sexual offender must provide an address
1642 for the residence or other place that he or she is or will be
1643 located during the time in which he or she fails to establish or
1644 maintain a permanent or temporary residence.

1645 2. A sexual offender shall report in person at the
1646 sheriff's office in the county in which he or she is located
1647 within 48 hours after establishing a transient residence and
1648 thereafter must report in person every 30 days to the sheriff's
1649 office in the county in which he or she is located while
1650 maintaining a transient residence. The sexual offender must



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1651 provide the addresses and locations where he or she maintains a
1652 transient residence. Each sheriff's office shall establish
1653 procedures for reporting transient residence information and
1654 provide notice to transient registrants to report transient
1655 residence information as required in this subparagraph.
1656 Reporting to the sheriff's office as required by this
1657 subparagraph does not exempt registrants from any reregistration
1658 requirement. The sheriff may coordinate and enter into
1659 agreements with police departments and other governmental
1660 entities to facilitate additional reporting sites for transient
1661 residence registration required in this subparagraph. The
1662 sheriff's office shall, within 2 business days, electronically
1663 submit and update all information provided by the sexual
1664 offender to the department.

1665 (c) A sexual offender who remains at a permanent,
1666 temporary, or transient residence after reporting his or her
1667 intent to vacate such residence shall, within 48 hours after the
1668 date upon which the offender indicated he or she would or did
1669 vacate such residence, report in person to the agency to which
1670 he or she reported pursuant to paragraph (b) for the purpose of
1671 reporting his or her address at such residence. When the sheriff
1672 receives the report, the sheriff shall promptly convey the
1673 information to the department. An offender who makes a report as
1674 required under paragraph (b) but fails to make a report as
1675 required under this paragraph commits a felony of the second
1676 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1677 775.084.

1678 (d) The failure of a sexual offender who maintains a
1679 transient residence to report in person to the sheriff's office



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1680 every 30 days as required in subparagraph (b)2. is punishable as
1681 provided in subsection (9).

1682 (e) A sexual offender shall register all electronic mail
1683 addresses and Internet identifiers with the department before
1684 using such electronic mail addresses and Internet identifiers.
1685 The department shall establish an online system through which
1686 sexual offenders may securely access and update all electronic
1687 mail address and Internet identifier information.

1688 (5) This section does not apply to a sexual offender who is
1689 also a sexual predator, as defined in s. 775.21. A sexual
1690 predator must register as required under s. 775.21.

1691 Section 52. For the purpose of incorporating the amendments
1692 made by this act to sections 775.21 and 943.0435, Florida
1693 Statutes, in references thereto, paragraph (a) of subsection (4)
1694 and subsection (9) of section 944.607, Florida Statutes, are
1695 reenacted to read:

1696 944.607 Notification to Department of Law Enforcement of
1697 information on sexual offenders.—

1698 (4) A sexual offender, as described in this section, who is
1699 under the supervision of the Department of Corrections but is
1700 not incarcerated shall register with the Department of
1701 Corrections within 3 business days after sentencing for a
1702 registrable offense and otherwise provide information as
1703 required by this subsection.

1704 (a) The sexual offender shall provide his or her name; date
1705 of birth; social security number; race; sex; height; weight;
1706 hair and eye color; tattoos or other identifying marks; all
1707 electronic mail addresses and Internet identifiers required to
1708 be provided pursuant to s. 943.0435(4) (e); all home telephone



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1709 numbers and cellular telephone numbers; the make, model, color,
1710 vehicle identification number (VIN), and license tag number of
1711 all vehicles owned; permanent or legal residence and address of
1712 temporary residence within the state or out of state while the
1713 sexual offender is under supervision in this state, including
1714 any rural route address or post office box; if no permanent or
1715 temporary address, any transient residence within the state; and
1716 address, location or description, and dates of any current or
1717 known future temporary residence within the state or out of
1718 state. The sexual offender shall also produce his or her
1719 passport, if he or she has a passport, and, if he or she is an
1720 alien, shall produce or provide information about documents
1721 establishing his or her immigration status. The sexual offender
1722 shall also provide information about any professional licenses
1723 he or she has. The Department of Corrections shall verify the
1724 address of each sexual offender in the manner described in ss.
1725 775.21 and 943.0435. The department shall report to the
1726 Department of Law Enforcement any failure by a sexual predator
1727 or sexual offender to comply with registration requirements.

1728 (9) A sexual offender, as described in this section, who is
1729 under the supervision of the Department of Corrections but who
1730 is not incarcerated shall, in addition to the registration
1731 requirements provided in subsection (4), register and obtain a
1732 distinctive driver license or identification card in the manner
1733 provided in s. 943.0435(3), (4), and (5), unless the sexual
1734 offender is a sexual predator, in which case he or she shall
1735 register and obtain a distinctive driver license or
1736 identification card as required under s. 775.21. A sexual
1737 offender who fails to comply with the requirements of s.



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1738 943.0435 is subject to the penalties provided in s. 943.0435(9).

1739 Section 53. For the purpose of incorporating the amendments
1740 made by this act to sections 775.21 and 944.607, Florida
1741 Statutes, in references thereto, subsection (7) of section
1742 944.608, Florida Statutes, is reenacted to read:

1743 944.608 Notification to Department of Law Enforcement of
1744 information on career offenders.-

1745 (7) A career offender who is under the supervision of the
1746 department but who is not incarcerated shall, in addition to the
1747 registration requirements provided in subsection (3), register
1748 in the manner provided in s. 775.261(4)(c), unless the career
1749 offender is a sexual predator, in which case he or she shall
1750 register as required under s. 775.21, or is a sexual offender,
1751 in which case he or she shall register as required in s.
1752 944.607. A career offender who fails to comply with the
1753 requirements of s. 775.261(4) is subject to the penalties
1754 provided in s. 775.261(8).

1755 Section 54. For the purpose of incorporating the amendment
1756 made by this act to section 775.21, Florida Statutes, in
1757 references thereto, subsection (4) of section 944.609, Florida
1758 Statutes, is reenacted to read:

1759 944.609 Career offenders; notification upon release.-

1760 (4) The department or any law enforcement agency may notify
1761 the community and the public of a career offender's presence in
1762 the community. However, with respect to a career offender who
1763 has been found to be a sexual predator under s. 775.21, the
1764 Department of Law Enforcement or any other law enforcement
1765 agency must inform the community and the public of the career
1766 offender's presence in the community, as provided in s. 775.21.



