

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Clemons offered the following:

2
3 **Amendment to Amendment (122135) (with title amendment)**

4 Between lines 113 and 114, insert:

5 Section 3. For the purpose of incorporating the amendment
6 made by this act to section 943.0435, Florida Statutes, in a
7 reference thereto, paragraph (c) of subsection (9) of section
8 61.13, Florida Statutes, is reenacted to read:

9 61.13 Support of children; parenting and time-sharing;
10 powers of court.—

11 (9)

12 (c) A court may not order visitation at a recovery
13 residence if any resident of the recovery residence is currently

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14 required to register as a sexual predator under s. 775.21 or as
15 a sexual offender under s. 943.0435.

16 Section 4. For the purpose of incorporating the amendment
17 made by this act to section 943.0435, Florida Statutes, in a
18 reference thereto, paragraph (i) of subsection (3) and
19 subsection (6) of section 68.07, Florida Statutes, are reenacted
20 to read:

21 68.07 Change of name.—

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

23 (i) Whether the petitioner has ever been required to
24 register as a sexual predator under s. 775.21 or as a sexual
25 offender under s. 943.0435.

26 (6) The clerk of the court must, within 5 business days
27 after the filing of the final judgment, send a report of the
28 judgment to the Department of Law Enforcement on a form to be
29 furnished by that department. If the petitioner is required to
30 register as a sexual predator or a sexual offender pursuant to
31 s. 775.21 or s. 943.0435, the clerk of court shall
32 electronically notify the Department of Law Enforcement of the
33 name change, in a manner prescribed by that department, within 2
34 business days after the filing of the final judgment. The
35 Department of Law Enforcement must send a copy of the report to
36 the Department of Highway Safety and Motor Vehicles, which may
37 be delivered by electronic transmission. The report must contain
38 sufficient information to identify the petitioner, including the

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39 results of the criminal history records check if applicable, the
40 new name of the petitioner, and the file number of the judgment.
41 The Department of Highway Safety and Motor Vehicles shall
42 monitor the records of any sexual predator or sexual offender
43 whose name has been provided to it by the Department of Law
44 Enforcement. If the sexual predator or sexual offender does not
45 obtain a replacement driver license or identification card
46 within the required time as specified in s. 775.21 or s.
47 943.0435, the Department of Highway Safety and Motor Vehicles
48 shall notify the Department of Law Enforcement. The Department
49 of Law Enforcement shall notify applicable law enforcement
50 agencies of the predator's or offender's failure to comply with
51 registration requirements. Any information retained by the
52 Department of Law Enforcement and the Department of Highway
53 Safety and Motor Vehicles may be revised or supplemented by said
54 departments to reflect changes made by the final judgment. With
55 respect to a person convicted of a felony in another state or of
56 a federal offense, the Department of Law Enforcement must send
57 the report to the respective state's office of law enforcement
58 records or to the office of the Federal Bureau of Investigation.
59 The Department of Law Enforcement may forward the report to any
60 other law enforcement agency it believes may retain information
61 related to the petitioner.

62 Section 5. For the purpose of incorporating the amendment
63 made by this act to section 943.0435, Florida Statutes, in a

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64 reference thereto, paragraph (b) of subsection (2) of section
65 98.0751, Florida Statutes, is reenacted to read:

66 98.0751 Restoration of voting rights; termination of
67 ineligibility subsequent to a felony conviction.—

68 (2) For purposes of this section, the term:

69 (b) "Felony sexual offense" means any of the following:

70 1. Any felony offense that serves as a predicate to
71 registration as a sexual offender in accordance with s.

72 943.0435;

73 2. Section 491.0112;

74 3. Section 784.049(3)(b);

75 4. Section 794.08;

76 5. Section 796.08;

77 6. Section 800.101;

78 7. Section 826.04;

79 8. Section 847.012;

80 9. Section 872.06(2);

81 10. Section 944.35(3)(b)2.;

82 11. Section 951.221(1); or

83 12. Any similar offense committed in another jurisdiction
84 which would be an offense listed in this paragraph if it had
85 been committed in violation of the laws of this state.

86 Section 6. For the purpose of incorporating the amendment
87 made by this act to section 943.0435, Florida Statutes, in a

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88 reference thereto, subsection (4) of section 320.02, Florida
89 Statutes, is reenacted to read:

90 320.02 Registration required; application for
91 registration; forms.—

92 (4) Except as provided in ss. 775.21, 775.261, 943.0435,
93 944.607, and 985.4815, the owner of any motor vehicle registered
94 in the state shall notify the department in writing of any
95 change of address within 30 days of such change. The
96 notification shall include the registration license plate
97 number, the vehicle identification number (VIN) or title
98 certificate number, year of vehicle make, and the owner's full
99 name.

100 Section 7. For the purpose of incorporating the amendment
101 made by this act to section 943.0435, Florida Statutes, in a
102 reference thereto, subsection (3) of section 322.141, Florida
103 Statutes, is reenacted to read:

104 322.141 Color or markings of certain licenses or
105 identification cards.—

106 (3) All licenses for the operation of motor vehicles or
107 identification cards originally issued or reissued by the
108 department to persons who are designated as sexual predators
109 under s. 775.21 or subject to registration as sexual offenders
110 under s. 943.0435 or s. 944.607, or who have a similar
111 designation or are subject to a similar registration under the

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112 laws of another jurisdiction, shall have on the front of the
113 license or identification card the following:

114 (a) For a person designated as a sexual predator under s.
115 775.21 or who has a similar designation under the laws of
116 another jurisdiction, the marking "SEXUAL PREDATOR."

