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1 A bill to be entitled

2 An act relating to sexual offender registration;
3 providing legislative intent; amending s. 943.0435,
4 F.S.; redefining the term "sexual offender";
5 reenacting ss. 61.13(9)(c), 68.07(3)(i) and (6),
6 98.0751(2)(b), 320.02(4), 322.141(3), 322.19(1) and
7 (2), 394.9125(2), 397.487(10)(b), 435.07(4)(b),
8 775.0862(2), 775.13(4), 775.21(5)(d) and (10)(d),
9 775.24(2), 775.25, 775.261(3)(b), 900.05(2)(cc),
10 903.046(2)(m), 903.133, 907.043(4)(b), 938.10(1),
11 943.0436(2), 943.0584(2), 944.607(4)(a) and (9),
12 948.06(4), 948.063, 948.31, 985.04(6)(b), 985.4815(9)
13 and (10)(c), and 1012.467(2)(g), F.S., relating to
14 support of children, parenting and time-sharing, and
15 powers of court; change of name; restoration of voting
16 rights and termination of ineligibility subsequent to
17 a felony conviction; registration required,
18 application for registration, and forms; color or
19 markings of certain licenses or identification cards;
20 change of address or name; state attorneys and the
21 authority to refer a person for civil commitment;
22 voluntary certification of recovery residences;
23 exemptions from disqualification; sexual offenses
24 against students by authority figures and
25 reclassification; registration of convicted felons,
26 exemptions, and penalties; the Florida Sexual
27 Predators Act; duty of the court to uphold laws
28 governing sexual predators and sexual offenders;
29 prosecutions for acts or omissions; the Florida Career

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30 Offender Registration Act; criminal justice data
31 collection; purpose of and criteria for bail
32 determination; bail on appeal, prohibited for certain
33 felony convictions; pretrial release, citizens' right
34 to know; additional court cost imposed in cases of
35 certain crimes; duty of the court to uphold laws
36 governing sexual predators and sexual offenders;
37 criminal history records ineligible for court-ordered
38 expunction or court-ordered sealing; notification to
39 the department of information on sexual offenders;
40 violation of probation or community control,
41 revocation, modification, continuance, and failure to
42 pay restitution or cost of supervision; violations of
43 probation or community control by designated sexual
44 offenders and sexual predators; evaluation and
45 treatment of sexual predators and offenders on
46 probation or community control; oaths, records, and
47 confidential information; notification to Department
48 of Law Enforcement of information on juvenile sexual
49 offenders; and noninstructional contractors who are
50 permitted access to school grounds when students are
51 present and background screening requirements,
52 respectively, to incorporate the amendment made to s.
53 943.0435, F.S., in references thereto; providing an
54 effective date.

55
56 Be It Enacted by the Legislature of the State of Florida:

57
58 Section 1. The Legislature finds that the opinion in *State*

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59 v. James, 298 So. 3d 90 (Fla. 2d DCA 2020), is contrary to
60 legislative intent and that a person's failure to pay a fine
61 does not relieve him or her of the requirement to register as a
62 sexual offender pursuant to s. 943.0435, Florida Statutes. The
63 Legislature intends that a person must register as a sexual
64 offender pursuant to s. 943.0435, Florida Statutes, when he or
65 she has been convicted of a qualifying offense and, on or after
66 October 1, 1997, has:

- 67 (1) No sanction imposed upon conviction; or
68 (2) Been released from a sanction imposed upon conviction.

69 Section 2. Paragraph (h) of subsection (1) of section
70 943.0435, Florida Statutes, is amended to read:

71 943.0435 Sexual offenders required to register with the
72 department; penalty.—

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

74 (h)1. "Sexual offender" means a person who meets the
75 criteria in sub-subparagraph a., sub-subparagraph b., sub-
76 subparagraph c., or sub-subparagraph d., as follows:

77 a.(I) Has been convicted of committing, or attempting,
78 soliciting, or conspiring to commit, any of the criminal
79 offenses proscribed in the following statutes in this state or
80 similar offenses in another jurisdiction: s. 393.135(2); s.
81 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
82 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
83 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
84 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
85 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
86 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
87 s. 895.03, if the court makes a written finding that the

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88 racketeering activity involved at least one sexual offense
89 listed in this sub-sub-subparagraph or at least one offense
90 listed in this sub-sub-subparagraph with sexual intent or
91 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
92 committed in this state which has been redesignated from a
93 former statute number to one of those listed in this sub-sub-
94 subparagraph; and

95 (II) Has been released on or after October 1, 1997, from a
96 ~~the~~ sanction imposed for any conviction of an offense described
97 in sub-sub-subparagraph (I) and does not otherwise meet the
98 criteria for registration as a sexual offender under chapter 944
99 or chapter 985. For purposes of this sub-sub-subparagraph ~~(I)~~, a
100 sanction imposed in this state or in any other jurisdiction
101 means includes, but is not limited to, a fine, probation,
102 community control, parole, conditional release, control release,
103 or incarceration in a state prison, federal prison, private
104 correctional facility, or local detention facility. If no
105 sanction is imposed the person is deemed to be released upon
106 conviction;