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1767 Section 55. For the purpose of incorporating the amendments
1768 made by this act to sections 775.21 and 943.0435, Florida
1769 Statutes, in references thereto, paragraph (c) of subsection (2)
1770 and subsections (10) and (12) of section 947.1405, Florida
1771 Statutes, are reenacted to read:

1772 947.1405 Conditional release program.—

1773 (2) Any inmate who:

1774 (c) Is found to be a sexual predator under s. 775.21 or
1775 former s. 775.23,

1776
1777 shall, upon reaching the tentative release date or provisional
1778 release date, whichever is earlier, as established by the
1779 Department of Corrections, be released under supervision subject
1780 to specified terms and conditions, including payment of the cost
1781 of supervision pursuant to s. 948.09. Such supervision shall be
1782 applicable to all sentences within the overall term of sentences
1783 if an inmate's overall term of sentences includes one or more
1784 sentences that are eligible for conditional release supervision
1785 as provided herein. Effective July 1, 1994, and applicable for
1786 offenses committed on or after that date, the commission may
1787 require, as a condition of conditional release, that the
1788 releasee make payment of the debt due and owing to a county or
1789 municipal detention facility under s. 951.032 for medical care,
1790 treatment, hospitalization, or transportation received by the
1791 releasee while in that detention facility. The commission, in
1792 determining whether to order such repayment and the amount of
1793 such repayment, shall consider the amount of the debt, whether
1794 there was any fault of the institution for the medical expenses
1795 incurred, the financial resources of the releasee, the present



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1796 and potential future financial needs and earning ability of the
1797 releasee, and dependents, and other appropriate factors. If any
1798 inmate placed on conditional release supervision is also subject
1799 to probation or community control, resulting from a probationary
1800 or community control split sentence within the overall term of
1801 sentences, the Department of Corrections shall supervise such
1802 person according to the conditions imposed by the court and the
1803 commission shall defer to such supervision. If the court revokes
1804 probation or community control and resentsences the offender to a
1805 term of incarceration, such revocation also constitutes a
1806 sufficient basis for the revocation of the conditional release
1807 supervision on any nonprobationary or noncommunity control
1808 sentence without further hearing by the commission. If any such
1809 supervision on any nonprobationary or noncommunity control
1810 sentence is revoked, such revocation may result in a forfeiture
1811 of all gain-time, and the commission may revoke the resulting
1812 deferred conditional release supervision or take other action it
1813 considers appropriate. If the term of conditional release
1814 supervision exceeds that of the probation or community control,
1815 then, upon expiration of the probation or community control,
1816 authority for the supervision shall revert to the commission and
1817 the supervision shall be subject to the conditions imposed by
1818 the commission. A panel of no fewer than two commissioners shall
1819 establish the terms and conditions of any such release. If the
1820 offense was a controlled substance violation, the conditions
1821 shall include a requirement that the offender submit to random
1822 substance abuse testing intermittently throughout the term of
1823 conditional release supervision, upon the direction of the
1824 correctional probation officer as defined in s. 943.10(3). The



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1825 commission shall also determine whether the terms and conditions
1826 of such release have been violated and whether such violation
1827 warrants revocation of the conditional release.

1828 (10) Effective for a releasee whose crime was committed on
1829 or after September 1, 2005, in violation of chapter 794, s.
1830 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the
1831 unlawful activity involved a victim who was 15 years of age or
1832 younger and the offender is 18 years of age or older or for a
1833 releasee who is designated as a sexual predator pursuant to s.
1834 775.21, in addition to any other provision of this section, the
1835 commission must order electronic monitoring for the duration of
1836 the releasee's supervision.

1837 (12) In addition to all other conditions imposed, for a
1838 releasee who is subject to conditional release for a crime that
1839 was committed on or after May 26, 2010, and who has been
1840 convicted at any time of committing, or attempting, soliciting,
1841 or conspiring to commit, any of the criminal offenses listed in
1842 s. 943.0435(1)(a)1.a.(I), or a similar offense in another
1843 jurisdiction against a victim who was under 18 years of age at
1844 the time of the offense, if the releasee has not received a
1845 pardon for any felony or similar law of another jurisdiction
1846 necessary for the operation of this subsection, if a conviction
1847 of a felony or similar law of another jurisdiction necessary for
1848 the operation of this subsection has not been set aside in any
1849 postconviction proceeding, or if the releasee has not been
1850 removed from the requirement to register as a sexual offender or
1851 sexual predator pursuant to s. 943.04354, the commission must
1852 impose the following conditions:

1853 (a) A prohibition on visiting schools, child care



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1854 facilities, parks, and playgrounds without prior approval from
1855 the releasee's supervising officer. The commission may also
1856 designate additional prohibited locations to protect a victim.
1857 The prohibition ordered under this paragraph does not prohibit
1858 the releasee from visiting a school, child care facility, park,
1859 or playground for the sole purpose of attending a religious
1860 service as defined in s. 775.0861 or picking up or dropping off
1861 the releasee's child or grandchild at a child care facility or
1862 school.

1863 (b) A prohibition on distributing candy or other items to
1864 children on Halloween; wearing a Santa Claus costume, or other
1865 costume to appeal to children, on or preceding Christmas;
1866 wearing an Easter Bunny costume, or other costume to appeal to
1867 children, on or preceding Easter; entertaining at children's
1868 parties; or wearing a clown costume without prior approval from
1869 the commission.