117 (b) For a person subject to registration as a sexual
118 offender under s. 943.0435 or s. 944.607, or subject to a
119 similar registration under the laws of another jurisdiction, the
120 marking "943.0435, F.S."

121 Section 8. For the purpose of incorporating the amendment
122 made by this act to section 943.0435, Florida Statutes, in a
123 reference thereto, subsections (1) and (2) of section 322.19,
124 Florida Statutes, are reenacted to read:

125 322.19 Change of address or name.—

126 (1) Except as provided in ss. 775.21, 775.261, 943.0435,
127 944.607, and 985.4815, whenever any person, after applying for
128 or receiving a driver license or identification card, changes
129 his or her legal name, that person must within 30 days
130 thereafter obtain a replacement license or card that reflects
131 the change.

132 (2) If a person, after applying for or receiving a driver
133 license or identification card, changes the legal residence or
134 mailing address in the application, license, or card, the person
135 must, within 30 calendar days after making the change, obtain a
136 replacement license or card that reflects the change. A written

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137 request to the department must include the old and new addresses
138 and the driver license or identification card number. Any person
139 who has a valid, current student identification card issued by
140 an educational institution in this state is presumed not to have
141 changed his or her legal residence or mailing address. This
142 subsection does not affect any person required to register a
143 permanent or temporary address change pursuant to s. 775.13, s.
144 775.21, s. 775.25, or s. 943.0435.

145 Section 9. For the purpose of incorporating the amendment
146 made by this act to section 943.0435, Florida Statutes, in a
147 reference thereto, subsection (2) of section 394.9125, Florida
148 Statutes, is reenacted to read:

149 394.9125 State attorney; authority to refer a person for
150 civil commitment.—

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

153 (a) Is required to register as a sexual offender pursuant
154 to s. 943.0435;

155 (b) Has previously been convicted of a sexually violent
156 offense as defined in s. 394.912(9)(a)-(h); and

157 (c) Has been sentenced to a term of imprisonment in a
158 county or municipal jail for any criminal offense.

159 Section 10. For the purpose of incorporating the amendment
160 made by this act to section 943.0435, Florida Statutes, in a

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161 reference thereto, paragraph (b) of subsection (10) of section
162 397.487, Florida Statutes, is reenacted to read:

163 397.487 Voluntary certification of recovery residences.—
164 (10)

165 (b) A certified recovery residence may not allow a minor
166 child to visit a parent who is a resident of the recovery
167 residence at any time if any resident of the recovery residence
168 is currently required to register as a sexual predator under s.
169 775.21 or as a sexual offender under s. 943.0435.

170 Section 11. For the purpose of incorporating the amendment
171 made by this act to section 943.0435, Florida Statutes, in a
172 reference thereto, paragraph (b) of subsection (4) of section
173 435.07, Florida Statutes, is reenacted to read:

174 435.07 Exemptions from disqualification.—Unless otherwise
175 provided by law, the provisions of this section apply to
176 exemptions from disqualification for disqualifying offenses
177 revealed pursuant to background screenings required under this
178 chapter, regardless of whether those disqualifying offenses are
179 listed in this chapter or other laws.

180 (4)

181 (b) Disqualification from employment under this chapter
182 may not be removed from, nor may an exemption be granted to, any
183 person who is a:

- 184 1. Sexual predator as designated pursuant to s. 775.21;
185 2. Career offender pursuant to s. 775.261; or

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186 3. Sexual offender pursuant to s. 943.0435, unless the
187 requirement to register as a sexual offender has been removed
188 pursuant to s. 943.04354.

189 Section 12. For the purpose of incorporating the amendment
190 made by this act to section 943.0435, Florida Statutes, in a
191 reference thereto, subsection (2) of section 775.0862, Florida
192 Statutes, is reenacted to read:

193 775.0862 Sexual offenses against students by authority
194 figures; reclassification.—

195 (2) The felony degree of a violation of an offense listed
196 in s. 943.0435(1)(h)1.a., unless the offense is a violation of
197 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified
198 as provided in this section if the offense is committed by an
199 authority figure of a school against a student of the school.

200 Section 13. For the purpose of incorporating the amendment
201 made by this act to section 943.0435, Florida Statutes, in a
202 reference thereto, subsection (4) of section 775.13, Florida
203 Statutes, is reenacted to read:

204 775.13 Registration of convicted felons, exemptions;
205 penalties.—

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

207 (a) Who has had his or her civil rights restored;

208 (b) Who has received a full pardon for the offense for
209 which convicted;

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210 (c) Who has been lawfully released from incarceration or
211 other sentence or supervision for a felony conviction for more
212 than 5 years prior to such time for registration, unless the
213 offender is a fugitive from justice on a felony charge or has
214 been convicted of any offense since release from such
215 incarceration or other sentence or supervision;

216 (d) Who is a parolee or probationer under the supervision
217 of the United States Parole Commission if the commission knows
218 of and consents to the presence of the offender in Florida or is
219 a probationer under the supervision of any federal probation
220 officer in the state or who has been lawfully discharged from
221 such parole or probation;

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

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

226 (g) Who is a career offender who has registered as
227 required in s. 775.261 or s. 944.609.

