

1 A bill to be entitled
2 An act relating to harm to minors; providing a short
3 title; creating s. 501.173, F.S.; defining terms;
4 requiring manufacturers of tablets or smartphones to
5 manufacture such devices so that a filter meeting
6 certain requirements is enabled upon activation of the
7 device in this state; subjecting such manufacturers to
8 civil and criminal liability for certain acts of
9 noncompliance; providing an exception; providing civil
10 liability for individuals who enable a password to
11 remove the required filter on a device in the
12 possession of a minor under certain circumstances;
13 authorizing the Attorney General to enforce the act;
14 providing damages; authorizing a parent or legal
15 guardian to bring a civil action against certain
16 parties who violate the act under certain
17 circumstances; providing criminal penalties; amending
18 s. 787.025, F.S.; increasing criminal penalties for
19 adults who intentionally lure or entice, or who
20 attempt to lure or entice, children under the age of
21 12 into a structure, dwelling, or conveyance for other
22 than a lawful purpose; increasing criminal penalties
23 for committing a second or subsequent offense;
24 increasing criminal penalties for persons with
25 specified previous convictions who commit such

26 offense; creating s. 827.12, F.S.; defining the terms
27 "inappropriate relationship" and "sexual excitement";
28 prohibiting persons who are of at least a specified
29 age from knowingly engaging in any communication that
30 is part of a pattern of communication or behavior that
31 meets specified criteria; prohibiting persons who are
32 of at least a specified age from knowingly using
33 specified devices to seduce, solicit, lure, or entice
34 minors to, or attempt to, share specified images or
35 recorded images; providing criminal penalties;
36 providing enhanced criminal penalties; providing
37 applicability; amending s. 921.0022, F.S.; ranking
38 offenses on the offense severity ranking chart of the
39 Criminal Punishment Code; amending ss. 943.0435,
40 944.606, and 944.607, F.S.; revising the definition of
41 the term "sexual offender"; reenacting ss. 61.13(2)(c)
42 and (9)(c), 68.07(3)(i) and (6), 92.55(1)(b),
43 98.0751(2)(b), 394.9125(2), 397.487(10)(b),
44 435.07(4)(b), 775.0862(2), 900.05(2)(cc),
45 903.046(2)(m), 903.133, 907.043(4)(b), 921.1425(7)(d),
46 934.255(2)(a), 938.10(1), 943.0584(2), 943.0595(2)(a),
47 944.607(4)(a) and (9), 947.1405(12), 948.013(2)(b),
48 948.05(2)(f), 948.06(4), 948.30(4), 985.4815(9), and
49 1012.467(2)(b), F.S., relating to support of children,
50 parenting and time-sharing, and powers of court;

51 change of name; special protections in proceedings
52 involving a victim or witness younger than 18 years of
53 age, a person with intellectual disability, or a
54 sexual offense victim; restoration of voting rights
55 and termination of ineligibility subsequent to a
56 felony conviction; state attorneys and the authority
57 to refer a person for civil commitment; voluntary
58 certification of recovery residences; exemptions from
59 disqualification; sexual offenses against students by
60 authority figures and reclassification; criminal
61 justice data collection; purpose of and criteria for
62 bail determination; bail on appeal, prohibited for
63 certain felony convictions; pretrial release and
64 citizens' right to know; sentences of death or life
65 imprisonment for capital sexual battery and further
66 proceedings to determine sentence; subpoenas in
67 investigations of sexual offenses; additional court
68 cost imposed in cases of certain crimes; criminal
69 history records ineligible for court-ordered
70 expunction or court-ordered sealing; automatic sealing
71 of criminal history records and confidentiality of
72 related court records; notification to the Department
73 of Law Enforcement of information on sexual offenders;
74 conditional release program; administrative probation;
75 court to admonish or commend probationer or offender

76 | in community control and graduated incentives;
77 | violation of probation or community control,
78 | revocation, modification, continuance, and failure to
79 | pay restitution or cost of supervision; additional
80 | terms and conditions of probation or community control
81 | for certain sex offenses; notification to department
82 | of information on juvenile sexual offenders; and
83 | noninstructional contractors who are permitted access
84 | to school grounds when students are present and
85 | background screening requirements, respectively, to
86 | incorporate the amendment made to s. 943.0435, F.S.,
87 | in references thereto; reenacting s. 944.608(7), F.S.,
88 | relating to notification to the department of
89 | information on career offenders, to incorporate the
90 | amendment made to s. 944.607, F.S., in a reference
91 | thereto; reenacting s. 943.0435(3) and (4) (a), F.S.,
92 | relating to sexual offenders required to register with
93 | the department and penalties, to incorporate the
94 | amendments made to s. 944.606 and 944.607, F.S., in
95 | references thereto; reenacting ss. 320.02(4),
96 | 322.141(3), 322.19(1) and (2), 775.13(4),
97 | 775.21(5) (d), (6) (f), and (10) (d), 775.261(3) (b),
98 | 948.06(4), and 948.063, F.S., relating to registration
99 | required, applications for registration, and forms;
100 | color or markings of certain licenses or

101 identification cards; change of address or name;
 102 registration of convicted felons, exemptions, and
 103 penalties; the Florida Sexual Predators Act; the
 104 Florida Career Offender Registration Act; violation of
 105 probation or community control, revocation,
 106 modification, continuance, and failure to pay
 107 restitution or cost of supervision; and violations of
 108 probation or community control by designated sexual
 109 offenders and sexual predators, respectively, to
 110 incorporate the amendments made by this act to ss.
 111 943.0435 and 944.607, F.S., in references thereto;
 112 reenacting ss. 775.24(2), 775.25, 943.0436(2), 948.31,
 113 and 985.04(6)(b), relating to the duty of the court to
 114 uphold laws governing sexual predators and sexual
 115 offenders; prosecutions for acts or omissions; the
 116 duty of the court to uphold laws governing sexual
 117 predators and sexual offenders; evaluation and
 118 treatment of sexual predators and offenders on
 119 probation or community control; and oaths, records,
 120 confidential information, respectively, to incorporate
 121 the amendments made to ss. 943.0435, 944.606, and
 122 944.607, F.S., in references thereto; providing an
 123 effective date.

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125 Be It Enacted by the Legislature of the State of Florida:

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Section 1. This act may be cited as the "Protect Our Children Act."

Section 2. Section 501.173, Florida Statutes, is created to read:

501.173 Device filtering of content harmful to minors.—

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

(a) "Activate" means the process of powering on a device and associating it with a new user account.

(b) "Device" means a tablet or smartphone manufactured on or after January 1, 2025.

(c) "Filter" means software installed on a device which is capable of preventing the device from accessing or displaying material that is harmful to minors through the Internet or through an application owned and controlled by the manufacturer and installed on the device.

(d) "Harmful to minors" has the same meaning as in s. 847.001.

(e) "Internet" means the global information system logically linked together by a globally unique address space based on the Internet protocol (IP), or its subsequent extensions, which is able to support communications using the transmission control protocol/Internet protocol suite, or its subsequent extensions, or other IP-compatible protocols, and which provides, uses, or makes accessible, either publicly or

151 privately, high-level services layered on communications and
152 related infrastructure.

153 (f) "Manufacturer" means a person that:

154 1. Is engaged in the business of manufacturing a device;

155 and

156 2. Has a registered agent in this state in accordance with
157 part I of chapter 607.

158 (g) "Minor" means an individual under the age of 18 who is
159 not emancipated, married, or a member of the Armed Forces of the
160 United States.

161 (h) "Smartphone" means an electronic device that combines
162 a cellular phone with a handheld computer, typically offering
163 Internet access, data storage, texting, and e-mail capabilities.

164 (i) "Tablet" means an Internet-ready device equipped with
165 an operating system, a touchscreen display, and a rechargeable
166 battery which has the ability to support access to a cellular
167 network.

168 (2) FILTER REQUIRED.—Beginning on January 1, 2025, a
169 manufacturer shall manufacture a device that, when activated in
170 this state, automatically enables a filter that does all of the
171 following:

172 (a) Prevents the user from accessing or downloading
173 material that is harmful to minors on any of the following:

174 1. A mobile data network.

175 2. An application owned and controlled by the

176 manufacturer.

177 3. A wired Internet network.

178 4. A wireless Internet network.

179 (b) Notifies the user of the device when the filter blocks
 180 the device from downloading an application or accessing an
 181 Internet website.

182 (c) Gives a user with a password the opportunity to
 183 unblock a filtered application or website.

184 (d) Reasonably precludes a user other than a user with a
 185 password the opportunity to deactivate, modify, or uninstall the
 186 filter.

187 (3) MANUFACTURER LIABILITY.—

188 (a) Beginning January 1, 2025, a manufacturer of a device
 189 is subject to civil and criminal liability if:

190 1. The device is activated in this state;

191 2. The device does not, upon activation, enable a filter
 192 that complies with the requirements described in subsection (2);
 193 and

194 3. A minor accesses material that is harmful to minors on
 195 the device.

196 (b) Notwithstanding paragraph (a), this section does not
 197 apply to a manufacturer that makes a good faith effort to
 198 provide a device that, upon activation of the device in this
 199 state, automatically enables a generally accepted and
 200 commercially reasonable filter in accordance with this section

201 and industry standards.

202 (4) INDIVIDUAL LIABILITY.—With the exception of a minor's
 203 parent or legal guardian, any person may be liable in a civil
 204 action for enabling the password to remove the filter on a
 205 device in the possession of a minor if the minor accesses
 206 content that is harmful to minors on the device.

207 (5) PROCEEDINGS BY THE ATTORNEY GENERAL.—

208 (a) If the Attorney General has reason to believe a person
 209 violated or is violating this section, the Attorney General,
 210 acting in the public interest, may do any of the following:

211 1. Enjoin an action that constitutes a violation of this
 212 section by issuing a temporary restraining order or preliminary
 213 or permanent injunction.