1870 Section 56. For the purpose of incorporating the amendments
1871 made by this act to sections 782.04, 775.21, 943.0435, and
1872 944.607, Florida Statutes, in references thereto, subsection (4)
1873 and paragraphs (b), (c), and (d) of subsection (8) of section
1874 948.06, Florida Statutes, are reenacted to read:

1875 948.06 Violation of probation or community control;
1876 revocation; modification; continuance; failure to pay
1877 restitution or cost of supervision.—

1878 (4) Notwithstanding any other provision of this section, a
1879 felony probationer or an offender in community control who is
1880 arrested for violating his or her probation or community control
1881 in a material respect may be taken before the court in the
1882 county or circuit in which the probationer or offender was



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1883 arrested. That court shall advise him or her of the charge of a
1884 violation and, if such charge is admitted, shall cause him or
1885 her to be brought before the court that granted the probation or
1886 community control. If the violation is not admitted by the
1887 probationer or offender, the court may commit him or her or
1888 release him or her with or without bail to await further
1889 hearing. However, if the probationer or offender is under
1890 supervision for any criminal offense proscribed in chapter 794,
1891 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a
1892 registered sexual predator or a registered sexual offender, or
1893 is under supervision for a criminal offense for which he or she
1894 would meet the registration criteria in s. 775.21, s. 943.0435,
1895 or s. 944.607 but for the effective date of those sections, the
1896 court must make a finding that the probationer or offender is
1897 not a danger to the public prior to release with or without
1898 bail. In determining the danger posed by the offender's or
1899 probationer's release, the court may consider the nature and
1900 circumstances of the violation and any new offenses charged; the
1901 offender's or probationer's past and present conduct, including
1902 convictions of crimes; any record of arrests without conviction
1903 for crimes involving violence or sexual crimes; any other
1904 evidence of allegations of unlawful sexual conduct or the use of
1905 violence by the offender or probationer; the offender's or
1906 probationer's family ties, length of residence in the community,
1907 employment history, and mental condition; his or her history and
1908 conduct during the probation or community control supervision
1909 from which the violation arises and any other previous
1910 supervisions, including disciplinary records of previous
1911 incarcerations; the likelihood that the offender or probationer



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1912 will engage again in a criminal course of conduct; the weight of
1913 the evidence against the offender or probationer; and any other
1914 facts the court considers relevant. The court, as soon as is
1915 practicable, shall give the probationer or offender an
1916 opportunity to be fully heard on his or her behalf in person or
1917 by counsel. After the hearing, the court shall make findings of
1918 fact and forward the findings to the court that granted the
1919 probation or community control and to the probationer or
1920 offender or his or her attorney. The findings of fact by the
1921 hearing court are binding on the court that granted the
1922 probation or community control. Upon the probationer or offender
1923 being brought before it, the court that granted the probation or
1924 community control may revoke, modify, or continue the probation
1925 or community control or may place the probationer into community
1926 control as provided in this section. However, the probationer or
1927 offender shall not be released and shall not be admitted to
1928 bail, but shall be brought before the court that granted the
1929 probation or community control if any violation of felony
1930 probation or community control other than a failure to pay costs
1931 or fines or make restitution payments is alleged to have been
1932 committed by:

1933 (a) A violent felony offender of special concern, as
1934 defined in this section;

1935 (b) A person who is on felony probation or community
1936 control for any offense committed on or after the effective date
1937 of this act and who is arrested for a qualifying offense as
1938 defined in this section; or

1939 (c) A person who is on felony probation or community
1940 control and has previously been found by a court to be a



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1941 habitual violent felony offender as defined in s. 775.084(1)(b),
1942 a three-time violent felony offender as defined in s.
1943 775.084(1)(c), or a sexual predator under s. 775.21, and who is
1944 arrested for committing a qualifying offense as defined in this
1945 section on or after the effective date of this act.

1946 (8)

1947 (b) For purposes of this section and ss. 903.0351, 948.064,
1948 and 921.0024, the term "violent felony offender of special
1949 concern" means a person who is on:

1950 1. Felony probation or community control related to the
1951 commission of a qualifying offense committed on or after the
1952 effective date of this act;

1953 2. Felony probation or community control for any offense
1954 committed on or after the effective date of this act, and has
1955 previously been convicted of a qualifying offense;

1956 3. Felony probation or community control for any offense
1957 committed on or after the effective date of this act, and is
1958 found to have violated that probation or community control by
1959 committing a qualifying offense;

1960 4. Felony probation or community control and has previously
1961 been found by a court to be a habitual violent felony offender
1962 as defined in s. 775.084(1)(b) and has committed a qualifying
1963 offense on or after the effective date of this act;

1964 5. Felony probation or community control and has previously
1965 been found by a court to be a three-time violent felony offender
1966 as defined in s. 775.084(1)(c) and has committed a qualifying
1967 offense on or after the effective date of this act; or

1968 6. Felony probation or community control and has previously
1969 been found by a court to be a sexual predator under s. 775.21



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1970 and has committed a qualifying offense on or after the effective
1971 date of this act.

1972 (c) For purposes of this section, the term "qualifying
1973 offense" means any of the following:

1974 1. Kidnapping or attempted kidnapping under s. 787.01,
1975 false imprisonment of a child under the age of 13 under s.
1976 787.02(3), or luring or enticing a child under s. 787.025(2) (b)
1977 or (c).

1978 2. Murder or attempted murder under s. 782.04, attempted
1979 felony murder under s. 782.051, or manslaughter under s. 782.07.

1980 3. Aggravated battery or attempted aggravated battery under
1981 s. 784.045.

1982 4. Sexual battery or attempted sexual battery under s.
1983 794.011(2), (3), (4), or (8) (b) or (c).

1984 5. Lewd or lascivious battery or attempted lewd or
1985 lascivious battery under s. 800.04(4), lewd or lascivious
1986 molestation under s. 800.04(5) (b) or (c)2., lewd or lascivious
1987 conduct under s. 800.04(6) (b), lewd or lascivious exhibition
1988 under s. 800.04(7) (b), or lewd or lascivious exhibition on
1989 computer under s. 847.0135(5) (b).

1990 6. Robbery or attempted robbery under s. 812.13, carjacking
1991 or attempted carjacking under s. 812.133, or home invasion
1992 robbery or attempted home invasion robbery under s. 812.135.

1993 7. Lewd or lascivious offense upon or in the presence of an
1994 elderly or disabled person or attempted lewd or lascivious
1995 offense upon or in the presence of an elderly or disabled person
1996 under s. 825.1025.

1997 8. Sexual performance by a child or attempted sexual
1998 performance by a child under s. 827.071.