228 Section 14. For the purpose of incorporating the amendment
229 made by this act to section 943.0435, Florida Statutes, in a
230 reference thereto, paragraph (d) of subsection (5) and paragraph
231 (d) of subsection (10) of section 775.21, Florida Statutes, are
232 reenacted to read:

233 775.21 The Florida Sexual Predators Act.—

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

236 (d) A person who establishes or maintains a residence in
237 this state and who has not been designated as a sexual predator
238 by a court of this state but who has been designated as a sexual
239 predator, as a sexually violent predator, or by another sexual
240 offender designation in another state or jurisdiction and was,
241 as a result of such designation, subjected to registration or
242 community or public notification, or both, or would be if the
243 person was a resident of that state or jurisdiction, without
244 regard to whether the person otherwise meets the criteria for
245 registration as a sexual offender, shall register in the manner
246 provided in s. 943.0435 or s. 944.607 and shall be subject to
247 community and public notification as provided in s. 943.0435 or
248 s. 944.607. A person who meets the criteria of this section is
249 subject to the requirements and penalty provisions of s.
250 943.0435 or s. 944.607 until the person provides the department
251 with an order issued by the court that designated the person as
252 a sexual predator, as a sexually violent predator, or by another
253 sexual offender designation in the state or jurisdiction in
254 which the order was issued which states that such designation
255 has been removed or demonstrates to the department that such
256 designation, if not imposed by a court, has been removed by
257 operation of law or court order in the state or jurisdiction in
258 which the designation was made, and provided such person no

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259 longer meets the criteria for registration as a sexual offender
260 under the laws of this state.

261 (10) PENALTIES.—

262 (d) Any person who misuses public records information
263 relating to a sexual predator, as defined in this section, or a
264 sexual offender, as defined in s. 943.0435 or s. 944.607, to
265 secure a payment from such a predator or offender; who knowingly
266 distributes or publishes false information relating to such a
267 predator or offender which the person misrepresents as being
268 public records information; or who materially alters public
269 records information with the intent to misrepresent the
270 information, including documents, summaries of public records
271 information provided by law enforcement agencies, or public
272 records information displayed by law enforcement agencies on
273 websites or provided through other means of communication,
274 commits a misdemeanor of the first degree, punishable as
275 provided in s. 775.082 or s. 775.083.

276 Section 15. For the purpose of incorporating the amendment
277 made by this act to section 943.0435, Florida Statutes, in a
278 reference thereto, subsection (2) of section 775.24, Florida
279 Statutes, is reenacted to read:

280 775.24 Duty of the court to uphold laws governing sexual
281 predators and sexual offenders.—

282 (2) If a person meets the criteria in this chapter for
283 designation as a sexual predator or meets the criteria in s.

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284 943.0435, s. 944.606, s. 944.607, or any other law for
285 classification as a sexual offender, the court may not enter an
286 order, for the purpose of approving a plea agreement or for any
287 other reason, which:

288 (a) Exempts a person who meets the criteria for
289 designation as a sexual predator or classification as a sexual
290 offender from such designation or classification, or exempts
291 such person from the requirements for registration or community
292 and public notification imposed upon sexual predators and sexual
293 offenders;

294 (b) Restricts the compiling, reporting, or release of
295 public records information that relates to sexual predators or
296 sexual offenders; or

297 (c) Prevents any person or entity from performing its
298 duties or operating within its statutorily conferred authority
299 as such duty or authority relates to sexual predators or sexual
300 offenders.

301 Section 16. For the purpose of incorporating the amendment
302 made by this act to section 943.0435, Florida Statutes, in a
303 reference thereto, section 775.25, Florida Statutes, is
304 reenacted to read:

305 775.25 Prosecutions for acts or omissions.—A sexual
306 predator or sexual offender who commits any act or omission in
307 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
308 944.607, or former s. 947.177 may be prosecuted for the act or

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309 omission in the county in which the act or omission was
310 committed, in the county of the last registered address of the
311 sexual predator or sexual offender, in the county in which the
312 conviction occurred for the offense or offenses that meet the
313 criteria for designating a person as a sexual predator or sexual
314 offender, in the county where the sexual predator or sexual
315 offender was released from incarceration, or in the county of
316 the intended address of the sexual predator or sexual offender
317 as reported by the predator or offender prior to his or her
318 release from incarceration. In addition, a sexual predator may
319 be prosecuted for any such act or omission in the county in
320 which he or she was designated a sexual predator.

321 Section 17. For the purpose of incorporating the amendment
322 made by this act to section 943.0435, Florida Statutes, in a
323 reference thereto, paragraph (b) of subsection (3) of section
324 775.261, Florida Statutes, is reenacted to read:

325 775.261 The Florida Career Offender Registration Act.—

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

327 (b) This section does not apply to any person who has been
328 designated as a sexual predator and required to register under
329 s. 775.21 or who is required to register as a sexual offender
330 under s. 943.0435 or s. 944.607. However, if a person is no
331 longer required to register as a sexual predator under s. 775.21
332 or as a sexual offender under s. 943.0435 or s. 944.607, the
333 person must register as a career offender under this section if

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334 the person is otherwise designated as a career offender as
335 provided in this section.