214 2. Bring an action to recover from the alleged violator a
 215 civil penalty not to exceed \$5,000 per violation and not to
 216 exceed a total of \$50,000 in aggregate, as determined by the
 217 court.

218 3. Bring an action to recover from the alleged violator
 219 the Attorney General's reasonable expenses, investigative costs,
 220 and attorney fees.

221 4. Bring an action to obtain other appropriate relief as
 222 provided for under this section.

223 (b) The Attorney General, in addition to other powers
 224 conferred upon him or her by this subsection, may issue
 225 subpoenas to any person and conduct hearings in aid of any

226 investigation or inquiry.

227 (c) The Attorney General may seek the revocation of any
228 license or certificate authorizing a manufacturer to engage in
229 business in this state.

230 (d) For purposes of assessing a penalty under this
231 section, a manufacturer is considered to have committed a
232 separate violation for each device manufactured on or after
233 January 1, 2025, which violates this section.

234 (6) CIVIL ACTION BY THE PARENT OR LEGAL GUARDIAN.—

235 (a) Any parent or legal guardian of a minor who accesses
236 content that is harmful to minors in violation of this section
237 may bring a private cause of action in any court of competent
238 jurisdiction against a manufacturer that failed to comply with
239 this section. A prevailing plaintiff may recover any of the
240 following:

241 1. Actual damages or, in the discretion of the court when
242 actual damages are difficult to ascertain due to the nature of
243 the injury, liquidated damages in the amount of \$50,000 for each
244 violation.

245 2. When a violation is found to be knowing and willful,
246 punitive damages in an amount determined by the court.

247 3. Nominal damages.

248 4. Such other relief as the court deems appropriate,
249 including court costs and expenses.

250 5. For a prevailing plaintiff, the collection of attorney

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251 fees against a violating manufacturer.

252 (b) This section does not preclude the bringing of a class
253 action lawsuit against a manufacturer when its conduct in
254 violation of this section is knowing and willful.

255 (c) Any parent or legal guardian of a child may bring an
256 action in a court of competent jurisdiction against any person
257 who is not the parent or legal guardian of the child and who
258 enables the password to remove the filter from a device in the
259 possession of the child which results in the child's exposure to
260 content that is harmful to minors.

261 (7) CRIMINAL PENALTIES.—

262 (a) Beginning on January 1, 2025, a person, with the
263 exception of a parent or legal guardian, may not enable the
264 password to remove the filter on a device in the possession of a
265 minor.

266 (b) A person who violates paragraph (a) is subject to a
267 fine not to exceed \$5,000 for a first offense and not to exceed
268 \$50,000 for a second offense. However, a person who violates
269 paragraph (a) for a second or subsequent time within 1 year of
270 the first violation commits a misdemeanor of the first degree,
271 punishable as provided in s. 775.082 or s. 775.083.

272 Section 3. Subsection (2) of section 787.025, Florida
273 Statutes, is amended to read:

274 787.025 Luring or enticing a child.—

275 (2)(a) A person 18 years of age or older who intentionally

276 lures or entices, or attempts to lure or entice, a child under
 277 the age of 12 into a structure, dwelling, or conveyance for
 278 other than a lawful purpose commits a felony ~~misdemeanor~~ of the
 279 third ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s.
 280 775.083, or s. 775.084.

281 (b) A person 18 years of age or older who, having been
 282 previously convicted of a violation of paragraph (a),
 283 intentionally lures or entices, or attempts to lure or entice, a
 284 child under the age of 12 into a structure, dwelling, or
 285 conveyance for other than a lawful purpose commits a felony of
 286 the second ~~third~~ degree, punishable as provided in s. 775.082,
 287 s. 775.083, or s. 775.084.

288 (c) A person 18 years of age or older who, having been
 289 previously convicted of a violation of chapter 794, s. 800.04,
 290 or s. 847.0135(5), or a violation of a similar law of another
 291 jurisdiction, intentionally lures or entices, or attempts to
 292 lure or entice, a child under the age of 12 into a structure,
 293 dwelling, or conveyance for other than a lawful purpose commits
 294 a felony of the second ~~third~~ degree, punishable as provided in
 295 s. 775.082, s. 775.083, or s. 775.084.

296 Section 4. Section 827.12, Florida Statutes, is created to
 297 read:

298 827.12 Harmful communication with a minor; penalty.—

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

300 (a) "Inappropriate relationship" means a relationship in

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301 which a person 18 years of age or older engages in communication
302 with a minor which is explicit and includes detailed verbal
303 descriptions or narrative accounts of sexual conduct as defined
304 in s. s. 847.001 or sexual excitement for the purpose of sexual
305 excitement of either party using a computer online service,
306 Internet service, local bulletin board service, or any other
307 means or device capable of electronic data storage or
308 transmission.

309 (b) "Sexual excitement" has the same meaning as in s.
310 847.001.

311 (2)(a) A person 18 years of age or older may not knowingly
312 engage in any communication that is part of a pattern of
313 communication or behavior that is:

314 1. Designed to maintain an inappropriate relationship with
315 a minor or another person believed by the person to be a minor;
316 or

317 2. Harmful to minors as defined in s. 847.001.

318 (b) A person 18 years of age or older may not knowingly
319 use a computer online service, Internet service, local bulletin
320 board service, or any other means or device capable of
321 electronic data storage or transmission to seduce, solicit,
322 lure, or entice, or attempt to seduce, solicit, lure, or entice,
323 a minor or another person believed by the person to be a minor
324 to share an image or a recorded image depicting nudity of the
325 minor for the sexual excitement of either party. As used in this

326 paragraph, nudity has the same meaning as in s. 847.001.

327 (c) A person who violates this subsection commits the
 328 offense of harmful communication with a minor.

329 (3)(a) Except as provided in paragraph (b), a person who
 330 violates this section commits a felony of the third degree,
 331 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

332 (b) A person who violates this section with a minor who is
 333 younger than 12 years of age commits a felony of the second
 334 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 335 775.084.

336 (4) This section does not apply to any act of medical
 337 diagnosis, treatment, or educational conversations by a parent,
 338 caregiver, or educator for the purposes of sexual education, and
 339 not intended to elicit sexual excitement.

340 Section 5. Paragraphs (c) and (e) of subsection (3) of
 341 section 921.0022, Florida Statutes, are amended to read:

342 921.0022 Criminal Punishment Code; offense severity
 343 ranking chart.—

344 (3) OFFENSE SEVERITY RANKING CHART

345 (c) LEVEL 3

346

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of

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			confidential information from police reports.
348	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
349	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
350	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
351	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
352	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
353	319.33 (1) (c)	3rd	Procure or pass title

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			on stolen vehicle.
354	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
355	327.35(2)(b)	3rd	Felony BUI.
356	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
357	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
358	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
359	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be

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destroyed, transferring,
 selling, offering to sell,
 molesting, or harassing marine
 turtles, marine turtle eggs, or
 marine turtle nests in violation
 of the Marine Turtle Protection
 Act.

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379.2431
 (1) (e) 6.

3rd Possessing any marine turtle
 species or hatchling, or
 parts thereof, or the nest
 of any marine turtle species
 described in the Marine
 Turtle Protection Act.

361

379.2431
 (1) (e) 7.

3rd Soliciting to commit or
 conspiring to commit a
 violation of the Marine
 Turtle Protection Act.

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400.9935(4) (a)
 or (b)

3rd Operating a clinic, or
 offering services
 requiring licensure,
 without a license.

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364	400.9935(4)(e)	3rd	Filing a false license application or other required information or failing to report information.
365	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
366	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
367	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
367	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.

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368	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
369	697.08	3rd	Equity skimming.
370	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
371	794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
372	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
373	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
374	810.09 (2) (c)	3rd	Trespass on property other than structure or

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			conveyance armed with firearm or dangerous weapon.
375	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
376	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
377	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
378	812.081 (2)	3rd	Theft of a trade secret.
379	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
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381	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
382	817.233	3rd	Burning to defraud insurer.
383	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
384	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
385	817.236	3rd	Filing a false motor vehicle insurance application.
386	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

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387	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
388	817.49(2) (b) 1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
389	<u>827.12(3) (a)</u>	<u>3rd</u>	<u>Harmful communication with a minor who is 12 years of age or older.</u>
390	831.28(2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
391	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.

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392	836.13(2)	3rd	Person who promotes an altered sexual depiction of an identifiable person without consent.
393	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
394	860.15(3)	3rd	Overcharging for repairs and parts.
395	870.01(2)	3rd	Riot.
396	870.01(4)	3rd	Inciting a riot.
397	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).