107 b. Establishes or maintains a residence in this state and
108 who has not been designated as a sexual predator by a court of
109 this state but who has been designated as a sexual predator, as
110 a sexually violent predator, or by another sexual offender
111 designation in another state or jurisdiction and was, as a
112 result of such designation, subjected to registration or
113 community or public notification, or both, or would be if the
114 person were a resident of that state or jurisdiction, without
115 regard to whether the person otherwise meets the criteria for
116 registration as a sexual offender;

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117 c. Establishes or maintains a residence in this state who
118 is in the custody or control of, or under the supervision of,
119 any other state or jurisdiction as a result of a conviction for
120 committing, or attempting, soliciting, or conspiring to commit,
121 any of the criminal offenses proscribed in the following
122 statutes or similar offense in another jurisdiction: s.
123 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
124 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
125 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
126 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
127 s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133;
128 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;
129 s. 847.0145; s. 895.03, if the court makes a written finding
130 that the racketeering activity involved at least one sexual
131 offense listed in this sub-subparagraph or at least one offense
132 listed in this sub-subparagraph with sexual intent or motive; s.
133 916.1075(2); or s. 985.701(1); or any similar offense committed
134 in this state which has been redesignated from a former statute
135 number to one of those listed in this sub-subparagraph; or

136 d. On or after July 1, 2007, has been adjudicated
137 delinquent for committing, or attempting, soliciting, or
138 conspiring to commit, any of the criminal offenses proscribed in
139 the following statutes in this state or similar offenses in
140 another jurisdiction when the juvenile was 14 years of age or
141 older at the time of the offense:

142 (I) Section 794.011, excluding s. 794.011(10);

143 (II) Section 800.04(4)(a)2. where the victim is under 12
144 years of age or where the court finds sexual activity by the use
145 of force or coercion;

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146 (III) Section 800.04(5)(c)1. where the court finds
147 molestation involving unclothed genitals;

148 (IV) Section 800.04(5)(d) where the court finds the use of
149 force or coercion and unclothed genitals; or

150 (V) Any similar offense committed in this state which has
151 been redesignated from a former statute number to one of those
152 listed in this sub-subparagraph.

153 2. For all qualifying offenses listed in sub-subparagraph
154 1.d., the court shall make a written finding of the age of the
155 offender at the time of the offense.

156
157 For each violation of a qualifying offense listed in this
158 subsection, except for a violation of s. 794.011, the court
159 shall make a written finding of the age of the victim at the
160 time of the offense. For a violation of s. 800.04(4), the court
161 shall also make a written finding indicating whether the offense
162 involved sexual activity and indicating whether the offense
163 involved force or coercion. For a violation of s. 800.04(5), the
164 court shall also make a written finding that the offense did or
165 did not involve unclothed genitals or genital area and that the
166 offense did or did not involve the use of force or coercion.

167 Section 3. For the purpose of incorporating the amendment
168 made by this act to section 943.0435, Florida Statutes, in a
169 reference thereto, paragraph (c) of subsection (9) of section
170 61.13, Florida Statutes, is reenacted to read:

171 61.13 Support of children; parenting and time-sharing;
172 powers of court.—

173 (9)

174 (c) A court may not order visitation at a recovery

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175 residence if any resident of the recovery residence is currently
176 required to register as a sexual predator under s. 775.21 or as
177 a sexual offender under s. 943.0435.

178 Section 4. For the purpose of incorporating the amendment
179 made by this act to section 943.0435, Florida Statutes, in a
180 reference thereto, paragraph (i) of subsection (3) and
181 subsection (6) of section 68.07, Florida Statutes, are reenacted
182 to read:

183 68.07 Change of name.—

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

185 (i) Whether the petitioner has ever been required to
186 register as a sexual predator under s. 775.21 or as a sexual
187 offender under s. 943.0435.

188 (6) The clerk of the court must, within 5 business days
189 after the filing of the final judgment, send a report of the
190 judgment to the Department of Law Enforcement on a form to be
191 furnished by that department. If the petitioner is required to
192 register as a sexual predator or a sexual offender pursuant to
193 s. 775.21 or s. 943.0435, the clerk of court shall
194 electronically notify the Department of Law Enforcement of the
195 name change, in a manner prescribed by that department, within 2
196 business days after the filing of the final judgment. The
197 Department of Law Enforcement must send a copy of the report to
198 the Department of Highway Safety and Motor Vehicles, which may
199 be delivered by electronic transmission. The report must contain
200 sufficient information to identify the petitioner, including the
201 results of the criminal history records check if applicable, the
202 new name of the petitioner, and the file number of the judgment.
203 The Department of Highway Safety and Motor Vehicles shall

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204 monitor the records of any sexual predator or sexual offender
205 whose name has been provided to it by the Department of Law
206 Enforcement. If the sexual predator or sexual offender does not
207 obtain a replacement driver license or identification card
208 within the required time as specified in s. 775.21 or s.
209 943.0435, the Department of Highway Safety and Motor Vehicles
210 shall notify the Department of Law Enforcement. The Department
211 of Law Enforcement shall notify applicable law enforcement
212 agencies of the predator's or offender's failure to comply with
213 registration requirements. Any information retained by the
214 Department of Law Enforcement and the Department of Highway
215 Safety and Motor Vehicles may be revised or supplemented by said
216 departments to reflect changes made by the final judgment. With
217 respect to a person convicted of a felony in another state or of
218 a federal offense, the Department of Law Enforcement must send
219 the report to the respective state's office of law enforcement
220 records or to the office of the Federal Bureau of Investigation.
221 The Department of Law Enforcement may forward the report to any
222 other law enforcement agency it believes may retain information
223 related to the petitioner.