336 Section 18. For the purpose of incorporating the amendment
337 made by this act to section 943.0435, Florida Statutes, in a
338 reference thereto, paragraph (cc) of subsection (2) of section
339 900.05, Florida Statutes, is reenacted to read:

340 900.05 Criminal justice data collection.—

341 (2) DEFINITIONS.—As used in this section, the term:

342 (cc) "Sexual offender flag" means an indication that a
343 defendant was required to register as a sexual predator as
344 defined in s. 775.21 or as a sexual offender as defined in s.
345 943.0435.

346 Section 19. For the purpose of incorporating the amendment
347 made by this act to section 943.0435, Florida Statutes, in a
348 reference thereto, paragraph (m) of subsection (2) of section
349 903.046, Florida Statutes, is reenacted to read:

350 903.046 Purpose of and criteria for bail determination.—

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

354 (m) Whether the defendant, other than a defendant whose
355 only criminal charge is a misdemeanor offense under chapter 316,
356 is required to register as a sexual offender under s. 943.0435
357 or a sexual predator under s. 775.21; and, if so, he or she is
358 not eligible for release on bail or surety bond until the first

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359 appearance on the case in order to ensure the full participation
360 of the prosecutor and the protection of the public.

361 Section 20. For the purpose of incorporating the amendment
362 made by this act to section 943.0435, Florida Statutes, in a
363 reference thereto, section 903.133, Florida Statutes, is
364 reenacted to read:

365 903.133 Bail on appeal; prohibited for certain felony
366 convictions.—Notwithstanding s. 903.132, no person shall be
367 admitted to bail pending review either by posttrial motion or
368 appeal if he or she was adjudged guilty of:

369 (1) A felony of the first degree for a violation of s.
370 782.04(2) or (3), s. 787.01, s. 794.011(4), s. 806.01, s.
371 893.13, or s. 893.135;

372 (2) A violation of s. 794.011(2) or (3); or

373 (3) Any other offense requiring sexual offender
374 registration under s. 943.0435(1)(h) or sexual predator
375 registration under s. 775.21(4) when, at the time of the
376 offense, the offender was 18 years of age or older and the
377 victim was a minor.

378 Section 21. For the purpose of incorporating the amendment
379 made by this act to section 943.0435, Florida Statutes, in a
380 reference thereto, paragraph (b) of subsection (4) of section
381 907.043, Florida Statutes, is reenacted to read:

382 907.043 Pretrial release; citizens' right to know.—

383 (4)

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- 384 (b) The annual report must contain, but need not be
385 limited to:
- 386 1. The name, location, and funding sources of the pretrial
387 release program, including the amount of public funds, if any,
388 received by the pretrial release program.
- 389 2. The operating and capital budget of each pretrial
390 release program receiving public funds.
- 391 3.a. The percentage of the pretrial release program's
392 total budget representing receipt of public funds.
- 393 b. The percentage of the total budget which is allocated
394 to assisting defendants obtain release through a nonpublicly
395 funded program.
- 396 c. The amount of fees paid by defendants to the pretrial
397 release program.
- 398 4. The number of persons employed by the pretrial release
399 program.
- 400 5. The number of defendants assessed and interviewed for
401 pretrial release.
- 402 6. The number of defendants recommended for pretrial
403 release.
- 404 7. The number of defendants for whom the pretrial release
405 program recommended against nonsecured release.
- 406 8. The number of defendants granted nonsecured release
407 after the pretrial release program recommended nonsecured
408 release.

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409 9. The number of defendants assessed and interviewed for
410 pretrial release who were declared indigent by the court.

411 10. The number of defendants accepted into a pretrial
412 release program who paid a surety or cash bail or bond.

413 11. The number of defendants for whom a risk assessment
414 tool was used in determining whether the defendant should be
415 released pending the disposition of the case and the number of
416 defendants for whom a risk assessment tool was not used.

417 12. The specific statutory citation for each criminal
418 charge related to a defendant whose case is accepted into a
419 pretrial release program, including, at a minimum, the number of
420 defendants charged with dangerous crimes as defined in s.
421 907.041; nonviolent felonies; or misdemeanors only. A
422 "nonviolent felony" for purposes of this subparagraph excludes
423 the commission of, an attempt to commit, or a conspiracy to
424 commit any of the following:

425 a. An offense enumerated in s. 775.084(1)(c);

426 b. An offense that requires a person to register as a
427 sexual predator in accordance with s. 775.21 or as a sexual
428 offender in accordance with s. 943.0435;

429 c. Failure to register as a sexual predator in violation
430 of s. 775.21 or as a sexual offender in violation of s.
431 943.0435;

432 d. Facilitating or furthering terrorism in violation of s.
433 775.31;