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398	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
399	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
400	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
	893.13(6)(a)	3rd	Possession of any controlled substance

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401	893.13(7)(a)8.	3rd	<p>other than felony possession of cannabis.</p> <p>Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.</p>
402	893.13(7)(a)9.	3rd	<p>Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.</p>
403	893.13(7)(a)10.	3rd	<p>Affix false or forged label to package of controlled substance.</p>
404	893.13(7)(a)11.	3rd	<p>Furnish false or fraudulent material information on any document or record required by chapter 893.</p>
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|-----|----------------|-----|--|
| 406 | 893.13(8)(a)1. | 3rd | Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice. |
| 407 | 893.13(8)(a)2. | 3rd | Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance. |
| 408 | 893.13(8)(a)3. | 3rd | Knowingly write a prescription for a controlled substance for a fictitious person. |
| 408 | 893.13(8)(a)4. | 3rd | Write a prescription for a controlled substance for a patient, other person, or an animal if the sole |

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409			purpose of writing the prescription is a monetary benefit for the practitioner.
410	918.13(1)	3rd	Tampering with or fabricating physical evidence.
411	944.47 (1) (a) 1. & 2.	3rd	Introduce contraband to correctional facility.
412	944.47(1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
413	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
414	(e) LEVEL 5		
415	Florida Statute	Felony Degree	Description

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416	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
417	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
418	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
419	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
420	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
421	379.365 (2) (c) 1.	3rd	Violation of rules relating

to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

422

379.367 (4)

3rd

Willful molestation of a commercial harvester's spiny lobster trap, line,

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423	379.407 (5) (b) 3.	3rd	or buoy. Possession of 100 or more undersized spiny lobsters.
424	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
425	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
426	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
427	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

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428	624.401 (4) (b) 2 .	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
429	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
430	790.01 (3)	3rd	Unlawful carrying of a concealed firearm.
431	790.162	2nd	Threat to throw or discharge destructive device.
432	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
433	790.221 (1)	2nd	Possession of short-barreled shotgun or

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434			machine gun.
434	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
435	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
436	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
437	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
438	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
439	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or

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			more but less than \$50,000.
440	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
441	812.015 (8) (f)	3rd	Retail theft; multiple thefts within specified period.
442	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
443	812.081 (3)	2nd	Trafficking in trade secrets.
444	812.131 (2) (b)	3rd	Robbery by sudden snatching.
445	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
446	817.034 (4) (a) 2.	2nd	Communications fraud,

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447	<u>827.12(3)(b)</u>	<u>2nd</u>	value \$20,000 to \$50,000.
448	817.234(11)(b)	2nd	<u>Harmful communication with a minor younger than 12 years of age.</u>
449	817.2341(1), (2)(a) & (3)(a)	3rd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
450	817.568(2)(b)	2nd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
			Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use

451	817.611 (2) (a)	2nd	of personal identification information of 10 or more persons.
452	817.625 (2) (b)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
453	825.1025 (4)	3rd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
454	827.071 (4)	2nd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
			Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.

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455	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
456	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
457	836.14 (4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
458	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
459			

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460	843.01(1)	3rd	Resist officer with violence to person; resist arrest with violence.
461	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
462	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
463	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
464	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal

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465	893.13(1)(a)1.	2nd	gang. Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).
466	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
467	893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other

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468	893.13(1)(e)2.	2nd	<p>s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.</p> <p>Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.</p>
469	893.13(1)(f)1.	1st	<p>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.</p>

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470 | 893.13(4)(b) | 2nd | Use or hire of minor;
 | | | deliver to minor other
 | | | controlled substance.

471 | 893.1351(1) | 3rd | Ownership, lease, or rental
 | | | for trafficking in or
 | | | manufacturing of controlled
 | | | substance.

472 |
 473 | Section 6. Paragraph (h) of subsection (1) of section
 474 | 943.0435, Florida Statutes, is amended to read:

475 | 943.0435 Sexual offenders required to register with the
 476 | department; penalty.—

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

478 | (h)1. "Sexual offender" means a person who meets the
 479 | criteria in sub-subparagraph a., sub-subparagraph b., sub-
 480 | subparagraph c., or sub-subparagraph d., as follows:

481 | a.(I) Has been convicted of committing, or attempting,
 482 | soliciting, or conspiring to commit, any of the criminal
 483 | offenses proscribed in the following statutes in this state or
 484 | similar offenses in another jurisdiction: s. 393.135(2); s.
 485 | 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 486 | the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
 487 | s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.

488 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
489 810.145(8); s. 825.1025; s. 827.071; s. 827.12; s. 847.0133; s.
490 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
491 847.0145; s. 895.03, if the court makes a written finding that
492 the racketeering activity involved at least one sexual offense
493 listed in this sub-sub-subparagraph or at least one offense
494 listed in this sub-sub-subparagraph with sexual intent or
495 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
496 committed in this state which has been redesignated from a
497 former statute number to one of those listed in this sub-sub-
498 subparagraph; and

499 (II) Has been released on or after October 1, 1997, from a
500 sanction imposed for any conviction of an offense described in
501 sub-sub-subparagraph (I) and does not otherwise meet the
502 criteria for registration as a sexual offender under chapter 944
503 or chapter 985. For purposes of this sub-sub-subparagraph, a
504 sanction imposed in this state or in any other jurisdiction
505 means probation, community control, parole, conditional release,
506 control release, or incarceration in a state prison, federal
507 prison, private correctional facility, or local detention
508 facility. If no sanction is imposed, the person is deemed to be
509 released upon conviction;

510 b. Establishes or maintains a residence in this state and
511 who has not been designated as a sexual predator by a court of
512 this state but who has been designated as a sexual predator, as

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513 a sexually violent predator, or by another sexual offender
514 designation in another state or jurisdiction and was, as a
515 result of such designation, subjected to registration or
516 community or public notification, or both, or would be if the
517 person were a resident of that state or jurisdiction, without
518 regard to whether the person otherwise meets the criteria for
519 registration as a sexual offender;

520 c. Establishes or maintains a residence in this state who
521 is in the custody or control of, or under the supervision of,
522 any other state or jurisdiction as a result of a conviction for
523 committing, or attempting, soliciting, or conspiring to commit,
524 any of the criminal offenses proscribed in the following
525 statutes or similar offense in another jurisdiction: s.
526 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
527 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
528 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
529 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
530 s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 827.12; s.
531 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
532 847.0138; s. 847.0145; s. 895.03, if the court makes a written
533 finding that the racketeering activity involved at least one
534 sexual offense listed in this sub-subparagraph or at least one
535 offense listed in this sub-subparagraph with sexual intent or
536 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
537 committed in this state which has been redesignated from a

538 former statute number to one of those listed in this sub-
 539 subparagraph; or

540 d. On or after July 1, 2007, has been adjudicated
 541 delinquent for committing, or attempting, soliciting, or
 542 conspiring to commit, any of the criminal offenses proscribed in
 543 the following statutes in this state or similar offenses in
 544 another jurisdiction when the juvenile was 14 years of age or
 545 older at the time of the offense:

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

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

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

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

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

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

560
 561 For each violation of a qualifying offense listed in this
 562 subsection, except for a violation of s. 794.011, the court

563 shall make a written finding of the age of the victim at the
 564 time of the offense. For a violation of s. 800.04(4), the court
 565 shall also make a written finding indicating whether the offense
 566 involved sexual activity and indicating whether the offense
 567 involved force or coercion. For a violation of s. 800.04(5), the
 568 court shall also make a written finding that the offense did or
 569 did not involve unclothed genitals or genital area and that the
 570 offense did or did not involve the use of force or coercion.

571 Section 7. Paragraph (f) of subsection (1) of section
 572 944.606, Florida Statutes, is amended to read:

573 944.606 Sexual offenders; notification upon release.—

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

575 (f) "Sexual offender" means a person who has been
 576 convicted of committing, or attempting, soliciting, or
 577 conspiring to commit, any of the criminal offenses proscribed in
 578 the following statutes in this state or similar offenses in
 579 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
 580 s. 787.02, or s. 787.025(2) (c), where the victim is a minor; s.
 581 787.06(3) (b), (d), (f), or (g); former s. 787.06(3) (h); s.
 582 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 583 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
 584 827.071; s. 827.12; s. 847.0133; s. 847.0135, excluding s.
 585 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
 586 if the court makes a written finding that the racketeering
 587 activity involved at least one sexual offense listed in this

588 paragraph or at least one offense listed in this paragraph with
 589 sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or
 590 any similar offense committed in this state which has been
 591 redesignated from a former statute number to one of those listed
 592 in this subsection, when the department has received verified
 593 information regarding such conviction; an offender's
 594 computerized criminal history record is not, in and of itself,
 595 verified information.

596 Section 8. Paragraph (f) of subsection (1) of section
 597 944.607, Florida Statutes, is amended to read:

598 944.607 Notification to Department of Law Enforcement of
 599 information on sexual offenders.—

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

601 (f) "Sexual offender" means a person who is in the custody
 602 or control of, or under the supervision of, the department or is
 603 in the custody of a private correctional facility:

604 1. On or after October 1, 1997, as a result of a
 605 conviction for committing, or attempting, soliciting, or
 606 conspiring to commit, any of the criminal offenses proscribed in
 607 the following statutes in this state or similar offenses in
 608 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
 609 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 610 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 611 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 612 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.

613 827.071; s. 827.12; s. 847.0133; s. 847.0135, excluding s.
614 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
615 if the court makes a written finding that the racketeering
616 activity involved at least one sexual offense listed in this
617 subparagraph or at least one offense listed in this subparagraph
618 with sexual intent or motive; s. 916.1075(2); or s. 985.701(1);
619 or any similar offense committed in this state which has been
620 redesignated from a former statute number to one of those listed
621 in this paragraph; or

622 2. Who establishes or maintains a residence in this state
623 and who has not been designated as a sexual predator by a court
624 of this state but who has been designated as a sexual predator,
625 as a sexually violent predator, or by another sexual offender
626 designation in another state or jurisdiction and was, as a
627 result of such designation, subjected to registration or
628 community or public notification, or both, or would be if the
629 person were a resident of that state or jurisdiction, without
630 regard as to whether the person otherwise meets the criteria for
631 registration as a sexual offender.

632 Section 9. For the purpose of incorporating the amendment
633 made by this act to section 943.0435, Florida Statutes, in
634 references thereto, paragraph (c) of subsection (2) and
635 paragraph (c) of subsection (9) of section 61.13, Florida
636 Statutes, are reenacted to read:

637 61.13 Support of children; parenting and time-sharing;

638 powers of court.—

639 (2)

640 (c) The court shall determine all matters relating to
 641 parenting and time-sharing of each minor child of the parties in
 642 accordance with the best interests of the child and in
 643 accordance with the Uniform Child Custody Jurisdiction and
 644 Enforcement Act, except that modification of a parenting plan
 645 and time-sharing schedule requires a showing of a substantial
 646 and material change of circumstances.