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- 1999 9. Computer pornography under s. 847.0135(2) or (3),
2000 transmission of child pornography under s. 847.0137, or selling
2001 or buying of minors under s. 847.0145.
- 2002 10. Poisoning food or water under s. 859.01.
- 2003 11. Abuse of a dead human body under s. 872.06.
- 2004 12. Any burglary offense or attempted burglary offense that
2005 is either a first degree felony or second degree felony under s.
2006 810.02(2) or (3).
- 2007 13. Arson or attempted arson under s. 806.01(1).
- 2008 14. Aggravated assault under s. 784.021.
- 2009 15. Aggravated stalking under s. 784.048(3), (4), (5), or
2010 (7).
- 2011 16. Aircraft piracy under s. 860.16.
- 2012 17. Unlawful throwing, placing, or discharging of a
2013 destructive device or bomb under s. 790.161(2), (3), or (4).
- 2014 18. Treason under s. 876.32.
- 2015 19. Any offense committed in another jurisdiction which
2016 would be an offense listed in this paragraph if that offense had
2017 been committed in this state.
- 2018 (d) In the case of an alleged violation of probation or
2019 community control other than a failure to pay costs, fines, or
2020 restitution, the following individuals shall remain in custody
2021 pending the resolution of the probation or community control
2022 violation:
- 2023 1. A violent felony offender of special concern, as defined
2024 in this section;
- 2025 2. A person who is on felony probation or community control
2026 for any offense committed on or after the effective date of this
2027 act and who is arrested for a qualifying offense as defined in



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2028 this section; or

2029 3. A person who is on felony probation or community control
2030 and has previously been found by a court to be a habitual
2031 violent felony offender as defined in s. 775.084(1)(b), a three-
2032 time violent felony offender as defined in s. 775.084(1)(c), or
2033 a sexual predator under s. 775.21, and who is arrested for
2034 committing a qualifying offense as defined in this section on or
2035 after the effective date of this act.

2036

2037 The court shall not dismiss the probation or community control
2038 violation warrant pending against an offender enumerated in this
2039 paragraph without holding a recorded violation-of-probation
2040 hearing at which both the state and the offender are
2041 represented.

2042 Section 57. For the purpose of incorporating the amendments
2043 made by this act to sections 775.21, 943.0435, and 944.607,
2044 Florida Statutes, in references thereto, section 948.063,
2045 Florida Statutes, is reenacted to read:

2046 948.063 Violations of probation or community control by
2047 designated sexual offenders and sexual predators.—

2048 (1) If probation or community control for any felony
2049 offense is revoked by the court pursuant to s. 948.06(2)(e) and
2050 the offender is designated as a sexual offender pursuant to s.
2051 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
2052 775.21 for unlawful sexual activity involving a victim 15 years
2053 of age or younger and the offender is 18 years of age or older,
2054 and if the court imposes a subsequent term of supervision
2055 following the revocation of probation or community control, the
2056 court must order electronic monitoring as a condition of the



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2057 subsequent term of probation or community control.

2058 (2) If the probationer or offender is required to register
2059 as a sexual predator under s. 775.21 or as a sexual offender
2060 under s. 943.0435 or s. 944.607 for unlawful sexual activity
2061 involving a victim 15 years of age or younger and the
2062 probationer or offender is 18 years of age or older and has
2063 violated the conditions of his or her probation or community
2064 control, but the court does not revoke the probation or
2065 community control, the court shall nevertheless modify the
2066 probation or community control to include electronic monitoring
2067 for any probationer or offender not then subject to electronic
2068 monitoring.

2069 Section 58. For the purpose of incorporating the amendment
2070 made by this act to section 775.21, Florida Statutes, in a
2071 reference thereto, subsection (4) of section 948.064, Florida
2072 Statutes, is reenacted to read:

2073 948.064 Notification of status as a violent felony offender
2074 of special concern.—

2075 (4) The state attorney, or the statewide prosecutor if
2076 applicable, shall advise the court at each critical stage in the
2077 judicial process, at which the state attorney or statewide
2078 prosecutor is represented, whether an alleged or convicted
2079 offender is a violent felony offender of special concern; a
2080 person who is on felony probation or community control for any
2081 offense committed on or after the effective date of this act and
2082 who is arrested for a qualifying offense; or a person who is on
2083 felony probation or community control and has previously been
2084 found by a court to be a habitual violent felony offender as
2085 defined in s. 775.084(1)(b), a three-time violent felony



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2086 offender as defined in s. 775.084(1)(c), or a sexual predator
2087 under s. 775.21, and who is arrested for committing a qualifying
2088 offense on or after the effective date of this act.

2089 Section 59. For the purpose of incorporating the amendment
2090 made by this act to section 775.21, Florida Statutes, in a
2091 reference thereto, subsection (3) of section 948.12, Florida
2092 Statutes, is reenacted to read:

2093 948.12 Intensive supervision for postprison release of
2094 violent offenders.—It is the finding of the Legislature that the
2095 population of violent offenders released from state prison into
2096 the community poses the greatest threat to the public safety of
2097 the groups of offenders under community supervision. Therefore,
2098 for the purpose of enhanced public safety, any offender released
2099 from state prison who:

2100 (3) Has been found to be a sexual predator pursuant to s.
2101 775.21,

2102
2103 and who has a term of probation to follow the period of
2104 incarceration shall be provided intensive supervision by
2105 experienced correctional probation officers. Subject to specific
2106 appropriation by the Legislature, caseloads may be restricted to
2107 a maximum of 40 offenders per officer to provide for enhanced
2108 public safety as well as to effectively monitor conditions of
2109 electronic monitoring or curfews, if such was ordered by the
2110 court.

2111 Section 60. For the purpose of incorporating the amendments
2112 made by this act to sections 775.21 and 943.0435, Florida
2113 Statutes, in references thereto, paragraph (b) of subsection (3)
2114 and subsection (4) of section 948.30, Florida Statutes, are



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2115 reenacted to read:

2116 948.30 Additional terms and conditions of probation or
2117 community control for certain sex offenses.—Conditions imposed
2118 pursuant to this section do not require oral pronouncement at
2119 the time of sentencing and shall be considered standard
2120 conditions of probation or community control for offenders
2121 specified in this section.