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- 434 e. A forcible felony as described in s. 776.08;
- 435 f. False imprisonment in violation of s. 787.02;
- 436 g. Burglary of a dwelling or residence in violation of s.
437 810.02(3);
- 438 h. Abuse, aggravated abuse, and neglect of an elderly
439 person or disabled adult in violation of s. 825.102;
- 440 i. Abuse, aggravated abuse, and neglect of a child in
441 violation of s. 827.03;
- 442 j. Poisoning of food or water in violation of s. 859.01;
- 443 k. Abuse of a dead human body in violation of s. 872.06;
- 444 l. A capital offense in violation of chapter 893;
- 445 m. An offense that results in serious bodily injury or
446 death to another human; or
- 447 n. A felony offense in which the defendant used a weapon
448 or firearm in the commission of the offense.
- 449 13. The number of defendants accepted into a pretrial
450 release program with no prior criminal conviction.
- 451 14. The name and case number of each person granted
452 nonsecured release who:
- 453 a. Failed to attend a scheduled court appearance.
- 454 b. Was issued a warrant for failing to appear.
- 455 c. Was arrested for any offense while on release through
456 the pretrial release program.

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457 15. Any additional information deemed necessary by the
458 governing body to assess the performance and cost efficiency of
459 the pretrial release program.

460 Section 22. For the purpose of incorporating the amendment
461 made by this act to section 943.0435, Florida Statutes, in a
462 reference thereto, subsection (1) of section 938.10, Florida
463 Statutes, is reenacted to read:

464 938.10 Additional court cost imposed in cases of certain
465 crimes.—

466 (1) If a person pleads guilty or nolo contendere to, or is
467 found guilty of, regardless of adjudication, any offense against
468 a minor in violation of s. 784.085, chapter 787, chapter 794,
469 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.
470 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,
471 s. 893.147(3), or s. 985.701, or any offense in violation of s.
472 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
473 court shall impose a court cost of \$151 against the offender in
474 addition to any other cost or penalty required by law.

475 Section 23. For the purpose of incorporating the amendment
476 made by this act to section 943.0435, Florida Statutes, in a
477 reference thereto, subsection (2) of section 943.0436, Florida
478 Statutes, is reenacted to read:

479 943.0436 Duty of the court to uphold laws governing sexual
480 predators and sexual offenders.—

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481 (2) If a person meets the criteria in chapter 775 for
482 designation as a sexual predator or meets the criteria in s.
483 943.0435, s. 944.606, s. 944.607, or any other law for
484 classification as a sexual offender, the court may not enter an
485 order, for the purpose of approving a plea agreement or for any
486 other reason, which:

487 (a) Exempts a person who meets the criteria for
488 designation as a sexual predator or classification as a sexual
489 offender from such designation or classification, or exempts
490 such person from the requirements for registration or community
491 and public notification imposed upon sexual predators and sexual
492 offenders;

493 (b) Restricts the compiling, reporting, or release of
494 public records information that relates to sexual predators or
495 sexual offenders; or

496 (c) Prevents any person or entity from performing its
497 duties or operating within its statutorily conferred authority
498 as such duty or authority relates to sexual predators or sexual
499 offenders.

500 Section 24. For the purpose of incorporating the amendment
501 made by this act to section 943.0435, Florida Statutes, in a
502 reference thereto, subsection (2) of section 943.0584, Florida
503 Statutes, is reenacted to read:

504 943.0584 Criminal history records ineligible for court-
505 ordered expunction or court-ordered sealing.-

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506 (2) A criminal history record is ineligible for a
507 certificate of eligibility for expunction or a court-ordered
508 expunction pursuant to s. 943.0585 or a certificate of
509 eligibility for sealing or a court-ordered sealing pursuant to
510 s. 943.059 if the record is a conviction for any of the
511 following offenses:

512 (a) Sexual misconduct, as defined in s. 393.135, s.
513 394.4593, or s. 916.1075;

514 (b) Illegal use of explosives, as defined in chapter 552;

515 (c) Terrorism, as defined in s. 775.30;

516 (d) Murder, as defined in s. 782.04, s. 782.065, or s.
517 782.09;

518 (e) Manslaughter or homicide, as defined in s. 782.07, s.
519 782.071, or s. 782.072;

520 (f) Assault or battery, as defined in ss. 784.011 and
521 784.03, respectively, of one family or household member by
522 another family or household member, as defined in s. 741.28(3);

523 (g) Aggravated assault, as defined in s. 784.021;

524 (h) Felony battery, domestic battery by strangulation, or
525 aggravated battery, as defined in ss. 784.03, 784.041, and
526 784.045, respectively;

527 (i) Stalking or aggravated stalking, as defined in s.
528 784.048;

529 (j) Luring or enticing a child, as defined in s. 787.025;

530 (k) Human trafficking, as defined in s. 787.06;

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- 531 (l) Kidnapping or false imprisonment, as defined in s.
532 787.01 or s. 787.02;
- 533 (m) Any offense defined in chapter 794;
- 534 (n) Procuring a person less than 18 years of age for
535 prostitution, as defined in former s. 796.03;
- 536 (o) Lewd or lascivious offenses committed upon or in the
537 presence of persons less than 16 years of age, as defined in s.
538 800.04;
- 539 (p) Arson, as defined in s. 806.01;
- 540 (q) Burglary of a dwelling, as defined in s. 810.02;
- 541 (r) Voyeurism or video voyeurism, as defined in ss. 810.14
542 and 810.145, respectively;
- 543 (s) Robbery or robbery by sudden snatching, as defined in
544 ss. 812.13 and 812.131, respectively;
- 545 (t) Carjacking, as defined in s. 812.133;
- 546 (u) Home-invasion robbery, as defined in s. 812.135;
- 547 (v) A violation of the Florida Communications Fraud Act,
548 as provided in s. 817.034;
- 549 (w) Abuse of an elderly person or disabled adult, or
550 aggravated abuse of an elderly person or disabled adult, as
551 defined in s. 825.102;
- 552 (x) Lewd or lascivious offenses committed upon or in the
553 presence of an elderly person or disabled person, as defined in
554 s. 825.1025;