647 1. It is the public policy of this state that each minor
 648 child has frequent and continuing contact with both parents
 649 after the parents separate or the marriage of the parties is
 650 dissolved and to encourage parents to share the rights and
 651 responsibilities, and joys, of childrearing. Unless otherwise
 652 provided in this section or agreed to by the parties, there is a
 653 rebuttable presumption that equal time-sharing of a minor child
 654 is in the best interests of the minor child. To rebut this
 655 presumption, a party must prove by a preponderance of the
 656 evidence that equal time-sharing is not in the best interests of
 657 the minor child. Except when a time-sharing schedule is agreed
 658 to by the parties and approved by the court, the court must
 659 evaluate all of the factors set forth in subsection (3) and make
 660 specific written findings of fact when creating or modifying a
 661 time-sharing schedule.

662 2. The court shall order that the parental responsibility

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663 for a minor child be shared by both parents unless the court
664 finds that shared parental responsibility would be detrimental
665 to the child. In determining detriment to the child, the court
666 shall consider:

667 a. Evidence of domestic violence, as defined in s. 741.28;

668 b. Whether either parent has or has had reasonable cause
669 to believe that he or she or his or her minor child or children
670 are or have been in imminent danger of becoming victims of an
671 act of domestic violence as defined in s. 741.28 or sexual
672 violence as defined in s. 784.046(1)(c) by the other parent
673 against the parent or against the child or children whom the
674 parents share in common regardless of whether a cause of action
675 has been brought or is currently pending in the court;

676 c. Whether either parent has or has had reasonable cause
677 to believe that his or her minor child or children are or have
678 been in imminent danger of becoming victims of an act of abuse
679 as defined in s. 39.01(2), abandonment as defined in s.
680 39.01(1), or neglect as defined in s. 39.01(50) by the other
681 parent against the child or children whom the parents share in
682 common regardless of whether a cause of action has been brought
683 or is currently pending in the court; and

684 d. Any other relevant factors.

685 3. The following evidence creates a rebuttable presumption
686 that shared parental responsibility is detrimental to the child:

687 a. A parent has been convicted of a misdemeanor of the

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688 first degree or higher involving domestic violence, as defined
689 in s. 741.28 and chapter 775;

690 b. A parent meets the criteria of s. 39.806(1)(d); or

691 c. A parent has been convicted of or had adjudication
692 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and
693 at the time of the offense:

694 (I) The parent was 18 years of age or older.

695 (II) The victim was under 18 years of age or the parent
696 believed the victim to be under 18 years of age.

697

698 If the presumption is not rebutted after the convicted parent is
699 advised by the court that the presumption exists, shared
700 parental responsibility, including time-sharing with the child,
701 and decisions made regarding the child, may not be granted to
702 the convicted parent. However, the convicted parent is not
703 relieved of any obligation to provide financial support. If the
704 court determines that shared parental responsibility would be
705 detrimental to the child, it may order sole parental
706 responsibility and make such arrangements for time-sharing as
707 specified in the parenting plan as will best protect the child
708 or abused spouse from further harm. Whether or not there is a
709 conviction of any offense of domestic violence or child abuse or
710 the existence of an injunction for protection against domestic
711 violence, the court shall consider evidence of domestic violence
712 or child abuse as evidence of detriment to the child.

713 4. In ordering shared parental responsibility, the court
714 may consider the expressed desires of the parents and may grant
715 to one party the ultimate responsibility over specific aspects
716 of the child's welfare or may divide those responsibilities
717 between the parties based on the best interests of the child.
718 Areas of responsibility may include education, health care, and
719 any other responsibilities that the court finds unique to a
720 particular family.

721 5. The court shall order sole parental responsibility for
722 a minor child to one parent, with or without time-sharing with
723 the other parent if it is in the best interests of the minor
724 child.

725 6. There is a rebuttable presumption against granting
726 time-sharing with a minor child if a parent has been convicted
727 of or had adjudication withheld for an offense enumerated in s.
728 943.0435(1)(h)1.a., and at the time of the offense:

729 a. The parent was 18 years of age or older.

730 b. The victim was under 18 years of age or the parent
731 believed the victim to be under 18 years of age.

732
733 A parent may rebut the presumption upon a specific finding in
734 writing by the court that the parent poses no significant risk
735 of harm to the child and that time-sharing is in the best
736 interests of the minor child. If the presumption is rebutted,
737 the court must consider all time-sharing factors in subsection

738 (3) when developing a time-sharing schedule.

739 7. Access to records and information pertaining to a minor
 740 child, including, but not limited to, medical, dental, and
 741 school records, may not be denied to either parent. Full rights
 742 under this subparagraph apply to either parent unless a court
 743 order specifically revokes these rights, including any
 744 restrictions on these rights as provided in a domestic violence
 745 injunction. A parent having rights under this subparagraph has
 746 the same rights upon request as to form, substance, and manner
 747 of access as are available to the other parent of a child,
 748 including, without limitation, the right to in-person
 749 communication with medical, dental, and education providers.

750 (9)

751 (c) A court may not order visitation at a recovery
 752 residence if any resident of the recovery residence is currently
 753 required to register as a sexual predator under s. 775.21 or as
 754 a sexual offender under s. 943.0435.

755 Section 10. For the purpose of incorporating the amendment
 756 made by this act to section 943.0435, Florida Statutes, in
 757 references thereto, paragraph (i) of subsection (3) and
 758 subsection (6) of section 68.07, Florida Statutes, are reenacted
 759 to read:

760 68.07 Change of name.—

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

762 (i) Whether the petitioner has ever been required to

763 register as a sexual predator under s. 775.21 or as a sexual
764 offender under s. 943.0435.

765 (6) The clerk of the court must, within 5 business days
766 after the filing of the final judgment, send a report of the
767 judgment to the Department of Law Enforcement on a form to be
768 furnished by that department. If the petitioner is required to
769 register as a sexual predator or a sexual offender pursuant to
770 s. 775.21 or s. 943.0435, the clerk of court shall
771 electronically notify the Department of Law Enforcement of the
772 name change, in a manner prescribed by that department, within 2
773 business days after the filing of the final judgment. The
774 Department of Law Enforcement must send a copy of the report to
775 the Department of Highway Safety and Motor Vehicles, which may
776 be delivered by electronic transmission. The report must contain
777 sufficient information to identify the petitioner, including the
778 results of the criminal history records check if applicable, the
779 new name of the petitioner, and the file number of the judgment.
780 The Department of Highway Safety and Motor Vehicles shall
781 monitor the records of any sexual predator or sexual offender
782 whose name has been provided to it by the Department of Law
783 Enforcement. If the sexual predator or sexual offender does not
784 obtain a replacement driver license or identification card
785 within the required time as specified in s. 775.21 or s.
786 943.0435, the Department of Highway Safety and Motor Vehicles
787 shall notify the Department of Law Enforcement. The Department

788 of Law Enforcement shall notify applicable law enforcement
 789 agencies of the predator's or offender's failure to comply with
 790 registration requirements. Any information retained by the
 791 Department of Law Enforcement and the Department of Highway
 792 Safety and Motor Vehicles may be revised or supplemented by said
 793 departments to reflect changes made by the final judgment. With
 794 respect to a person convicted of a felony in another state or of
 795 a federal offense, the Department of Law Enforcement must send
 796 the report to the respective state's office of law enforcement
 797 records or to the office of the Federal Bureau of Investigation.
 798 The Department of Law Enforcement may forward the report to any
 799 other law enforcement agency it believes may retain information
 800 related to the petitioner.

801 Section 11. For the purpose of incorporating the amendment
 802 made by this act to section 943.0435, Florida Statutes, in a
 803 reference thereto, paragraph (b) of subsection (1) of section
 804 92.55, Florida Statutes, is reenacted to read:

805 92.55 Special protections in proceedings involving victim
 806 or witness under 18, person with intellectual disability, or
 807 sexual offense victim.—

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

809 (b) "Sexual offense" means any offense specified in s.
 810 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

811 Section 12. For the purpose of incorporating the amendment
 812 made by this act to section 943.0435, Florida Statutes, in a

813 reference thereto, paragraph (b) of subsection (2) of section
 814 98.0751, Florida Statutes, is reenacted to read:

815 98.0751 Restoration of voting rights; termination of
 816 ineligibility subsequent to a felony conviction.—

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

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

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

821 943.0435;

822 2. Section 491.0112;

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

824 4. Section 794.08;

825 5. Section 796.08;

826 6. Section 800.101;

827 7. Section 826.04;

828 8. Section 847.012;

829 9. Section 872.06(2);

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

831 11. Section 951.221(1); or

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

835 Section 13. For the purpose of incorporating the amendment
 836 made by this act to section 943.0435, Florida Statutes, in a
 837 reference thereto, subsection (2) of section 394.9125, Florida

838 Statutes, is reenacted to read:

839 394.9125 State attorney; authority to refer a person for
840 civil commitment.—

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

843 (a) Is required to register as a sexual offender pursuant
844 to s. 943.0435;

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

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

849 Section 14. For the purpose of incorporating the amendment
850 made by this act to section 943.0435, Florida Statutes, in a
851 reference thereto, paragraph (b) of subsection (10) of section
852 397.487, Florida Statutes, is reenacted to read:

853 397.487 Voluntary certification of recovery residences.—

854 (10)

855 (b) A certified recovery residence may not allow a minor
856 child to visit a parent who is a resident of the recovery
857 residence at any time if any resident of the recovery residence
858 is currently required to register as a sexual predator under s.
859 775.21 or as a sexual offender under s. 943.0435.