2122 (3) Effective for a probationer or community controllee
2123 whose crime was committed on or after September 1, 2005, and
2124 who:

2125 (b) Is designated a sexual predator pursuant to s. 775.21;
2126 or

2127
2128 the court must order, in addition to any other provision of this
2129 section, mandatory electronic monitoring as a condition of the
2130 probation or community control supervision.

2131 (4) In addition to all other conditions imposed, for a
2132 probationer or community controllee who is subject to
2133 supervision for a crime that was committed on or after May 26,
2134 2010, and who has been convicted at any time of committing, or
2135 attempting, soliciting, or conspiring to commit, any of the
2136 criminal offenses listed in s. 943.0435(1)(a)1.a.(I), or a
2137 similar offense in another jurisdiction, against a victim who
2138 was under the age of 18 at the time of the offense; if the
2139 offender has not received a pardon for any felony or similar law
2140 of another jurisdiction necessary for the operation of this
2141 subsection, if a conviction of a felony or similar law of
2142 another jurisdiction necessary for the operation of this
2143 subsection has not been set aside in any postconviction



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2144 proceeding, or if the offender has not been removed from the
2145 requirement to register as a sexual offender or sexual predator
2146 pursuant to s. 943.04354, the court must impose the following
2147 conditions:

2148 (a) A prohibition on visiting schools, child care
2149 facilities, parks, and playgrounds, without prior approval from
2150 the offender's supervising officer. The court may also designate
2151 additional locations to protect a victim. The prohibition
2152 ordered under this paragraph does not prohibit the offender from
2153 visiting a school, child care facility, park, or playground for
2154 the sole purpose of attending a religious service as defined in
2155 s. 775.0861 or picking up or dropping off the offender's
2156 children or grandchildren at a child care facility or school.

2157 (b) A prohibition on distributing candy or other items to
2158 children on Halloween; wearing a Santa Claus costume, or other
2159 costume to appeal to children, on or preceding Christmas;
2160 wearing an Easter Bunny costume, or other costume to appeal to
2161 children, on or preceding Easter; entertaining at children's
2162 parties; or wearing a clown costume; without prior approval from
2163 the court.

2164 Section 61. For the purpose of incorporating the amendments
2165 made by this act to sections 775.21, 943.0435, 944.606, and
2166 944.607, Florida Statutes, in references thereto, section
2167 948.31, Florida Statutes, is reenacted to read:

2168 948.31 Evaluation and treatment of sexual predators and
2169 offenders on probation or community control.—The court may
2170 require any probationer or community controllee who is required
2171 to register as a sexual predator under s. 775.21 or sexual
2172 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo



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2173 an evaluation, at the probationer or community controllee's
2174 expense, by a qualified practitioner to determine whether such
2175 probationer or community controllee needs sexual offender
2176 treatment. If the qualified practitioner determines that sexual
2177 offender treatment is needed and recommends treatment, the
2178 probationer or community controllee must successfully complete
2179 and pay for the treatment. Such treatment must be obtained from
2180 a qualified practitioner as defined in s. 948.001. Treatment may
2181 not be administered by a qualified practitioner who has been
2182 convicted or adjudicated delinquent of committing, or
2183 attempting, soliciting, or conspiring to commit, any offense
2184 that is listed in s. 943.0435(1)(a)1.a.(I).

2185 Section 62. For the purpose of incorporating the amendments
2186 made by this act to sections 775.21, 943.0435, 944.606, and
2187 944.607, Florida Statutes, in references thereto, paragraph (b)
2188 of subsection (6) of section 985.04, Florida Statutes, is
2189 reenacted to read:

2190 985.04 Oaths; records; confidential information.—

2191 (6)

2192 (b) Sexual offender and predator registration information
2193 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
2194 and 985.4815 is a public record pursuant to s. 119.07(1) and as
2195 otherwise provided by law.

2196 Section 63. For the purpose of incorporating the amendments
2197 made by this act to sections 775.21 and 943.0435, Florida
2198 Statutes, in references thereto, subsection (9) of section
2199 985.4815, Florida Statutes, is reenacted to read:

2200 985.4815 Notification to Department of Law Enforcement of
2201 information on juvenile sexual offenders.—



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2202 (9) A sexual offender, as described in this section, who is
2203 under the care, jurisdiction, or supervision of the department
2204 but who is not incarcerated shall, in addition to the
2205 registration requirements provided in subsection (4), register
2206 in the manner provided in s. 943.0435(3), (4), and (5), unless
2207 the sexual offender is a sexual predator, in which case he or
2208 she shall register as required under s. 775.21. A sexual
2209 offender who fails to comply with the requirements of s.
2210 943.0435 is subject to the penalties provided in s. 943.0435(9).

2211 Section 64. For the purpose of incorporating the amendments
2212 made by this act to sections 775.21 and 943.0435, Florida
2213 Statutes, in references thereto, paragraph (b) of subsection (1)
2214 of section 92.55, Florida Statutes, is reenacted to read:

2215 92.55 Judicial or other proceedings involving victim or
2216 witness under the age of 16, a person who has an intellectual
2217 disability, or a sexual offense victim or witness; special
2218 protections; use of registered service or therapy animals.—

2219 (1) For purposes of this section, the term:

2220 (b) "Sexual offense" means any offense specified in s.
2221 775.21(4)(a)1. or s. 943.0435(1)(a)1.a.(I).

2222 Section 65. For the purpose of incorporating the amendment
2223 made by this act to section 943.0435, Florida Statutes, in a
2224 reference thereto, paragraph (a) of subsection (2) of section
2225 394.9125, Florida Statutes, is reenacted to read:

2226 394.9125 State attorney; authority to refer a person for
2227 civil commitment.—

2228 (2) A state attorney may refer a person to the department
2229 for civil commitment proceedings if the person:

2230 (a) Is required to register as a sexual offender pursuant



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2231 to s. 943.0435;

2232 Section 66. For the purpose of incorporating the amendments
2233 made by this act to sections 943.0435 and 944.607, Florida
2234 Statutes, in references thereto, paragraph (d) of subsection (5)
2235 and paragraph (c) of subsection (10) of section 775.21, Florida
2236 Statutes, are reenacted to read:

2237 775.21 The Florida Sexual Predators Act.—

2238 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
2239 as a sexual predator as follows:

2240 (d) A person who establishes or maintains a residence in
2241 this state and who has not been designated as a sexual predator
2242 by a court of this state but who has been designated as a sexual
2243 predator, as a sexually violent predator, or by another sexual
2244 offender designation in another state or jurisdiction and was,
2245 as a result of such designation, subjected to registration or
2246 community or public notification, or both, or would be if the
2247 person was a resident of that state or jurisdiction, without
2248 regard to whether the person otherwise meets the criteria for
2249 registration as a sexual offender, shall register in the manner
2250 provided in s. 943.0435 or s. 944.607 and shall be subject to
2251 community and public notification as provided in s. 943.0435 or
2252 s. 944.607. A person who meets the criteria of this section is
2253 subject to the requirements and penalty provisions of s.
2254 943.0435 or s. 944.607 until the person provides the department
2255 with an order issued by the court that designated the person as
2256 a sexual predator, as a sexually violent predator, or by another
2257 sexual offender designation in the state or jurisdiction in
2258 which the order was issued which states that such designation
2259 has been removed or demonstrates to the department that such



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2260 designation, if not imposed by a court, has been removed by
2261 operation of law or court order in the state or jurisdiction in
2262 which the designation was made, and provided such person no
2263 longer meets the criteria for registration as a sexual offender
2264 under the laws of this state.

2265 (10) PENALTIES.—

2266 (c) Any person who misuses public records information
2267 relating to a sexual predator, as defined in this section, or a
2268 sexual offender, as defined in s. 943.0435 or s. 944.607, to
2269 secure a payment from such a predator or offender; who knowingly
2270 distributes or publishes false information relating to such a
2271 predator or offender which the person misrepresents as being
2272 public records information; or who materially alters public
2273 records information with the intent to misrepresent the
2274 information, including documents, summaries of public records
2275 information provided by law enforcement agencies, or public
2276 records information displayed by law enforcement agencies on
2277 websites or provided through other means of communication,
2278 commits a misdemeanor of the first degree, punishable as
2279 provided in s. 775.082 or s. 775.083.

2280 Section 67. For the purpose of incorporating the amendments
2281 made by this act to sections 943.0435, 944.606, and 944.607,
2282 Florida Statutes, in references thereto, subsection (2) of
2283 section 775.24, Florida Statutes, is reenacted to read:

2284 775.24 Duty of the court to uphold laws governing sexual
2285 predators and sexual offenders.—

2286 (2) If a person meets the criteria in this chapter for
2287 designation as a sexual predator or meets the criteria in s.
2288 943.0435, s. 944.606, s. 944.607, or any other law for



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2289 classification as a sexual offender, the court may not enter an
2290 order, for the purpose of approving a plea agreement or for any
2291 other reason, which:

2292 (a) Exempts a person who meets the criteria for designation
2293 as a sexual predator or classification as a sexual offender from
2294 such designation or classification, or exempts such person from
2295 the requirements for registration or community and public
2296 notification imposed upon sexual predators and sexual offenders;

2297 (b) Restricts the compiling, reporting, or release of
2298 public records information that relates to sexual predators or
2299 sexual offenders; or

2300 (c) Prevents any person or entity from performing its
2301 duties or operating within its statutorily conferred authority
2302 as such duty or authority relates to sexual predators or sexual
2303 offenders.

2304 Section 68. For the purpose of incorporating the amendments
2305 made by this act to sections 775.21, 943.0435, 944.606 and
2306 944.607, Florida Statutes, in references thereto, subsection (2)
2307 of section 943.0436, Florida Statutes, is reenacted to read:

2308 943.0436 Duty of the court to uphold laws governing sexual
2309 predators and sexual offenders.—

2310 (2) If a person meets the criteria in chapter 775 for
2311 designation as a sexual predator or meets the criteria in s.
2312 943.0435, s. 944.606, s. 944.607, or any other law for
2313 classification as a sexual offender, the court may not enter an
2314 order, for the purpose of approving a plea agreement or for any
2315 other reason, which:

2316 (a) Exempts a person who meets the criteria for designation
2317 as a sexual predator or classification as a sexual offender from



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2318 such designation or classification, or exempts such person from
2319 the requirements for registration or community and public
2320 notification imposed upon sexual predators and sexual offenders;

2321 (b) Restricts the compiling, reporting, or release of
2322 public records information that relates to sexual predators or
2323 sexual offenders; or

2324 (c) Prevents any person or entity from performing its
2325 duties or operating within its statutorily conferred authority
2326 as such duty or authority relates to sexual predators or sexual
2327 offenders.

2328 Section 69. For the purpose of incorporating the amendment
2329 made by this act to section 943.0435, Florida Statutes, in a
2330 reference thereto, subsection (2) of section 775.0862, Florida
2331 Statutes, is reenacted to read:

2332 775.0862 Sexual offenses against students by authority
2333 figures; reclassification.—

2334 (2) The felony degree of a violation of an offense listed
2335 in s. 943.0435(1)(a)1.a., unless the offense is a violation of
2336 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified
2337 as provided in this section if the offense is committed by an
2338 authority figure of a school against a student of the school.

2339 Section 70. This act shall take effect October 1, 2016.

2340

2341 ===== T I T L E A M E N D M E N T =====

2342 And the title is amended as follows:

2343 Delete everything before the enacting clause
2344 and insert:

2345 A bill to be entitled

2346 An act relating to human trafficking; amending s.



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2347 39.01, F.S.; revising the definition of the term
2348 "sexual abuse of a child" to delete a reference to a
2349 child being arrested or prosecuted for specified
2350 offenses; amending s. 782.04, F.S.; including human
2351 trafficking as a predicate offense for felony murder;
2352 amending s. 787.06, F.S.; creating an increased
2353 penalty for causing great bodily harm, permanent
2354 disability, or permanent disfigurement; prohibiting
2355 permanently branding, or directing the permanent
2356 branding, of a victim of human trafficking with
2357 specified intent; amending s. 456.074, F.S.; requiring
2358 the Department of Health to issue an emergency order
2359 suspending the license of a massage therapist or
2360 massage establishment if the therapist or a specified
2361 person connected to the establishment is convicted of
2362 owning, establishing, maintaining, or operating a
2363 place, structure, building, or conveyance for
2364 lewdness, assignation, or prostitution in conjunction
2365 with the establishment; correcting a cross-reference;
2366 amending s. 480.041, F.S.; providing that a licensed
2367 massage therapist may not receive a new or renewal
2368 license if the applicant is convicted of owning,
2369 establishing, maintaining, or operating a place,
2370 structure, building, or conveyance for lewdness,
2371 assignation, or prostitution in conjunction with a
2372 massage establishment; correcting a cross-reference;
2373 amending s. 480.043, F.S.; providing that a licensed
2374 massage establishment may not receive a new or renewal
2375 license if specified persons connected to the