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555 (y) Child abuse or aggravated child abuse, as defined in
556 s. 827.03;

557 (z) Sexual performance by a child, as defined in s.
558 827.071;

559 (aa) Any offense defined in chapter 839;

560 (bb) Certain acts in connection with obscenity, as defined
561 in s. 847.0133;

562 (cc) Any offense defined in s. 847.0135;

563 (dd) Selling or buying of minors, as defined in s.
564 847.0145;

565 (ee) Aircraft piracy, as defined in s. 860.16;

566 (ff) Manufacturing a controlled substance in violation of
567 chapter 893;

568 (gg) Drug trafficking, as defined in s. 893.135; or

569 (hh) Any violation specified as a predicate offense for
570 registration as a sexual predator pursuant to s. 775.21, or
571 sexual offender pursuant to s. 943.0435, without regard to
572 whether that offense alone is sufficient to require such
573 registration.

574 Section 25. For the purpose of incorporating the amendment
575 made by this act to section 943.0435, Florida Statutes, in a
576 reference thereto, paragraph (a) of subsection (4) and
577 subsection (9) of section 944.607, Florida Statutes, are
578 reenacted to read:

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579 944.607 Notification to Department of Law Enforcement of
580 information on sexual offenders.—

581 (4) A sexual offender, as described in this section, who
582 is under the supervision of the Department of Corrections but is
583 not incarcerated shall register with the Department of
584 Corrections within 3 business days after sentencing for a
585 registrable offense and otherwise provide information as
586 required by this subsection.

587 (a) The sexual offender shall provide his or her name;
588 date of birth; social security number; race; sex; height;
589 weight; hair and eye color; tattoos or other identifying marks;
590 all electronic mail addresses and Internet identifiers required
591 to be provided pursuant to s. 943.0435(4)(e); employment
592 information required to be provided pursuant to s.
593 943.0435(4)(e); all home telephone numbers and cellular
594 telephone numbers required to be provided pursuant to s.
595 943.0435(4)(e); the make, model, color, vehicle identification
596 number (VIN), and license tag number of all vehicles owned;
597 permanent or legal residence and address of temporary residence
598 within the state or out of state while the sexual offender is
599 under supervision in this state, including any rural route
600 address or post office box; if no permanent or temporary
601 address, any transient residence within the state; and address,
602 location or description, and dates of any current or known
603 future temporary residence within the state or out of state. The

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604 sexual offender shall also produce his or her passport, if he or
605 she has a passport, and, if he or she is an alien, shall produce
606 or provide information about documents establishing his or her
607 immigration status. The sexual offender shall also provide
608 information about any professional licenses he or she has. The
609 Department of Corrections shall verify the address of each
610 sexual offender in the manner described in ss. 775.21 and
611 943.0435. The department shall report to the Department of Law
612 Enforcement any failure by a sexual predator or sexual offender
613 to comply with registration requirements.

614 (9) A sexual offender, as described in this section, who
615 is under the supervision of the Department of Corrections but
616 who is not incarcerated shall, in addition to the registration
617 requirements provided in subsection (4), register and obtain a
618 distinctive driver license or identification card in the manner
619 provided in s. 943.0435(3), (4), and (5), unless the sexual
620 offender is a sexual predator, in which case he or she shall
621 register and obtain a distinctive driver license or
622 identification card as required under s. 775.21. A sexual
623 offender who fails to comply with the requirements of s.
624 943.0435 is subject to the penalties provided in s. 943.0435(9).

625 Section 26. For the purpose of incorporating the amendment
626 made by this act to section 943.0435, Florida Statutes, in a
627 reference thereto, subsection (4) of section 948.06, Florida
628 Statutes, is reenacted to read:

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629 948.06 Violation of probation or community control;
630 revocation; modification; continuance; failure to pay
631 restitution or cost of supervision.—

632 (4) Notwithstanding any other provision of this section, a
633 felony probationer or an offender in community control who is
634 arrested for violating his or her probation or community control
635 in a material respect may be taken before the court in the
636 county or circuit in which the probationer or offender was
637 arrested. That court shall advise him or her of the charge of a
638 violation and, if such charge is admitted, shall cause him or
639 her to be brought before the court that granted the probation or
640 community control. If the violation is not admitted by the
641 probationer or offender, the court may commit him or her or
642 release him or her with or without bail to await further
643 hearing. However, if the probationer or offender is under
644 supervision for any criminal offense proscribed in chapter 794,
645 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a
646 registered sexual predator or a registered sexual offender, or
647 is under supervision for a criminal offense for which he or she
648 would meet the registration criteria in s. 775.21, s. 943.0435,
649 or s. 944.607 but for the effective date of those sections, the
650 court must make a finding that the probationer or offender is
651 not a danger to the public prior to release with or without
652 bail. In determining the danger posed by the offender's or
653 probationer's release, the court may consider the nature and