860 Section 15. For the purpose of incorporating the amendment
861 made by this act to section 943.0435, Florida Statutes, in a
862 reference thereto, paragraph (b) of subsection (4) of section

863 435.07, Florida Statutes, as amended by chapter 2023-220, Laws
 864 of Florida, is reenacted to read:

865 435.07 Exemptions from disqualification.—Unless otherwise
 866 provided by law, the provisions of this section apply to
 867 exemptions from disqualification for disqualifying offenses
 868 revealed pursuant to background screenings required under this
 869 chapter, regardless of whether those disqualifying offenses are
 870 listed in this chapter or other laws.

871 (4)

872 (b) Disqualification from employment or affiliation under
 873 this chapter may not be removed from, nor may an exemption be
 874 granted to, any person who is a:

- 875 1. Sexual predator as designated pursuant to s. 775.21;
- 876 2. Career offender pursuant to s. 775.261; or
- 877 3. Sexual offender pursuant to s. 943.0435, unless the
 878 requirement to register as a sexual offender has been removed
 879 pursuant to s. 943.04354.

880 Section 16. For the purpose of incorporating the amendment
 881 made by this act to section 943.0435, Florida Statutes, in a
 882 reference thereto, subsection (2) of section 775.0862, Florida
 883 Statutes, is reenacted to read:

884 775.0862 Sexual offenses against students by authority
 885 figures; reclassification.—

886 (2) The felony degree of a violation of an offense listed
 887 in s. 943.0435(1)(h)1.a., unless the offense is a violation of

888 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified
889 as provided in this section if the offense is committed by an
890 authority figure of a school against a student of the school.

891 Section 17. For the purpose of incorporating the amendment
892 made by this act to section 943.0435, Florida Statutes, in a
893 reference thereto, paragraph (cc) of subsection (2) of section
894 900.05, Florida Statutes, is reenacted to read:

895 900.05 Criminal justice data collection.—

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

897 (cc) "Sexual offender flag" means an indication that a
898 defendant was required to register as a sexual predator as
899 defined in s. 775.21 or as a sexual offender as defined in s.
900 943.0435.

901 Section 18. For the purpose of incorporating the amendment
902 made by this act to section 943.0435, Florida Statutes, in a
903 reference thereto, paragraph (m) of subsection (2) of section
904 903.046, Florida Statutes, is reenacted to read:

905 903.046 Purpose of and criteria for bail determination.—

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

909 (m) Whether the defendant, other than a defendant whose
910 only criminal charge is a misdemeanor offense under chapter 316,
911 is required to register as a sexual offender under s. 943.0435
912 or a sexual predator under s. 775.21; and, if so, he or she is

913 not eligible for release on bail or surety bond until the first
 914 appearance on the case in order to ensure the full participation
 915 of the prosecutor and the protection of the public.

916 Section 19. For the purpose of incorporating the amendment
 917 made by this act to section 943.0435, Florida Statutes, in a
 918 reference thereto, section 903.133, Florida Statutes, is
 919 reenacted to read:

920 903.133 Bail on appeal; prohibited for certain felony
 921 convictions.—Notwithstanding s. 903.132, no person shall be
 922 admitted to bail pending review either by posttrial motion or
 923 appeal if he or she was adjudged guilty of:

924 (1) A felony of the first degree for a violation of s.
 925 782.04(2) or (3), s. 787.01, s. 794.011(4), s. 806.01, s.
 926 893.13, or s. 893.135;

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

928 (3) Any other offense requiring sexual offender
 929 registration under s. 943.0435(1)(h) or sexual predator
 930 registration under s. 775.21(4) when, at the time of the
 931 offense, the offender was 18 years of age or older and the
 932 victim was a minor.

933 Section 20. For the purpose of incorporating the amendment
 934 made by this act to section 943.0435, Florida Statutes, in a
 935 reference thereto, paragraph (b) of subsection (4) of section
 936 907.043, Florida Statutes, is reenacted to read:

937 907.043 Pretrial release; citizens' right to know.—

- 938 (4)
- 939 (b) The annual report must contain, but need not be
- 940 limited to:
- 941 1. The name, location, and funding sources of the pretrial
- 942 release program, including the amount of public funds, if any,
- 943 received by the pretrial release program.
- 944 2. The operating and capital budget of each pretrial
- 945 release program receiving public funds.
- 946 3.a. The percentage of the pretrial release program's
- 947 total budget representing receipt of public funds.
- 948 b. The percentage of the total budget which is allocated
- 949 to assisting defendants obtain release through a nonpublicly
- 950 funded program.
- 951 c. The amount of fees paid by defendants to the pretrial
- 952 release program.
- 953 4. The number of persons employed by the pretrial release
- 954 program.
- 955 5. The number of defendants assessed and interviewed for
- 956 pretrial release.
- 957 6. The number of defendants recommended for pretrial
- 958 release.
- 959 7. The number of defendants for whom the pretrial release
- 960 program recommended against nonsecured release.
- 961 8. The number of defendants granted nonsecured release
- 962 after the pretrial release program recommended nonsecured

963 release.

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

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

968 11. The number of defendants for whom a risk assessment
969 tool was used in determining whether the defendant should be
970 released pending the disposition of the case and the number of
971 defendants for whom a risk assessment tool was not used.

972 12. The specific statutory citation for each criminal
973 charge related to a defendant whose case is accepted into a
974 pretrial release program, including, at a minimum, the number of
975 defendants charged with dangerous crimes as defined in s.
976 907.041; nonviolent felonies; or misdemeanors only. A
977 "nonviolent felony" for purposes of this subparagraph excludes
978 the commission of, an attempt to commit, or a conspiracy to
979 commit any of the following:

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

981 b. An offense that requires a person to register as a
982 sexual predator in accordance with s. 775.21 or as a sexual
983 offender in accordance with s. 943.0435;

984 c. Failure to register as a sexual predator in violation
985 of s. 775.21 or as a sexual offender in violation of s.
986 943.0435;

987 d. Facilitating or furthering terrorism in violation of s.

988 775.31;

989 e. A forcible felony as described in s. 776.08;

990 f. False imprisonment in violation of s. 787.02;

991 g. Burglary of a dwelling or residence in violation of s.

992 810.02(3);

993 h. Abuse, aggravated abuse, and neglect of an elderly

994 person or disabled adult in violation of s. 825.102;

995 i. Abuse, aggravated abuse, and neglect of a child in

996 violation of s. 827.03;

997 j. Poisoning of food or water in violation of s. 859.01;

998 k. Abuse of a dead human body in violation of s. 872.06;

999 l. A capital offense in violation of chapter 893;

1000 m. An offense that results in serious bodily injury or

1001 death to another human; or

1002 n. A felony offense in which the defendant used a weapon

1003 or firearm in the commission of the offense.

1004 13. The number of defendants accepted into a pretrial

1005 release program with no prior criminal conviction.

1006 14. The name and case number of each person granted

1007 nonsecured release who:

1008 a. Failed to attend a scheduled court appearance.

1009 b. Was issued a warrant for failing to appear.

1010 c. Was arrested for any offense while on release through

1011 the pretrial release program.

1012 15. Any additional information deemed necessary by the

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1013 governing body to assess the performance and cost efficiency of
1014 the pretrial release program.

1015 Section 21. For the purpose of incorporating the amendment
1016 made by this act to section 943.0435, Florida Statutes, in a
1017 reference thereto, paragraph (d) of subsection (7) of section
1018 921.1425, Florida Statutes, is reenacted to read:

1019 921.1425 Sentence of death or life imprisonment for
1020 capital sexual battery; further proceedings to determine
1021 sentence.—

1022 (7) AGGRAVATING FACTORS.—Aggravating factors shall be
1023 limited to the following:

1024 (d) The capital felony was committed by a sexual offender
1025 who is required to register pursuant to s. 943.0435 or a person
1026 previously required to register as a sexual offender who had
1027 such requirement removed.

1028 Section 22. For the purpose of incorporating the amendment
1029 made by this act to section 943.0435, Florida Statutes, in a
1030 reference thereto, paragraph (a) of subsection (2) of section
1031 934.255, Florida Statutes, is reenacted to read:

1032 934.255 Subpoenas in investigations of sexual offenses.—

1033 (2) An investigative or law enforcement officer who is
1034 conducting an investigation into:

1035 (a) Allegations of the sexual abuse of a child or an
1036 individual's suspected commission of a crime listed in s.
1037 943.0435(1)(h)1.a.(I) may use a subpoena to compel the

1038 production of records, documents, or other tangible objects and
 1039 the testimony of the subpoena recipient concerning the
 1040 production and authenticity of such records, documents, or
 1041 objects, except as provided in paragraphs (b) and (c).

1042
 1043 A subpoena issued under this subsection must describe the
 1044 records, documents, or other tangible objects required to be
 1045 produced, and must prescribe a date by which such records,
 1046 documents, or other tangible objects must be produced.

1047 Section 23. For the purpose of incorporating the amendment
 1048 made by this act to section 943.0435, Florida Statutes, in a
 1049 reference thereto, subsection (1) of section 938.10, Florida
 1050 Statutes, is reenacted to read:

1051 938.10 Additional court cost imposed in cases of certain
 1052 crimes.—

1053 (1) If a person pleads guilty or nolo contendere to, or is
 1054 found guilty of, regardless of adjudication, any offense against
 1055 a minor in violation of s. 784.085, chapter 787, chapter 794,
 1056 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.
 1057 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,
 1058 s. 893.147(3), or s. 985.701, or any offense in violation of s.
 1059 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
 1060 court shall impose a court cost of \$151 against the offender in
 1061 addition to any other cost or penalty required by law.