224 Section 5. For the purpose of incorporating the amendment
225 made by this act to section 943.0435, Florida Statutes, in a
226 reference thereto, paragraph (b) of subsection (2) of section
227 98.0751, Florida Statutes, is reenacted to read:

228 98.0751 Restoration of voting rights; termination of
229 ineligibility subsequent to a felony conviction.—

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

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

232 1. Any felony offense that serves as a predicate to

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233 registration as a sexual offender in accordance with s.
234 943.0435;

- 235 2. Section 491.0112;
- 236 3. Section 784.049(3)(b);
- 237 4. Section 794.08;
- 238 5. Section 796.08;
- 239 6. Section 800.101;
- 240 7. Section 826.04;
- 241 8. Section 847.012;
- 242 9. Section 872.06(2);
- 243 10. Section 944.35(3)(b)2.;
- 244 11. Section 951.221(1); or
- 245 12. Any similar offense committed in another jurisdiction
246 which would be an offense listed in this paragraph if it had
247 been committed in violation of the laws of this state.

248 Section 6. For the purpose of incorporating the amendment
249 made by this act to section 943.0435, Florida Statutes, in a
250 reference thereto, subsection (4) of section 320.02, Florida
251 Statutes, is reenacted to read:

252 320.02 Registration required; application for registration;
253 forms.—

254 (4) Except as provided in ss. 775.21, 775.261, 943.0435,
255 944.607, and 985.4815, the owner of any motor vehicle registered
256 in the state shall notify the department in writing of any
257 change of address within 30 days of such change. The
258 notification shall include the registration license plate
259 number, the vehicle identification number (VIN) or title
260 certificate number, year of vehicle make, and the owner's full
261 name.

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

266 322.141 Color or markings of certain licenses or
267 identification cards.—

268 (3) All licenses for the operation of motor vehicles or
269 identification cards originally issued or reissued by the
270 department to persons who are designated as sexual predators
271 under s. 775.21 or subject to registration as sexual offenders
272 under s. 943.0435 or s. 944.607, or who have a similar
273 designation or are subject to a similar registration under the
274 laws of another jurisdiction, shall have on the front of the
275 license or identification card the following:

276 (a) For a person designated as a sexual predator under s.
277 775.21 or who has a similar designation under the laws of
278 another jurisdiction, the marking "SEXUAL PREDATOR."

279 (b) For a person subject to registration as a sexual
280 offender under s. 943.0435 or s. 944.607, or subject to a
281 similar registration under the laws of another jurisdiction, the
282 marking "943.0435, F.S."

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

287 322.19 Change of address or name.—

288 (1) Except as provided in ss. 775.21, 775.261, 943.0435,
289 944.607, and 985.4815, whenever any person, after applying for
290 or receiving a driver license or identification card, changes

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291 his or her legal name, that person must within 30 days
292 thereafter obtain a replacement license or card that reflects
293 the change.

294 (2) If a person, after applying for or receiving a driver
295 license or identification card, changes the legal residence or
296 mailing address in the application, license, or card, the person
297 must, within 30 calendar days after making the change, obtain a
298 replacement license or card that reflects the change. A written
299 request to the department must include the old and new addresses
300 and the driver license or identification card number. Any person
301 who has a valid, current student identification card issued by
302 an educational institution in this state is presumed not to have
303 changed his or her legal residence or mailing address. This
304 subsection does not affect any person required to register a
305 permanent or temporary address change pursuant to s. 775.13, s.
306 775.21, s. 775.25, or s. 943.0435.

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

311 394.9125 State attorney; authority to refer a person for
312 civil commitment.—

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

315 (a) Is required to register as a sexual offender pursuant
316 to s. 943.0435;

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

319 (c) Has been sentenced to a term of imprisonment in a

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320 county or municipal jail for any criminal offense.

321 Section 10. 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 (10) of section
324 397.487, Florida Statutes, is reenacted to read:

325 397.487 Voluntary certification of recovery residences.—
326 (10)

327 (b) A certified recovery residence may not allow a minor
328 child to visit a parent who is a resident of the recovery
329 residence at any time if any resident of the recovery residence
330 is currently required to register as a sexual predator under s.
331 775.21 or as a sexual offender under s. 943.0435.

332 Section 11. For the purpose of incorporating the amendment
333 made by this act to section 943.0435, Florida Statutes, in a
334 reference thereto, paragraph (b) of subsection (4) of section
335 435.07, Florida Statutes, is reenacted to read:

336 435.07 Exemptions from disqualification.—Unless otherwise
337 provided by law, the provisions of this section apply to
338 exemptions from disqualification for disqualifying offenses
339 revealed pursuant to background screenings required under this
340 chapter, regardless of whether those disqualifying offenses are
341 listed in this chapter or other laws.

342 (4)

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

- 346 1. Sexual predator as designated pursuant to s. 775.21;
- 347 2. Career offender pursuant to s. 775.261; or
- 348 3. Sexual offender pursuant to s. 943.0435, unless the

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349 requirement to register as a sexual offender has been removed
350 pursuant to s. 943.04354.