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654 | circumstances of the violation and any new offenses charged; the
655 | offender's or probationer's past and present conduct, including
656 | convictions of crimes; any record of arrests without conviction
657 | for crimes involving violence or sexual crimes; any other
658 | evidence of allegations of unlawful sexual conduct or the use of
659 | violence by the offender or probationer; the offender's or
660 | probationer's family ties, length of residence in the community,
661 | employment history, and mental condition; his or her history and
662 | conduct during the probation or community control supervision
663 | from which the violation arises and any other previous
664 | supervisions, including disciplinary records of previous
665 | incarcerations; the likelihood that the offender or probationer
666 | will engage again in a criminal course of conduct; the weight of
667 | the evidence against the offender or probationer; and any other
668 | facts the court considers relevant. The court, as soon as is
669 | practicable, shall give the probationer or offender an
670 | opportunity to be fully heard on his or her behalf in person or
671 | by counsel. After the hearing, the court shall make findings of
672 | fact and forward the findings to the court that granted the
673 | probation or community control and to the probationer or
674 | offender or his or her attorney. The findings of fact by the
675 | hearing court are binding on the court that granted the
676 | probation or community control. Upon the probationer or offender
677 | being brought before it, the court that granted the probation or
678 | community control may revoke, modify, or continue the probation

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679 or community control or may place the probationer into community
680 control as provided in this section. However, the probationer or
681 offender shall not be released and shall not be admitted to
682 bail, but shall be brought before the court that granted the
683 probation or community control if any violation of felony
684 probation or community control other than a failure to pay costs
685 or fines or make restitution payments is alleged to have been
686 committed by:

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

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

693 (c) A person who is on felony probation or community
694 control and has previously been found by a court to be a
695 habitual violent felony offender as defined in s. 775.084(1)(b),
696 a three-time violent felony offender as defined in s.
697 775.084(1)(c), or a sexual predator under s. 775.21, and who is
698 arrested for committing a qualifying offense as defined in this
699 section on or after the effective date of this act.

700 Section 27. For the purpose of incorporating the amendment
701 made by this act to section 943.0435, Florida Statutes, in a
702 reference thereto, section 948.063, Florida Statutes, is
703 reenacted to read:

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704 948.063 Violations of probation or community control by
705 designated sexual offenders and sexual predators.—

706 (1) If probation or community control for any felony
707 offense is revoked by the court pursuant to s. 948.06(2)(e) and
708 the offender is designated as a sexual offender pursuant to s.
709 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
710 775.21 for unlawful sexual activity involving a victim 15 years
711 of age or younger and the offender is 18 years of age or older,
712 and if the court imposes a subsequent term of supervision
713 following the revocation of probation or community control, the
714 court must order electronic monitoring as a condition of the
715 subsequent term of probation or community control.

716 (2) If the probationer or offender is required to register
717 as a sexual predator under s. 775.21 or as a sexual offender
718 under s. 943.0435 or s. 944.607 for unlawful sexual activity
719 involving a victim 15 years of age or younger and the
720 probationer or offender is 18 years of age or older and has
721 violated the conditions of his or her probation or community
722 control, but the court does not revoke the probation or
723 community control, the court shall nevertheless modify the
724 probation or community control to include electronic monitoring
725 for any probationer or offender not then subject to electronic
726 monitoring.

727 Section 28. For the purpose of incorporating the amendment
728 made by this act to section 943.0435, Florida Statutes, in a

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729 reference thereto, section 948.31, Florida Statutes, is
730 reenacted to read:

731 948.31 Evaluation and treatment of sexual predators and
732 offenders on probation or community control.—The court may
733 require any probationer or community controllee who is required
734 to register as a sexual predator under s. 775.21 or sexual
735 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
736 an evaluation, at the probationer or community controllee's
737 expense, by a qualified practitioner to determine whether such
738 probationer or community controllee needs sexual offender
739 treatment. If the qualified practitioner determines that sexual
740 offender treatment is needed and recommends treatment, the
741 probationer or community controllee must successfully complete
742 and pay for the treatment. Such treatment must be obtained from
743 a qualified practitioner as defined in s. 948.001. Treatment may
744 not be administered by a qualified practitioner who has been
745 convicted or adjudicated delinquent of committing, or
746 attempting, soliciting, or conspiring to commit, any offense
747 that is listed in s. 943.0435(1)(h)1.a.(I).

748 Section 29. For the purpose of incorporating the amendment
749 made by this act to section 943.0435, Florida Statutes, in a
750 reference thereto, paragraph (b) of subsection (6) of section
751 985.04, Florida Statutes, is reenacted to read:

752 985.04 Oaths; records; confidential information.—
753 (6)

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

758 Section 30. For the purpose of incorporating the amendment
759 made by this act to section 943.0435, Florida Statutes, in a
760 reference thereto, subsection (9) and paragraph (c) of
761 subsection (10) of section 985.4815, Florida Statutes, are
762 reenacted to read:

763 985.4815 Notification to Department of Law Enforcement of
764 information on juvenile sexual offenders.-

765 (9) A sexual offender, as described in this section, who
766 is under the care, jurisdiction, or supervision of the
767 department but who is not incarcerated shall, in addition to the
768 registration requirements provided in subsection (4), register
769 in the manner provided in s. 943.0435(3), (4), and (5), unless
770 the sexual offender is a sexual predator, in which case he or
771 she shall register as required under s. 775.21. A sexual
772 offender who fails to comply with the requirements of s.
773 943.0435 is subject to the penalties provided in s. 943.0435(9).