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2376 establishment are convicted of owning, establishing,
2377 maintaining, or operating a place, structure,
2378 building, or conveyance for lewdness, assignation, or
2379 prostitution in conjunction with the establishment;
2380 correcting a cross-reference; amending s. 796.06,
2381 F.S.; increasing criminal penalties for the offense of
2382 renting space to be used for lewdness, assignation, or
2383 prostitution; amending s. 796.07, F.S.; providing that
2384 minors may not be charged with specified prostitution
2385 offenses; specifying that certain educational programs
2386 may be offered by faith-based providers; providing for
2387 the reclassification of the offense of owning,
2388 establishing, maintaining, or operating a place,
2389 structure, building, or conveyance for lewdness,
2390 assignation, or prostitution if the offense is
2391 committed in conjunction with a massage establishment;
2392 amending ss. 775.21 and 943.0435, F.S.; requiring a
2393 person convicted of specified racketeering offenses to
2394 register as a sexual predator or sexual offender under
2395 certain circumstances; amending ss. 944.606 and
2396 944.607, F.S.; revising the definition of the term
2397 "sexual offender" for purposes of offender
2398 notification to include a person convicted of
2399 specified racketeering offenses if the court makes
2400 specified findings; reenacting s. 394.495(4)(p), F.S.,
2401 relating to the child and adolescent mental health
2402 system of care, s. 409.1678(1)(c) and (6)(a) and (b),
2403 F.S., relating to specialized residential options for
2404 children who are victims of sexual exploitation, and



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2405 s. 960.065(5), F.S., relating to eligibility for
2406 awards, to incorporate the amendment made by the act
2407 to s. 39.01, F.S., in references thereto; reenacting
2408 s. 39.806(1)(d) and (n), F.S., relating to grounds for
2409 termination of parental rights, to incorporate the
2410 amendments made by the act to ss. 775.21 and 782.04,
2411 F.S., in references thereto; reenacting s.
2412 63.089(4)(b), F.S., relating to proceedings to
2413 terminate parental rights pending adoption, to
2414 incorporate the amendments made by the act to ss.
2415 775.21 and 782.04, F.S., in references thereto;
2416 reenacting s. 95.11(10), F.S., relating to limitations
2417 other than for the recovery of real property, s.
2418 775.082(1)(b) and (3)(a), (b), and (c), F.S., relating
2419 to penalties, s. 782.065, F.S., relating to murder of
2420 specified officers, s. 921.16(1), F.S., relating to
2421 when sentences should be concurrent and when they
2422 should be consecutive, s. 948.062(1)(a), F.S.,
2423 relating to reviewing and reporting serious offenses
2424 committed by offenders placed on probation or
2425 community control, s. 985.265(3)(b), F.S., relating to
2426 detention transfer and release, and s. 1012.315(1)(d),
2427 F.S., relating to disqualification from employment, to
2428 incorporate the amendment made by the act to s.
2429 782.04, F.S., in references thereto; reenacting s.
2430 1012.467(2)(g), F.S., relating to noninstructional
2431 contractors who are permitted access to school grounds
2432 when students are present, to incorporate the
2433 amendments made by the act to ss. 782.04 and 943.0435,



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2434 F.S., in references thereto; reenacting s. 775.0823(1)
2435 and (2), F.S., relating to violent offenses committed
2436 against certain officers, attorneys, and judges, s.
2437 921.0022(3)(i), F.S., relating to the offense severity
2438 ranking chart, s. 947.146(3)(i), F.S., relating to the
2439 Control Release Authority, and s. 394.912(9)(a), F.S.,
2440 relating to definitions relating to involuntary civil
2441 commitment of sexually violent predators, to
2442 incorporate the amendment made by the act to s.
2443 782.04, F.S., in references thereto; reenacting s.
2444 775.15(19), F.S., relating to time limitations, to
2445 incorporate the amendment made by the act to s.
2446 787.06, F.S., in a reference thereto; reenacting s.
2447 60.05(4), F.S., relating to abatement of nuisances, s.
2448 775.0877(1)(m), F.S., relating to criminal
2449 transmission of HIV, s. 796.08(2) and (3), F.S.,
2450 relating to screening for HIV and sexually
2451 transmissible diseases, s. 796.09(2), F.S., relating
2452 to certain civil causes of action, s. 895.02(1)(a),
2453 F.S., relating to definitions for the Florida RICO
2454 Act, and s. 948.16(1)(a), F.S., relating to specified
2455 misdemeanor pretrial intervention programs, to
2456 incorporate the amendment made by the act to s.
2457 796.07, F.S., in references thereto; reenacting s.
2458 39.0139(3)(a), F.S., relating to visitation or other
2459 contact, s. 39.509(6)(b), F.S., relating to
2460 grandparents rights, s. 63.092(3), F.S., relating to a
2461 report to the court of intended placement by an
2462 adoption entity, to incorporate the amendment made by