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

355 775.0862 Sexual offenses against students by authority
356 figures; reclassification.—

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

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

366 775.13 Registration of convicted felons, exemptions;
367 penalties.—

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

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

370 (b) Who has received a full pardon for the offense for
371 which convicted;

372 (c) Who has been lawfully released from incarceration or
373 other sentence or supervision for a felony conviction for more
374 than 5 years prior to such time for registration, unless the
375 offender is a fugitive from justice on a felony charge or has
376 been convicted of any offense since release from such
377 incarceration or other sentence or supervision;

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378 (d) Who is a parolee or probationer under the supervision
379 of the United States Parole Commission if the commission knows
380 of and consents to the presence of the offender in Florida or is
381 a probationer under the supervision of any federal probation
382 officer in the state or who has been lawfully discharged from
383 such parole or probation;

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

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

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

390 Section 14. For the purpose of incorporating the amendment
391 made by this act to section 943.0435, Florida Statutes, in a
392 reference thereto, paragraph (d) of subsection (5) and paragraph
393 (d) of subsection (10) of section 775.21, Florida Statutes, are
394 reenacted to read:

395 775.21 The Florida Sexual Predators Act.—

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

398 (d) A person who establishes or maintains a residence in
399 this state and who has not been designated as a sexual predator
400 by a court of this state but who has been designated as a sexual
401 predator, as a sexually violent predator, or by another sexual
402 offender designation in another state or jurisdiction and was,
403 as a result of such designation, subjected to registration or
404 community or public notification, or both, or would be if the
405 person was a resident of that state or jurisdiction, without
406 regard to whether the person otherwise meets the criteria for

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407 registration as a sexual offender, shall register in the manner
408 provided in s. 943.0435 or s. 944.607 and shall be subject to
409 community and public notification as provided in s. 943.0435 or
410 s. 944.607. A person who meets the criteria of this section is
411 subject to the requirements and penalty provisions of s.
412 943.0435 or s. 944.607 until the person provides the department
413 with an order issued by the court that designated the person as
414 a sexual predator, as a sexually violent predator, or by another
415 sexual offender designation in the state or jurisdiction in
416 which the order was issued which states that such designation
417 has been removed or demonstrates to the department that such
418 designation, if not imposed by a court, has been removed by
419 operation of law or court order in the state or jurisdiction in
420 which the designation was made, and provided such person no
421 longer meets the criteria for registration as a sexual offender
422 under the laws of this state.

423 (10) PENALTIES.—

424 (d) Any person who misuses public records information
425 relating to a sexual predator, as defined in this section, or a
426 sexual offender, as defined in s. 943.0435 or s. 944.607, to
427 secure a payment from such a predator or offender; who knowingly
428 distributes or publishes false information relating to such a
429 predator or offender which the person misrepresents as being
430 public records information; or who materially alters public
431 records information with the intent to misrepresent the
432 information, including documents, summaries of public records
433 information provided by law enforcement agencies, or public
434 records information displayed by law enforcement agencies on
435 websites or provided through other means of communication,

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436 commits a misdemeanor of the first degree, punishable as
437 provided in s. 775.082 or s. 775.083.

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

442 775.24 Duty of the court to uphold laws governing sexual
443 predators and sexual offenders.—

444 (2) If a person meets the criteria in this chapter for
445 designation as a sexual predator or meets the criteria in s.
446 943.0435, s. 944.606, s. 944.607, or any other law for
447 classification as a sexual offender, the court may not enter an
448 order, for the purpose of approving a plea agreement or for any
449 other reason, which:

450 (a) Exempts a person who meets the criteria for designation
451 as a sexual predator or classification as a sexual offender from
452 such designation or classification, or exempts such person from
453 the requirements for registration or community and public
454 notification imposed upon sexual predators and sexual offenders;

455 (b) Restricts the compiling, reporting, or release of
456 public records information that relates to sexual predators or
457 sexual offenders; or

458 (c) Prevents any person or entity from performing its
459 duties or operating within its statutorily conferred authority
460 as such duty or authority relates to sexual predators or sexual
461 offenders.

462 Section 16. For the purpose of incorporating the amendment
463 made by this act to section 943.0435, Florida Statutes, in a
464 reference thereto, section 775.25, Florida Statutes, is

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465 reenacted to read:

466 775.25 Prosecutions for acts or omissions.—A sexual
467 predator or sexual offender who commits any act or omission in
468 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
469 944.607, or former s. 947.177 may be prosecuted for the act or
470 omission in the county in which the act or omission was
471 committed, in the county of the last registered address of the
472 sexual predator or sexual offender, in the county in which the
473 conviction occurred for the offense or offenses that meet the
474 criteria for designating a person as a sexual predator or sexual
475 offender, in the county where the sexual predator or sexual
476 offender was released from incarceration, or in the county of
477 the intended address of the sexual predator or sexual offender
478 as reported by the predator or offender prior to his or her
479 release from incarceration. In addition, a sexual predator may
480 be prosecuted for any such act or omission in the county in
481 which he or she was designated a sexual predator.

482 Section 17. For the purpose of incorporating the amendment
483 made by this act to section 943.0435, Florida Statutes, in a
484 reference thereto, paragraph (b) of subsection (3) of section
485 775.261, Florida Statutes, is reenacted to read:

486 775.261 The Florida Career Offender Registration Act.—

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

488 (b) This section does not apply to any person who has been
489 designated as a sexual predator and required to register under
490 s. 775.21 or who is required to register as a sexual offender
491 under s. 943.0435 or s. 944.607. However, if a person is no
492 longer required to register as a sexual predator under s. 775.21
493 or as a sexual offender under s. 943.0435 or s. 944.607, the

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494 person must register as a career offender under this section if
495 the person is otherwise designated as a career offender as
496 provided in this section.