1062 Section 24. For the purpose of incorporating the amendment

1063 made by this act to section 943.0435, Florida Statutes, in a
 1064 reference thereto, subsection (2) of section 943.0584, Florida
 1065 Statutes, is reenacted to read:

1066 943.0584 Criminal history records ineligible for court-
 1067 ordered expunction or court-ordered sealing.—

1068 (2) A criminal history record is ineligible for a
 1069 certificate of eligibility for expunction or a court-ordered
 1070 expunction pursuant to s. 943.0585 or a certificate of
 1071 eligibility for sealing or a court-ordered sealing pursuant to
 1072 s. 943.059 if the record is a conviction for any of the
 1073 following offenses:

- 1074 (a) Sexual misconduct, as defined in s. 393.135, s.
 1075 394.4593, or s. 916.1075;
- 1076 (b) Illegal use of explosives, as defined in chapter 552;
- 1077 (c) Terrorism, as defined in s. 775.30;
- 1078 (d) Murder, as defined in s. 782.04, s. 782.065, or s.
 1079 782.09;
- 1080 (e) Manslaughter or homicide, as defined in s. 782.07, s.
 1081 782.071, or s. 782.072;
- 1082 (f) Assault or battery, as defined in ss. 784.011 and
 1083 784.03, respectively, of one family or household member by
 1084 another family or household member, as defined in s. 741.28(3);
- 1085 (g) Aggravated assault, as defined in s. 784.021;
- 1086 (h) Felony battery, domestic battery by strangulation, or
 1087 aggravated battery, as defined in ss. 784.03, 784.041, and

1088 784.045, respectively;

1089 (i) Stalking or aggravated stalking, as defined in s.

1090 784.048;

1091 (j) Luring or enticing a child, as defined in s. 787.025;

1092 (k) Human trafficking, as defined in s. 787.06;

1093 (l) Kidnapping or false imprisonment, as defined in s.

1094 787.01 or s. 787.02;

1095 (m) Any offense defined in chapter 794;

1096 (n) Procuring a person less than 18 years of age for

1097 prostitution, as defined in former s. 796.03;

1098 (o) Lewd or lascivious offenses committed upon or in the

1099 presence of persons less than 16 years of age, as defined in s.

1100 800.04;

1101 (p) Arson, as defined in s. 806.01;

1102 (q) Burglary of a dwelling, as defined in s. 810.02;

1103 (r) Voyeurism or video voyeurism, as defined in ss. 810.14

1104 and 810.145, respectively;

1105 (s) Robbery or robbery by sudden snatching, as defined in

1106 ss. 812.13 and 812.131, respectively;

1107 (t) Carjacking, as defined in s. 812.133;

1108 (u) Home-invasion robbery, as defined in s. 812.135;

1109 (v) A violation of the Florida Communications Fraud Act,

1110 as provided in s. 817.034;

1111 (w) Abuse of an elderly person or disabled adult, or

1112 aggravated abuse of an elderly person or disabled adult, as

1113 defined in s. 825.102;

1114 (x) Lewd or lascivious offenses committed upon or in the
 1115 presence of an elderly person or disabled person, as defined in
 1116 s. 825.1025;

1117 (y) Child abuse or aggravated child abuse, as defined in
 1118 s. 827.03;

1119 (z) Sexual performance by a child, as defined in s.
 1120 827.071;

1121 (aa) Any offense defined in chapter 839;

1122 (bb) Certain acts in connection with obscenity, as defined
 1123 in s. 847.0133;

1124 (cc) Any offense defined in s. 847.0135;

1125 (dd) Selling or buying of minors, as defined in s.
 1126 847.0145;

1127 (ee) Aircraft piracy, as defined in s. 860.16;

1128 (ff) Manufacturing a controlled substance in violation of
 1129 chapter 893;

1130 (gg) Drug trafficking, as defined in s. 893.135; or

1131 (hh) Any violation specified as a predicate offense for
 1132 registration as a sexual predator pursuant to s. 775.21, or
 1133 sexual offender pursuant to s. 943.0435, without regard to
 1134 whether that offense alone is sufficient to require such
 1135 registration.

1136 Section 25. For the purpose of incorporating the amendment
 1137 made by this act to section 943.0435, Florida Statutes, in a

1138 reference thereto, paragraph (a) of subsection (2) of section
 1139 943.0595, Florida Statutes, is reenacted to read:

1140 943.0595 Automatic sealing of criminal history records;
 1141 confidentiality of related court records.—

1142 (2) ELIGIBILITY.—

1143 (a) The department shall automatically seal a criminal
 1144 history record that does not result from an indictment,
 1145 information, or other charging document for a forcible felony as
 1146 defined in s. 776.08 or for an offense enumerated in s.
 1147 943.0435(1)(h)1.a.(I), if:

1148 1. An indictment, information, or other charging document
 1149 was not filed or issued in the case giving rise to the criminal
 1150 history record.

1151 2. An indictment, information, or other charging document
 1152 was filed in the case giving rise to the criminal history
 1153 record, but was dismissed or nolle prosequi by the state
 1154 attorney or statewide prosecutor or was dismissed by a court of
 1155 competent jurisdiction as to all counts. However, a person is
 1156 not eligible for automatic sealing under this section if the
 1157 dismissal was pursuant to s. 916.145 or s. 985.19.

1158 3. A not guilty verdict was rendered by a judge or jury as
 1159 to all counts. However, a person is not eligible for automatic
 1160 sealing under this section if the defendant was found not guilty
 1161 by reason of insanity.

1162 4. A judgment of acquittal was rendered by a judge as to

1163 | all counts.

1164 | Section 26. For the purpose of incorporating the amendment
 1165 | made by this act to section 943.0435, Florida Statutes, in
 1166 | references thereto, paragraph (a) of subsection (4) and
 1167 | subsection (9) of section 944.607, Florida Statutes, are
 1168 | reenacted to read:

1169 | 944.607 Notification to Department of Law Enforcement of
 1170 | information on sexual offenders.—

1171 | (4) A sexual offender, as described in this section, who
 1172 | is under the supervision of the Department of Corrections but is
 1173 | not incarcerated shall register with the Department of
 1174 | Corrections within 3 business days after sentencing for a
 1175 | registrable offense and otherwise provide information as
 1176 | required by this subsection.

1177 | (a) The sexual offender shall provide his or her name;
 1178 | date of birth; social security number; race; sex; height;
 1179 | weight; hair and eye color; tattoos or other identifying marks;
 1180 | all electronic mail addresses and Internet identifiers required
 1181 | to be provided pursuant to s. 943.0435(4)(e); employment
 1182 | information required to be provided pursuant to s.
 1183 | 943.0435(4)(e); all home telephone numbers and cellular
 1184 | telephone numbers required to be provided pursuant to s.
 1185 | 943.0435(4)(e); the make, model, color, vehicle identification
 1186 | number (VIN), and license tag number of all vehicles owned;
 1187 | permanent or legal residence and address of temporary residence

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1188 | within the state or out of state while the sexual offender is
1189 | under supervision in this state, including any rural route
1190 | address or post office box; if no permanent or temporary
1191 | address, any transient residence within the state; and address,
1192 | location or description, and dates of any current or known
1193 | future temporary residence within the state or out of state. The
1194 | sexual offender shall also produce his or her passport, if he or
1195 | she has a passport, and, if he or she is an alien, shall produce
1196 | or provide information about documents establishing his or her
1197 | immigration status. The sexual offender shall also provide
1198 | information about any professional licenses he or she has. The
1199 | Department of Corrections shall verify the address of each
1200 | sexual offender in the manner described in ss. 775.21 and
1201 | 943.0435. The department shall report to the Department of Law
1202 | Enforcement any failure by a sexual predator or sexual offender
1203 | to comply with registration requirements.

1204 | (9) A sexual offender, as described in this section, who
1205 | is under the supervision of the Department of Corrections but
1206 | who is not incarcerated shall, in addition to the registration
1207 | requirements provided in subsection (4), register and obtain a
1208 | distinctive driver license or identification card in the manner
1209 | provided in s. 943.0435(3), (4), and (5), unless the sexual
1210 | offender is a sexual predator, in which case he or she shall
1211 | register and obtain a distinctive driver license or
1212 | identification card as required under s. 775.21. A sexual

1213 offender who fails to comply with the requirements of s.
 1214 943.0435 is subject to the penalties provided in s. 943.0435(9).

1215 Section 27. For the purpose of incorporating the amendment
 1216 made by this act to section 943.0435, Florida Statutes, in a
 1217 reference thereto, subsection (12) of section 947.1405, Florida
 1218 Statutes, is reenacted to read:

1219 947.1405 Conditional release program.—

1220 (12) In addition to all other conditions imposed, for a
 1221 releasee who is subject to conditional release for a crime that
 1222 was committed on or after May 26, 2010, and who has been
 1223 convicted at any time of committing, or attempting, soliciting,
 1224 or conspiring to commit, any of the criminal offenses listed in
 1225 s. 943.0435(1)(h)1.a.(I), or a similar offense in another
 1226 jurisdiction against a victim who was under 18 years of age at
 1227 the time of the offense, if the releasee has not received a
 1228 pardon for any felony or similar law of another jurisdiction
 1229 necessary for the operation of this subsection, if a conviction
 1230 of a felony or similar law of another jurisdiction necessary for
 1231 the operation of this subsection has not been set aside in any
 1232 postconviction proceeding, or if the releasee has not been
 1233 removed from the requirement to register as a sexual offender or
 1234 sexual predator pursuant to s. 943.04354, the commission must
 1235 impose the following conditions:

1236 (a) A prohibition on visiting schools, child care
 1237 facilities, parks, and playgrounds without prior approval from

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1238 the releasee's supervising officer. The commission may also
1239 designate additional prohibited locations to protect a victim.
1240 The prohibition ordered under this paragraph does not prohibit
1241 the releasee from visiting a school, child care facility, park,
1242 or playground for the sole purpose of attending a religious
1243 service as defined in s. 775.0861 or picking up or dropping off
1244 the releasee's child or grandchild at a child care facility or
1245 school.