774 (10)

775 (c) An arrest on charges of failure to register when the
776 offender has been provided and advised of his or her statutory
777 obligations to register under s. 943.0435(2), the service of an
778 information or a complaint for a violation of this section, or

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779 an arraignment on charges for a violation of this section
780 constitutes actual notice of the duty to register. A sexual
781 offender's failure to immediately register as required by this
782 section following such arrest, service, or arraignment
783 constitutes grounds for a subsequent charge of failure to
784 register. A sexual offender charged with the crime of failure to
785 register who asserts, or intends to assert, a lack of notice of
786 the duty to register as a defense to a charge of failure to
787 register shall immediately register as required by this section.
788 A sexual offender who is charged with a subsequent failure to
789 register may not assert the defense of a lack of notice of the
790 duty to register.

791 Section 31. For the purpose of incorporating the amendment
792 made by this act to section 943.0435, Florida Statutes, in a
793 reference thereto, paragraph (g) of subsection (2) of section
794 1012.467, Florida Statutes, is reenacted to read:

795 1012.467 Noninstructional contractors who are permitted
796 access to school grounds when students are present; background
797 screening requirements.—

798 (2)

799 (g) A noninstructional contractor for whom a criminal
800 history check is required under this section may not have been
801 convicted of any of the following offenses designated in the
802 Florida Statutes, any similar offense in another jurisdiction,
803 or any similar offense committed in this state which has been

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804 redesignated from a former provision of the Florida Statutes to
805 one of the following offenses:

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

808 2. Section 393.135, relating to sexual misconduct with
809 certain developmentally disabled clients and the reporting of
810 such sexual misconduct.

811 3. Section 394.4593, relating to sexual misconduct with
812 certain mental health patients and the reporting of such sexual
813 misconduct.

814 4. Section 775.30, relating to terrorism.

815 5. Section 782.04, relating to murder.

816 6. Section 787.01, relating to kidnapping.

817 7. Any offense under chapter 800, relating to lewdness and
818 indecent exposure.

819 8. Section 826.04, relating to incest.

820 9. Section 827.03, relating to child abuse, aggravated
821 child abuse, or neglect of a child.

822

823

824 **T I T L E A M E N D M E N T**

825 Remove line 123 and insert:

826 F.S.; redefining the term "sexual offender";
827 reenacting ss. 61.13(9)(c), 68.07(3)(i) and (6),
828 98.0751(2)(b), 320.02(4), 322.141(3), 322.19(1) and

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829 (2), 394.9125(2), 397.487(10)(b), 435.07(4)(b),
830 775.0862(2), 775.13(4), 775.21(5)(d) and (10)(d),
831 775.24(2), 775.25, 775.261(3)(b), 900.05(2)(cc),
832 903.046(2)(m), 903.133, 907.043(4)(b), 938.10(1),
833 943.0436(2), 943.0584(2), 944.607(4)(a) and (9),
834 948.06(4), 948.063, 948.31, 985.04(6)(b), 985.4815(9)
835 and (10)(c), and 1012.467(2)(g), F.S., relating to
836 support of children, parenting and time-sharing, and
837 powers of court; change of name; restoration of voting
838 rights and termination of ineligibility subsequent to
839 a felony conviction; registration required,
840 application for registration, and forms; color or
841 markings of certain licenses or identification cards;
842 change of address or name; state attorneys and the
843 authority to refer a person for civil commitment;
844 voluntary certification of recovery residences;
845 exemptions from disqualification; sexual offenses
846 against students by authority figures and
847 reclassification; registration of convicted felons,
848 exemptions, and penalties; the Florida Sexual
849 Predators Act; duty of the court to uphold laws
850 governing sexual predators and sexual offenders;
851 prosecutions for acts or omissions; the Florida Career
852 Offender Registration Act; criminal justice data
853 collection; purpose of and criteria for bail

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854 determination; bail on appeal, prohibited for certain
855 felony convictions; pretrial release, citizens' right
856 to know; additional court cost imposed in cases of
857 certain crimes; duty of the court to uphold laws
858 governing sexual predators and sexual offenders;
859 criminal history records ineligible for court-ordered
860 expunction or court-ordered sealing; notification to
861 the department of information on sexual offenders;
862 violation of probation or community control,
863 revocation, modification, continuance, and failure to
864 pay restitution or cost of supervision; violations of
865 probation or community control by designated sexual
866 offenders and sexual predators; evaluation and
867 treatment of sexual predators and offenders on
868 probation or community control; oaths, records, and
869 confidential information; notification to Department
870 of Law Enforcement of information on juvenile sexual
871 offenders; and noninstructional contractors who are
872 permitted access to school grounds when students are
873 present and background screening requirements,
874 respectively, to incorporate the amendment made to s.
875 943.0435, F.S., in references thereto; providing

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