497 Section 18. For the purpose of incorporating the amendment
498 made by this act to section 943.0435, Florida Statutes, in a
499 reference thereto, paragraph (cc) of subsection (2) of section
500 900.05, Florida Statutes, is reenacted to read:

501 900.05 Criminal justice data collection.—

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

503 (cc) "Sexual offender flag" means an indication that a
504 defendant was required to register as a sexual predator as
505 defined in s. 775.21 or as a sexual offender as defined in s.
506 943.0435.

507 Section 19. For the purpose of incorporating the amendment
508 made by this act to section 943.0435, Florida Statutes, in a
509 reference thereto, paragraph (m) of subsection (2) of section
510 903.046, Florida Statutes, is reenacted to read:

511 903.046 Purpose of and criteria for bail determination.—

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

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

522 Section 20. For the purpose of incorporating the amendment

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523 made by this act to section 943.0435, Florida Statutes, in a
524 reference thereto, section 903.133, Florida Statutes, is
525 reenacted to read:

526 903.133 Bail on appeal; prohibited for certain felony
527 convictions.—Notwithstanding s. 903.132, no person shall be
528 admitted to bail pending review either by posttrial motion or
529 appeal if he or she was adjudged guilty of:

530 (1) A felony of the first degree for a violation of s.
531 782.04(2) or (3), s. 787.01, s. 794.011(4), s. 806.01, s.
532 893.13, or s. 893.135;

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

534 (3) Any other offense requiring sexual offender
535 registration under s. 943.0435(1)(h) or sexual predator
536 registration under s. 775.21(4) when, at the time of the
537 offense, the offender was 18 years of age or older and the
538 victim was a minor.

539 Section 21. For the purpose of incorporating the amendment
540 made by this act to section 943.0435, Florida Statutes, in a
541 reference thereto, paragraph (b) of subsection (4) of section
542 907.043, Florida Statutes, is reenacted to read:

543 907.043 Pretrial release; citizens' right to know.—

544 (4)

545 (b) The annual report must contain, but need not be limited
546 to:

547 1. The name, location, and funding sources of the pretrial
548 release program, including the amount of public funds, if any,
549 received by the pretrial release program.

550 2. The operating and capital budget of each pretrial
551 release program receiving public funds.

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552 3.a. The percentage of the pretrial release program's total
553 budget representing receipt of public funds.

554 b. The percentage of the total budget which is allocated to
555 assisting defendants obtain release through a nonpublicly funded
556 program.

557 c. The amount of fees paid by defendants to the pretrial
558 release program.

559 4. The number of persons employed by the pretrial release
560 program.

561 5. The number of defendants assessed and interviewed for
562 pretrial release.

563 6. The number of defendants recommended for pretrial
564 release.

565 7. The number of defendants for whom the pretrial release
566 program recommended against nonsecured release.

567 8. The number of defendants granted nonsecured release
568 after the pretrial release program recommended nonsecured
569 release.

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

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

574 11. The number of defendants for whom a risk assessment
575 tool was used in determining whether the defendant should be
576 released pending the disposition of the case and the number of
577 defendants for whom a risk assessment tool was not used.

578 12. The specific statutory citation for each criminal
579 charge related to a defendant whose case is accepted into a
580 pretrial release program, including, at a minimum, the number of

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581 defendants charged with dangerous crimes as defined in s.
582 907.041; nonviolent felonies; or misdemeanors only. A
583 "nonviolent felony" for purposes of this subparagraph excludes
584 the commission of, an attempt to commit, or a conspiracy to
585 commit any of the following:

- 586 a. An offense enumerated in s. 775.084(1)(c);
- 587 b. An offense that requires a person to register as a
588 sexual predator in accordance with s. 775.21 or as a sexual
589 offender in accordance with s. 943.0435;
- 590 c. Failure to register as a sexual predator in violation of
591 s. 775.21 or as a sexual offender in violation of s. 943.0435;
- 592 d. Facilitating or furthering terrorism in violation of s.
593 775.31;
- 594 e. A forcible felony as described in s. 776.08;
- 595 f. False imprisonment in violation of s. 787.02;
- 596 g. Burglary of a dwelling or residence in violation of s.
597 810.02(3);
- 598 h. Abuse, aggravated abuse, and neglect of an elderly
599 person or disabled adult in violation of s. 825.102;
- 600 i. Abuse, aggravated abuse, and neglect of a child in
601 violation of s. 827.03;
- 602 j. Poisoning of food or water in violation of s. 859.01;
- 603 k. Abuse of a dead human body in violation of s. 872.06;
- 604 l. A capital offense in violation of chapter 893;
- 605 m. An offense that results in serious bodily injury or
606 death to another human; or
- 607 n. A felony offense in which the defendant used a weapon or
608 firearm in the commission of the offense.

609 13. The number of defendants accepted into a pretrial

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610 release program with no prior criminal conviction.

611 14. The name and case number of each person granted
612 nonsecured release who:

613 a. Failed to attend a scheduled court appearance.

614 b. Was issued a warrant for failing to appear.

615 c. Was arrested for any offense while on release through
616 the pretrial release program.