1246 (b) A prohibition on distributing candy or other items to
1247 children on Halloween; wearing a Santa Claus costume, or other
1248 costume to appeal to children, on or preceding Christmas;
1249 wearing an Easter Bunny costume, or other costume to appeal to
1250 children, on or preceding Easter; entertaining at children's
1251 parties; or wearing a clown costume without prior approval from
1252 the commission.

1253 Section 28. For the purpose of incorporating the amendment
1254 made by this act to section 943.0435, Florida Statutes, in a
1255 reference thereto, paragraph (b) of subsection (2) of section
1256 948.013, Florida Statutes, is reenacted to read:

1257 948.013 Administrative probation.—

1258 (2)

1259 (b) Effective for an offense committed on or after October
1260 1, 2017, a person is ineligible for placement on administrative
1261 probation if the person is sentenced to or is serving a term of
1262 probation or community control, regardless of the conviction or

1263 adjudication, for committing, or attempting, conspiring, or
 1264 soliciting to commit, any of the felony offenses described in s.
 1265 775.21(4) (a)1.a. or b. or s. 943.0435(1) (h)1.a.

1266 Section 29. For the purpose of incorporating the amendment
 1267 made by this act to section 943.0435, Florida Statutes, in a
 1268 reference thereto, paragraph (f) of subsection (2) of section
 1269 948.05, Florida Statutes, is reenacted to read:

1270 948.05 Court to admonish or commend probationer or
 1271 offender in community control; graduated incentives.—

1272 (2) The department shall implement a system of graduated
 1273 incentives to promote compliance with the terms of supervision,
 1274 encourage educational achievement and stable employment, and
 1275 prioritize the highest levels of supervision for probationers or
 1276 offenders presenting the greatest risk of recidivism.

1277 (f) A probationer or offender in community control who is
 1278 placed under supervision for committing or attempting,
 1279 soliciting, or conspiring to commit a violation of any felony
 1280 offense described in s. 775.21(4) (a)1.a. or b. or s.
 1281 943.0435(1) (h)1.a., or who qualifies as a violent felony
 1282 offender of special concern under s. 948.06(8) (b) is not
 1283 eligible for any reduction of his or her term of supervision
 1284 under this section.

1285 Section 30. For the purpose of incorporating the amendment
 1286 made by this act to section 943.0435, Florida Statutes, in a
 1287 reference thereto, subsection (4) of section 948.06, Florida

1288 Statutes, is reenacted to read:

1289 948.06 Violation of probation or community control;
 1290 revocation; modification; continuance; failure to pay
 1291 restitution or cost of supervision.—

1292 (4) Notwithstanding any other provision of this section, a
 1293 felony probationer or an offender in community control who is
 1294 arrested for violating his or her probation or community control
 1295 in a material respect may be taken before the court in the
 1296 county or circuit in which the probationer or offender was
 1297 arrested. That court shall advise him or her of the charge of a
 1298 violation and, if such charge is admitted, shall cause him or
 1299 her to be brought before the court that granted the probation or
 1300 community control. If the violation is not admitted by the
 1301 probationer or offender, the court may commit him or her or
 1302 release him or her with or without bail to await further
 1303 hearing. However, if the probationer or offender is under
 1304 supervision for any criminal offense proscribed in chapter 794,
 1305 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a
 1306 registered sexual predator or a registered sexual offender, or
 1307 is under supervision for a criminal offense for which he or she
 1308 would meet the registration criteria in s. 775.21, s. 943.0435,
 1309 or s. 944.607 but for the effective date of those sections, the
 1310 court must make a finding that the probationer or offender is
 1311 not a danger to the public prior to release with or without
 1312 bail. In determining the danger posed by the offender's or

1313 probationer's release, the court may consider the nature and
1314 circumstances of the violation and any new offenses charged; the
1315 offender's or probationer's past and present conduct, including
1316 convictions of crimes; any record of arrests without conviction
1317 for crimes involving violence or sexual crimes; any other
1318 evidence of allegations of unlawful sexual conduct or the use of
1319 violence by the offender or probationer; the offender's or
1320 probationer's family ties, length of residence in the community,
1321 employment history, and mental condition; his or her history and
1322 conduct during the probation or community control supervision
1323 from which the violation arises and any other previous
1324 supervisions, including disciplinary records of previous
1325 incarcerations; the likelihood that the offender or probationer
1326 will engage again in a criminal course of conduct; the weight of
1327 the evidence against the offender or probationer; and any other
1328 facts the court considers relevant. The court, as soon as is
1329 practicable, shall give the probationer or offender an
1330 opportunity to be fully heard on his or her behalf in person or
1331 by counsel. After the hearing, the court shall make findings of
1332 fact and forward the findings to the court that granted the
1333 probation or community control and to the probationer or
1334 offender or his or her attorney. The findings of fact by the
1335 hearing court are binding on the court that granted the
1336 probation or community control. Upon the probationer or offender
1337 being brought before it, the court that granted the probation or

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1338 community control may revoke, modify, or continue the probation
1339 or community control or may place the probationer into community
1340 control as provided in this section. However, the probationer or
1341 offender shall not be released and shall not be admitted to
1342 bail, but shall be brought before the court that granted the
1343 probation or community control if any violation of felony
1344 probation or community control other than a failure to pay costs
1345 or fines or make restitution payments is alleged to have been
1346 committed by:

1347 (a) A violent felony offender of special concern, as
1348 defined in this section;

1349 (b) A person who is on felony probation or community
1350 control for any offense committed on or after the effective date
1351 of this act and who is arrested for a qualifying offense as
1352 defined in this section; or

1353 (c) A person who is on felony probation or community
1354 control and has previously been found by a court to be a
1355 habitual violent felony offender as defined in s. 775.084(1)(b),
1356 a three-time violent felony offender as defined in s.
1357 775.084(1)(c), or a sexual predator under s. 775.21, and who is
1358 arrested for committing a qualifying offense as defined in this
1359 section on or after the effective date of this act.

1360 Section 31. For the purpose of incorporating the amendment
1361 made by this act to section 943.0435, Florida Statutes, in a
1362 reference thereto, subsection (4) of section 948.30, Florida

1363 Statutes, is reenacted to read:

1364 948.30 Additional terms and conditions of probation or
 1365 community control for certain sex offenses.—Conditions imposed
 1366 pursuant to this section do not require oral pronouncement at
 1367 the time of sentencing and shall be considered standard
 1368 conditions of probation or community control for offenders
 1369 specified in this section.

1370 (4) In addition to all other conditions imposed, for a
 1371 probationer or community controllee who is subject to
 1372 supervision for a crime that was committed on or after May 26,
 1373 2010, and who has been convicted at any time of committing, or
 1374 attempting, soliciting, or conspiring to commit, any of the
 1375 criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a
 1376 similar offense in another jurisdiction, against a victim who
 1377 was under the age of 18 at the time of the offense; if the
 1378 offender has not received a pardon for any felony or similar law
 1379 of another jurisdiction necessary for the operation of this
 1380 subsection, if a conviction of a felony or similar law of
 1381 another jurisdiction necessary for the operation of this
 1382 subsection has not been set aside in any postconviction
 1383 proceeding, or if the offender has not been removed from the
 1384 requirement to register as a sexual offender or sexual predator
 1385 pursuant to s. 943.04354, the court must impose the following
 1386 conditions:

1387 (a) A prohibition on visiting schools, child care

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1388 facilities, parks, and playgrounds, without prior approval from
1389 the offender's supervising officer. The court may also designate
1390 additional locations to protect a victim. The prohibition
1391 ordered under this paragraph does not prohibit the offender from
1392 visiting a school, child care facility, park, or playground for
1393 the sole purpose of attending a religious service as defined in
1394 s. 775.0861 or picking up or dropping off the offender's
1395 children or grandchildren at a child care facility or school.

1396 (b) A prohibition on distributing candy or other items to
1397 children on Halloween; wearing a Santa Claus costume, or other
1398 costume to appeal to children, on or preceding Christmas;
1399 wearing an Easter Bunny costume, or other costume to appeal to
1400 children, on or preceding Easter; entertaining at children's
1401 parties; or wearing a clown costume; without prior approval from
1402 the court.

1403 Section 32. For the purpose of incorporating the amendment
1404 made by this act to section 943.0435, Florida Statutes, in a
1405 reference thereto, subsection (9) of section 985.4815, Florida
1406 Statutes, is reenacted to read:

1407 985.4815 Notification to Department of Law Enforcement of
1408 information on juvenile sexual offenders.—

1409 (9) A sexual offender, as described in this section, who
1410 is under the care, jurisdiction, or supervision of the
1411 department but who is not incarcerated shall, in addition to the
1412 registration requirements provided in subsection (4), register

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1413 in the manner provided in s. 943.0435(3), (4), and (5), unless
1414 the sexual offender is a sexual predator, in which case he or
1415 she shall register as required under s. 775.21. A sexual
1416 offender who fails to comply with the requirements of s.
1417 943.0435 is subject to the penalties provided in s. 943.0435(9).

1418 Section 33. For the purpose of incorporating the amendment
1419 made by this act to section 943.0435, Florida Statutes, in a
1420 reference thereto, paragraph (b) of subsection (2) of section
1421 1012.467, Florida Statutes, is reenacted to read:

1422 1012.467 Noninstructional contractors who are permitted
1423 access to school grounds when students are present; background
1424 screening requirements.—

1425 (2)

1426 (b) A noninstructional contractor for whom a criminal
1427 history check is required under this section may not have been
1428 convicted of any of the following offenses designated in the
1429 Florida Statutes, any similar offense in another jurisdiction,
1430 or any similar offense committed in this state which has been
1431 redesignated from a former provision of the Florida Statutes to
1432 one of the following offenses:

1433 1. Any offense listed in s. 943.0435(1)(h)1., relating to
1434 the registration of an individual as a sexual offender.