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2463 the act to s. 775.21, F.S., in references thereto;
2464 reenacting s. 68.07(3)(i) and (6), F.S., relating to
2465 change of name, to incorporate the amendments made by
2466 this act to ss. 775.21 and 943.0435, F.S., in
2467 references thereto; reenacting s. 322.141(3), F.S.,
2468 relating to color or markings of certain licenses or
2469 identification cards, to incorporate the amendments
2470 made by this act to ss. 775.21, 943.0435, and 944.607,
2471 F.S., in references thereto; reenacting s.
2472 397.4872(2)(a) and (c), F.S., relating to exemption
2473 from disqualification, to incorporate the amendments
2474 made by this act to ss. 775.21 and 943.0435, F.S., in
2475 references thereto; reenacting s. 775.13(4)(e) and
2476 (f), F.S., relating to registration of convicted
2477 felons, to incorporate the amendments made by this act
2478 to ss. 775.21, 943.0435, and 944.607, F.S., in
2479 references thereto; reenacting s. 775.25, F.S.,
2480 relating to prosecutions for acts or omissions, to
2481 incorporate the amendments made to this act by ss.
2482 775.21, 943.0435, 944.606, and 944.607, F.S., in
2483 references thereto; reenacting s. 775.261(3)(b), F.S.,
2484 relating to The Florida Career Offender Registration
2485 Act, to incorporate the amendments made by this act to
2486 ss. 775.21, 943.0435, and 944.607, F.S., in references
2487 thereto; reenacting s. 794.075(1), F.S., relating to
2488 sexual predators and erectile dysfunction drugs, and
2489 s. 903.0351(1)(c), F.S., relating to restrictions on
2490 pretrial release pending probation-violation hearing
2491 or community-control-violation hearing, to incorporate



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2492 the amendment made by the act to s. 775.21, F.S., in
2493 references thereto; reenacting s. 903.046(2)(m), F.S.,
2494 relating to purpose of and criteria for bail
2495 determination, to incorporate the amendments made by
2496 this act to ss. 775.21 and 943.0435, F.S., in
2497 references thereto; reenacting s. 921.141(5)(o), F.S.,
2498 relating to sentence of death or life imprisonment for
2499 capital felonies, to incorporate the amendment made by
2500 the act to s. 775.21, F.S., in a reference thereto;
2501 reenacting s. 938.10(1), F.S., relating to additional
2502 court cost imposed in cases of certain crimes, to
2503 incorporate the amendments made by this act to ss.
2504 775.21 and 943.0435, F.S., in references thereto;
2505 reenacting s. 943.0435(3), (4), and (5), F.S.,
2506 relating to sexual offenders required to register with
2507 the department, to incorporate the amendments made by
2508 this act to ss. 775.21, 944.606, and 944.607, F.S., in
2509 references thereto; reenacting s. 944.607(4)(a) and
2510 (9), F.S., relating to notification to the Department
2511 of Law Enforcement of information on sexual offenders,
2512 to incorporate the amendments made by this act to ss.
2513 775.21 and 943.0435, F.S., in references thereto;
2514 reenacting s. 944.608(7), F.S., relating to
2515 notification to the Department of Law Enforcement of
2516 information on career offenders, to incorporate the
2517 amendments made by this act to ss. 775.21 and 944.607,
2518 F.S., in references thereto; reenacting s. 944.609(4),
2519 F.S., relating to career offenders and notification
2520 upon release, to incorporate the amendment made by the



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2521 act to s. 775.21, F.S., in references thereto;
2522 reenacting s. 947.1405(2)(c), (10), and (12), F.S.,
2523 relating to the conditional release program, to
2524 incorporate the amendments made by this act to ss.
2525 775.21 and 943.0435, F.S., in references thereto;
2526 reenacting s. 948.06(4) and (8)(b), (c), and (d),
2527 F.S., relating to violation of probation or community
2528 control, to incorporate the amendments made by this
2529 act to ss. 782.04, 775.21, 943.0435, and 944.607,
2530 F.S., in references thereto; reenacting s. 948.063,
2531 F.S., relating to violations of probation or community
2532 control by designated sexual offenders and sexual
2533 predators, to incorporate the amendments made by this
2534 act to ss. 775.21, 943.0435, and 944.607, F.S., in
2535 references thereto; reenacting s. 948.064(4), F.S.,
2536 relating to notification of status as a violent felony
2537 offender of special concern, and s. 948.12(3), F.S.,
2538 relating to intensive supervision for postprison
2539 release of violent offenders, to incorporate the
2540 amendment made by the act to s. 775.21, F.S., in
2541 references thereto; reenacting s. 948.30(3)(b) and
2542 (4), F.S., relating to additional terms and conditions
2543 of probation or community control for certain sex
2544 offenses, to incorporate the amendments made by this
2545 act to ss. 775.21 and 943.0435, F.S., in references
2546 thereto; reenacting s. 948.31, F.S., relating to
2547 evaluation and treatment of sexual predators and
2548 offenders on probation or community control, and s.
2549 985.04(6)(b), F.S., relating to oaths, records, and



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2550 confidential information, to incorporate the
2551 amendments made by the act to ss. 775.21, 943.0435,
2552 944.606, and 944.607, F.S., in references thereto;
2553 reenacting s. 985.4815(9), F.S., relating to
2554 notification to the Department of Law Enforcement of
2555 information on juvenile sexual offenders, to
2556 incorporate the amendments made by this act to ss.
2557 775.21 and 943.0435, F.S., in references thereto;
2558 reenacting s. 92.55(1)(b), F.S., relating to judicial
2559 or other proceedings involving certain victims,
2560 witnesses, and persons, to incorporate the amendments
2561 made by this act to ss. 775.21 and 943.0435, F.S., in
2562 references thereto; reenacting s. 394.9125(2)(a),
2563 F.S., relating to state attorney authority to refer a
2564 person for civil commitment, to incorporate the
2565 amendment made by the act to s. 943.0435, F.S., in a
2566 reference thereto; reenacting s. 775.21(5)(d) and
2567 (10)(c), F.S., relating to the Florida Sexual
2568 Predators Act, to incorporate the amendments made by
2569 this act to ss. 943.0435 and 944.607, F.S., in
2570 references thereto; reenacting s. 775.24(2), F.S.,
2571 relating to the duty of the court to uphold laws
2572 governing sexual predators and sexual offenders, to
2573 incorporate the amendments made by this act to ss.
2574 943.0435, 944.606, and 944.607, F.S., in references
2575 thereto; reenacting s. 943.0436(2), F.S., relating to
2576 the duty of the court to uphold laws governing sexual
2577 predators and sexual offenders, to incorporate the
2578 amendments made by this act to ss. 775.21, 943.0435,



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2579 944.606, and 944.607, F.S., in references thereto;
2580 reenacting s. 775.0862(2), F.S., relating to
2581 reclassification of sexual offenses against students
2582 by authority figures, to incorporate the amendment
2583 made by the act to s. 943.0435, F.S., in a reference
2584 thereto; providing an effective date.