617 15. Any additional information deemed necessary by the
618 governing body to assess the performance and cost efficiency of
619 the pretrial release program.

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

624 938.10 Additional court cost imposed in cases of certain
625 crimes.—

626 (1) If a person pleads guilty or nolo contendere to, or is
627 found guilty of, regardless of adjudication, any offense against
628 a minor in violation of s. 784.085, chapter 787, chapter 794,
629 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.
630 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,
631 s. 893.147(3), or s. 985.701, or any offense in violation of s.
632 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
633 court shall impose a court cost of \$151 against the offender in
634 addition to any other cost or penalty required by law.

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

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639 943.0436 Duty of the court to uphold laws governing sexual
640 predators and sexual offenders.—

641 (2) If a person meets the criteria in chapter 775 for
642 designation as a sexual predator or meets the criteria in s.
643 943.0435, s. 944.606, s. 944.607, or any other law for
644 classification as a sexual offender, the court may not enter an
645 order, for the purpose of approving a plea agreement or for any
646 other reason, which:

647 (a) Exempts a person who meets the criteria for designation
648 as a sexual predator or classification as a sexual offender from
649 such designation or classification, or exempts such person from
650 the requirements for registration or community and public
651 notification imposed upon sexual predators and sexual offenders;

652 (b) Restricts the compiling, reporting, or release of
653 public records information that relates to sexual predators or
654 sexual offenders; or

655 (c) Prevents any person or entity from performing its
656 duties or operating within its statutorily conferred authority
657 as such duty or authority relates to sexual predators or sexual
658 offenders.

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

663 943.0584 Criminal history records ineligible for court-
664 ordered expunction or court-ordered sealing.—

665 (2) A criminal history record is ineligible for a
666 certificate of eligibility for expunction or a court-ordered
667 expunction pursuant to s. 943.0585 or a certificate of

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668 eligibility for sealing or a court-ordered sealing pursuant to
669 s. 943.059 if the record is a conviction for any of the
670 following offenses:

671 (a) Sexual misconduct, as defined in s. 393.135, s.
672 394.4593, or s. 916.1075;

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

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

675 (d) Murder, as defined in s. 782.04, s. 782.065, or s.
676 782.09;

677 (e) Manslaughter or homicide, as defined in s. 782.07, s.
678 782.071, or s. 782.072;

679 (f) Assault or battery, as defined in ss. 784.011 and
680 784.03, respectively, of one family or household member by
681 another family or household member, as defined in s. 741.28(3);

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

683 (h) Felony battery, domestic battery by strangulation, or
684 aggravated battery, as defined in ss. 784.03, 784.041, and
685 784.045, respectively;

686 (i) Stalking or aggravated stalking, as defined in s.
687 784.048;

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

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

690 (l) Kidnapping or false imprisonment, as defined in s.
691 787.01 or s. 787.02;

692 (m) Any offense defined in chapter 794;

693 (n) Procuring a person less than 18 years of age for
694 prostitution, as defined in former s. 796.03;

695 (o) Lewd or lascivious offenses committed upon or in the
696 presence of persons less than 16 years of age, as defined in s.

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697 800.04;

698 (p) Arson, as defined in s. 806.01;

699 (q) Burglary of a dwelling, as defined in s. 810.02;

700 (r) Voyeurism or video voyeurism, as defined in ss. 810.14

701 and 810.145, respectively;

702 (s) Robbery or robbery by sudden snatching, as defined in

703 ss. 812.13 and 812.131, respectively;

704 (t) Carjacking, as defined in s. 812.133;

705 (u) Home-invasion robbery, as defined in s. 812.135;

706 (v) A violation of the Florida Communications Fraud Act, as

707 provided in s. 817.034;

708 (w) Abuse of an elderly person or disabled adult, or

709 aggravated abuse of an elderly person or disabled adult, as

710 defined in s. 825.102;

711 (x) Lewd or lascivious offenses committed upon or in the

712 presence of an elderly person or disabled person, as defined in

713 s. 825.1025;

714 (y) Child abuse or aggravated child abuse, as defined in s.

715 827.03;

716 (z) Sexual performance by a child, as defined in s.

717 827.071;

718 (aa) Any offense defined in chapter 839;

719 (bb) Certain acts in connection with obscenity, as defined

720 in s. 847.0133;

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

722 (dd) Selling or buying of minors, as defined in s.

723 847.0145;

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

725 (ff) Manufacturing a controlled substance in violation of

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726 chapter 893;

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

728 (hh) Any violation specified as a predicate offense for
729 registration as a sexual predator pursuant to s. 775.21, or
730 sexual offender pursuant to s. 943.0435, without regard to
731 whether that offense alone is sufficient to require such
732 registration.

733 Section 25. For the purpose of incorporating the amendment
734 made by this act to section 943.0435, Florida Statutes, in a
735 reference thereto, paragraph (a) of subsection (4) and
736 subsection (9) of section 944.607, Florida Statutes, are
737 reenacted to read:

738 944.607 Notification to Department of Law Enforcement of
739 information on sexual offenders.—

740 (4) A sexual offender, as described in this section, who is
741 under the supervision of the Department of Corrections but is
742 not incarcerated shall register with the Department of
743 Corrections within 3 business days after sentencing for a
744 registrable offense and otherwise provide information as
745 required by this subsection.

746 (a) The sexual offender shall provide his or her name; date
747 of birth; social security number; race; sex; height; weight;
748 hair and eye color; tattoos or other identifying marks; all
749 electronic mail addresses and Internet identifiers required to
750 be provided pursuant to s. 943.0435(4) (e); employment
751 information required to be provided pursuant to s.
752 943.0435(4) (e); all home telephone numbers and cellular
753 telephone numbers required to be provided pursuant to s.
754 943.0435(4) (e); the make, model, color, vehicle identification

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755 number (VIN), and license tag number of all vehicles owned;
756 permanent or legal residence and address of temporary residence
757 within the state or out of state while the sexual offender is
758 under supervision in this state, including any rural route
759 address or post office box; if no permanent or temporary
760 address, any transient residence within the state; and address,
761 location or description, and dates of any current or known
762 future temporary residence within the state or out of state. The
763 sexual offender shall also produce his or her passport, if he or
764 she has a passport, and, if he or she is an alien, shall produce
765 or provide information about documents establishing his or her
766 immigration status. The sexual offender shall also provide
767 information about any professional licenses he or she has. The
768 Department of Corrections shall verify the address of each
769 sexual offender in the manner described in ss. 775.21 and
770 943.0435. The department shall report to the Department of Law
771 Enforcement any failure by a sexual predator or sexual offender
772 to comply with registration requirements.

773 (9) A sexual offender, as described in this section, who is
774 under the supervision of the Department of Corrections but who
775 is not incarcerated shall, in addition to the registration
776 requirements provided in subsection (4), register and obtain a
777 distinctive driver license or identification card in the manner
778 provided in s. 943.0435(3), (4), and (5), unless the sexual
779 offender is a sexual predator, in which case he or she shall
780 register and obtain a distinctive driver license or
781 identification card as required under s. 775.21. A sexual
782 offender who fails to comply with the requirements of s.
783 943.0435 is subject to the penalties provided in s. 943.0435(9).

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

788 948.06 Violation of probation or community control;
789 revocation; modification; continuance; failure to pay
790 restitution or cost of supervision.—

791 (4) Notwithstanding any other provision of this section, a
792 felony probationer or an offender in community control who is
793 arrested for violating his or her probation or community control
794 in a material respect may be taken before the court in the
795 county or circuit in which the probationer or offender was
796 arrested. That court shall advise him or her of the charge of a
797 violation and, if such charge is admitted, shall cause him or
798 her to be brought before the court that granted the probation or
799 community control. If the violation is not admitted by the
800 probationer or offender, the court may commit him or her or
801 release him or her with or without bail to await further
802 hearing. However, if the probationer or offender is under
803 supervision for any criminal offense proscribed in chapter 794,
804 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a
805 registered sexual predator or a registered sexual offender, or
806 is under supervision for a criminal offense for which he or she
807 would meet the registration criteria in s. 775.21, s. 943.0435,
808 or s. 944.607 but for the effective date of those sections, the
809 court must make a finding that the probationer or offender is
810 not a danger to the public prior to release with or without
811 bail. In determining the danger posed by the offender's or
812 probationer's release, the court may consider the nature and

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813 circumstances of the violation and any new offenses charged; the
814 offender's or probationer's past and present conduct, including
815 convictions of crimes; any record of arrests without conviction
816 for crimes involving violence or sexual crimes; any other
817 evidence of allegations of unlawful sexual conduct or the use of
818 violence by the offender or probationer; the offender's or
819 probationer's family ties, length of residence in the community,
820 employment history, and mental condition; his or her history and
821 conduct during the probation or community control supervision
822 from which the violation arises and any other previous
823 supervisions, including disciplinary records of previous
824 incarcerations; the likelihood that the offender or probationer
825 will engage again in a criminal course of conduct; the weight of
826 the evidence against the offender or probationer; and any other
827 facts the court considers relevant. The court, as soon as is
828 practicable, shall give the probationer or offender an
829 opportunity to be fully heard on his or her behalf in person or
830 by counsel. After the hearing, the court shall make findings of
831 fact and forward the findings to the court that granted the
832 probation or community control and to the probationer or
833 offender or his or her attorney. The findings of fact by the
834 hearing court are binding on the court that granted the
835 probation or community control. Upon the probationer or offender
836 being brought before it, the court that granted the probation or
837 community control may revoke, modify, or continue the probation
838 or community control or may place the probationer into community
839 control as provided in this section. However, the probationer or
840 offender shall not be released and shall not be admitted to
841 bail, but shall be brought before the court that granted the

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842 probation or community control if any violation of felony
843 probation or community control other than a failure to pay costs
844 or fines or make restitution payments is alleged to have been
845 committed by:

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

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

852 (c) A person who is on felony probation or community
853 control and has previously been found by a court to be a
854 habitual violent felony offender as defined in s. 775.084(1)(b),
855 a three-time violent felony offender as defined in s.
856 775.084(1)(c), or a sexual predator under s. 775.21, and who is
857 arrested for committing a qualifying offense as defined in this
858 section on or after the effective date of this act.

859 Section 27. For the purpose of incorporating the amendment
860 made by this act to section 943.0435, Florida Statutes, in a
861 reference thereto, section 948.063, Florida Statutes, is
862 reenacted to read:

863 948.063 Violations of probation or community control by
864 designated sexual offenders and sexual predators.—

865 (1) If probation or community control for any felony
866 offense is revoked by the court pursuant to s. 948.06(2)(e) and
867 the offender is designated as a sexual offender pursuant to s.
868 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
869 775.21 for unlawful sexual activity involving a victim 15 years
870 of age or younger and the offender is 18 years of age or older,

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871 and if the court imposes a subsequent term of supervision
872 following the revocation of probation or community control, the
873 court must order electronic monitoring as a condition of the
874 subsequent term of probation or community control.

875 (2) If the probationer or offender is required to register
876 as a sexual predator under s. 775.21 or as a sexual offender
877 under s. 943.0435 or s. 944.607 for unlawful sexual activity
878 involving a victim 15 years of age or younger and the
879 probationer or offender is 18 years of age or older and has
880 violated the conditions of his or her probation or community
881 control, but the court does not revoke the probation or
882 community control, the court shall nevertheless modify the
883 probation or community control to include electronic monitoring
884 for any probationer or offender not then subject to electronic
885 monitoring.

886 Section 28. For the purpose of incorporating the amendment
887 made by this act to section 943.0435, Florida Statutes, in a
888 reference thereto, section 948.31, Florida Statutes, is
889 reenacted to read:

890 948.31 Evaluation and treatment of sexual predators and
891 offenders on probation or community control.—The court may
892 require any probationer or community controllee who is required
893 to register as a sexual predator under s. 775.21 or sexual
894 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
895 an evaluation, at the probationer or community controllee's
896 expense, by a qualified practitioner to determine whether such
897 probationer or community controllee needs sexual offender
898 treatment. If the qualified practitioner determines that sexual
899 offender treatment is needed and recommends treatment, the

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900 probationer or community controllee must successfully complete
901 and pay for the treatment. Such treatment must be obtained from
902 a qualified practitioner as defined in s. 948.001. Treatment may
903 not be administered by a qualified practitioner who has been
904 convicted or adjudicated delinquent of committing, or
905 attempting, soliciting, or conspiring to commit, any offense
906 that is listed in s. 943.0435(1)(h)1.a.(I).

907 Section 29. For the purpose of incorporating the amendment
908 made by this act to section 943.0435, Florida Statutes, in a
909 reference thereto, paragraph (b) of subsection (6) of section
910 985.04, Florida Statutes, is reenacted to read:

911 985.04 Oaths; records; confidential information.—

912 (6)

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

917 Section 30. For the purpose of incorporating the amendment
918 made by this act to section 943.0435, Florida Statutes, in a
919 reference thereto, subsection (9) and paragraph (c) of
920 subsection (10) of section 985.4815, Florida Statutes, are
921 reenacted to read:

922 985.4815 Notification to Department of Law Enforcement of
923 information on juvenile sexual offenders.—

924 (9) A sexual offender, as described in this section, who is
925 under the care, jurisdiction, or supervision of the department
926 but who is not incarcerated shall, in addition to the
927 registration requirements provided in subsection (4), register
928 in the manner provided in s. 943.0435(3), (4), and (5), unless

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929 the sexual offender is a sexual predator, in which case he or
930 she shall register as required under s. 775.21. A sexual
931 offender who fails to comply with the requirements of s.
932 943.0435 is subject to the penalties provided in s. 943.0435(9).

933 (10)

934 (c) An arrest on charges of failure to register when the
935 offender has been provided and advised of his or her statutory
936 obligations to register under s. 943.0435(2), the service of an
937 information or a complaint for a violation of this section, or
938 an arraignment on charges for a violation of this section
939 constitutes actual notice of the duty to register. A sexual
940 offender's failure to immediately register as required by this
941 section following such arrest, service, or arraignment
942 constitutes grounds for a subsequent charge of failure to
943 register. A sexual offender charged with the crime of failure to
944 register who asserts, or intends to assert, a lack of notice of
945 the duty to register as a defense to a charge of failure to
946 register shall immediately register as required by this section.
947 A sexual offender who is charged with a subsequent failure to
948 register may not assert the defense of a lack of notice of the
949 duty to register.

950 Section 31. For the purpose of incorporating the amendment
951 made by this act to section 943.0435, Florida Statutes, in a
952 reference thereto, paragraph (g) of subsection (2) of section
953 1012.467, Florida Statutes, is reenacted to read:

954 1012.467 Noninstructional contractors who are permitted
955 access to school grounds when students are present; background
956 screening requirements.—

957 (2)

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958 (g) A noninstructional contractor for whom a criminal
959 history check is required under this section may not have been
960 convicted of any of the following offenses designated in the
961 Florida Statutes, any similar offense in another jurisdiction,
962 or any similar offense committed in this state which has been
963 redesignated from a former provision of the Florida Statutes to
964 one of the following offenses:

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

967 2. Section 393.135, relating to sexual misconduct with
968 certain developmentally disabled clients and the reporting of
969 such sexual misconduct.

970 3. Section 394.4593, relating to sexual misconduct with
971 certain mental health patients and the reporting of such sexual
972 misconduct.

973 4. Section 775.30, relating to terrorism.

974 5. Section 782.04, relating to murder.

975 6. Section 787.01, relating to kidnapping.

976 7. Any offense under chapter 800, relating to lewdness and
977 indecent exposure.

978 8. Section 826.04, relating to incest.

979 9. Section 827.03, relating to child abuse, aggravated
980 child abuse, or neglect of a child.

981 Section 32. This act shall take effect upon becoming a law.