1435 2. Section 393.135, relating to sexual misconduct with
1436 certain developmentally disabled clients and the reporting of
1437 such sexual misconduct.

1438 3. Section 394.4593, relating to sexual misconduct with
 1439 certain mental health patients and the reporting of such sexual
 1440 misconduct.

1441 4. Section 775.30, relating to terrorism.

1442 5. Section 782.04, relating to murder.

1443 6. Section 787.01, relating to kidnapping.

1444 7. Any offense under chapter 800, relating to lewdness and
 1445 indecent exposure.

1446 8. Section 826.04, relating to incest.

1447 9. Section 827.03, relating to child abuse, aggravated
 1448 child abuse, or neglect of a child.

1449 Section 34. For the purpose of incorporating the amendment
 1450 made by this act to section 944.607, Florida Statutes, in a
 1451 reference thereto, subsection (7) of section 944.608, Florida
 1452 Statutes, is reenacted to read:

1453 944.608 Notification to Department of Law Enforcement of
 1454 information on career offenders.—

1455 (7) A career offender who is under the supervision of the
 1456 department but who is not incarcerated shall, in addition to the
 1457 registration requirements provided in subsection (3), register
 1458 in the manner provided in s. 775.261(4)(c), unless the career
 1459 offender is a sexual predator, in which case he or she shall
 1460 register as required under s. 775.21, or is a sexual offender,
 1461 in which case he or she shall register as required in s.

1462 944.607. A career offender who fails to comply with the

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1463 requirements of s. 775.261(4) is subject to the penalties
1464 provided in s. 775.261(8).

1465 Section 35. For the purpose of incorporating the
1466 amendments made by this act to sections 944.606 and 944.607,
1467 Florida Statutes, in references thereto, subsection (3) and
1468 paragraph (a) of subsection (4) of section 943.0435, Florida
1469 Statutes, are reenacted to read:

1470 943.0435 Sexual offenders required to register with the
1471 department; penalty.—

1472 (3) Within 48 hours after the report required under
1473 subsection (2), a sexual offender shall report in person at a
1474 driver license office of the Department of Highway Safety and
1475 Motor Vehicles, unless a driver license or identification card
1476 that complies with the requirements of s. 322.141(3) was
1477 previously secured or updated under s. 944.607. At the driver
1478 license office the sexual offender shall:

1479 (a) If otherwise qualified, secure a Florida driver
1480 license, renew a Florida driver license, or secure an
1481 identification card. The sexual offender shall identify himself
1482 or herself as a sexual offender who is required to comply with
1483 this section and shall provide proof that the sexual offender
1484 reported as required in subsection (2). The sexual offender
1485 shall provide any of the information specified in subsection
1486 (2), if requested. The sexual offender shall submit to the
1487 taking of a photograph for use in issuing a driver license,

1488 renewed license, or identification card, and for use by the
1489 department in maintaining current records of sexual offenders.

1490 (b) Pay the costs assessed by the Department of Highway
1491 Safety and Motor Vehicles for issuing or renewing a driver
1492 license or identification card as required by this section. The
1493 driver license or identification card issued must be in
1494 compliance with s. 322.141(3).

1495 (c) Provide, upon request, any additional information
1496 necessary to confirm the identity of the sexual offender,
1497 including a set of fingerprints.

1498 (4)(a) Each time a sexual offender's driver license or
1499 identification card is subject to renewal, and, without regard
1500 to the status of the offender's driver license or identification
1501 card, within 48 hours after any change in the offender's
1502 permanent, temporary, or transient residence or change in the
1503 offender's name by reason of marriage or other legal process,
1504 the offender shall report in person to a driver license office,
1505 and is subject to the requirements specified in subsection (3).
1506 The Department of Highway Safety and Motor Vehicles shall
1507 forward to the department all photographs and information
1508 provided by sexual offenders. Notwithstanding the restrictions
1509 set forth in s. 322.142, the Department of Highway Safety and
1510 Motor Vehicles may release a reproduction of a color-photograph
1511 or digital-image license to the Department of Law Enforcement
1512 for purposes of public notification of sexual offenders as

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1513 provided in this section and ss. 943.043 and 944.606. A sexual
1514 offender who is unable to secure or update a driver license or
1515 an identification card with the Department of Highway Safety and
1516 Motor Vehicles as provided in subsection (3) and this subsection
1517 shall also report any change in the sexual offender's permanent,
1518 temporary, or transient residence or change in the offender's
1519 name by reason of marriage or other legal process within 48
1520 hours after the change to the sheriff's office in the county
1521 where the offender resides or is located and provide
1522 confirmation that he or she reported such information to the
1523 Department of Highway Safety and Motor Vehicles. The reporting
1524 requirements under this paragraph do not negate the requirement
1525 for a sexual offender to obtain a Florida driver license or an
1526 identification card as required in this section.

1527 Section 36. For the purpose of incorporating the
1528 amendments made by this act to sections 943.0435 and 944.607,
1529 Florida Statutes, in references thereto, subsection (4) of
1530 section 320.02, Florida Statutes, is reenacted to read:

1531 320.02 Registration required; application for
1532 registration; forms.—

1533 (4) Except as provided in ss. 775.21, 775.261, 943.0435,
1534 944.607, and 985.4815, the owner of any motor vehicle registered
1535 in the state shall notify the department in writing of any
1536 change of address within 30 days of such change. The
1537 notification shall include the registration license plate

1538 number, the vehicle identification number (VIN) or title
 1539 certificate number, year of vehicle make, and the owner's full
 1540 name.

1541 Section 37. For the purpose of incorporating the
 1542 amendments made by this act to sections 943.0435 and 944.607,
 1543 Florida Statutes, in references thereto, subsection (3) of
 1544 section 322.141, Florida Statutes, is reenacted to read:

1545 322.141 Color or markings of certain licenses or
 1546 identification cards.—

1547 (3) All licenses for the operation of motor vehicles or
 1548 identification cards originally issued or reissued by the
 1549 department to persons who are designated as sexual predators
 1550 under s. 775.21 or subject to registration as sexual offenders
 1551 under s. 943.0435 or s. 944.607, or who have a similar
 1552 designation or are subject to a similar registration under the
 1553 laws of another jurisdiction, shall have on the front of the
 1554 license or identification card the following:

1555 (a) For a person designated as a sexual predator under s.
 1556 775.21 or who has a similar designation under the laws of
 1557 another jurisdiction, the marking "SEXUAL PREDATOR."

1558 (b) For a person subject to registration as a sexual
 1559 offender under s. 943.0435 or s. 944.607, or subject to a
 1560 similar registration under the laws of another jurisdiction, the
 1561 marking "943.0435, F.S."

1562 Section 38. For the purpose of incorporating the

1563 amendments made by this act to sections 943.0435 and 944.607,
1564 Florida Statutes, in references thereto, subsections (1) and (2)
1565 of section 322.19, Florida Statutes, are reenacted to read:

1566 322.19 Change of address or name.—

1567 (1) Except as provided in ss. 775.21, 775.261, 943.0435,
1568 944.607, and 985.4815, whenever any person, after applying for
1569 or receiving a driver license or identification card, changes
1570 his or her legal name, that person must within 30 days
1571 thereafter obtain a replacement license or card that reflects
1572 the change.

1573 (2) If a person, after applying for or receiving a driver
1574 license or identification card, changes the legal residence or
1575 mailing address in the application, license, or card, the person
1576 must, within 30 calendar days after making the change, obtain a
1577 replacement license or card that reflects the change. A written
1578 request to the department must include the old and new addresses
1579 and the driver license or identification card number. Any person
1580 who has a valid, current student identification card issued by
1581 an educational institution in this state is presumed not to have
1582 changed his or her legal residence or mailing address. This
1583 subsection does not affect any person required to register a
1584 permanent or temporary address change pursuant to s. 775.13, s.
1585 775.21, s. 775.25, or s. 943.0435.

1586 Section 39. For the purpose of incorporating the
1587 amendments made by this act to sections 943.0435 and 944.607,

1588 Florida Statutes, in references thereto, subsection (4) of
 1589 section 775.13, Florida Statutes, is reenacted to read:

1590 775.13 Registration of convicted felons, exemptions;
 1591 penalties.—

1592 (4) This section does not apply to an offender:

1593 (a) Who has had his or her civil rights restored;

1594 (b) Who has received a full pardon for the offense for
 1595 which convicted;

1596 (c) Who has been lawfully released from incarceration or
 1597 other sentence or supervision for a felony conviction for more
 1598 than 5 years prior to such time for registration, unless the
 1599 offender is a fugitive from justice on a felony charge or has
 1600 been convicted of any offense since release from such
 1601 incarceration or other sentence or supervision;

1602 (d) Who is a parolee or probationer under the supervision
 1603 of the United States Parole Commission if the commission knows
 1604 of and consents to the presence of the offender in Florida or is
 1605 a probationer under the supervision of any federal probation
 1606 officer in the state or who has been lawfully discharged from
 1607 such parole or probation;

1608 (e) Who is a sexual predator and has registered as
 1609 required under s. 775.21;

1610 (f) Who is a sexual offender and has registered as
 1611 required in s. 943.0435 or s. 944.607; or

1612 (g) Who is a career offender who has registered as

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1613 required in s. 775.261 or s. 944.609.

1614 Section 40. For the purpose of incorporating the
1615 amendments made by this act to sections 943.0435 and 944.607,
1616 Florida Statutes, in references thereto, paragraph (d) of
1617 subsection (5), paragraph (f) of subsection (6), and paragraph
1618 (d) of subsection (10) of section 775.21, Florida Statutes, are
1619 reenacted to read:

1620 775.21 The Florida Sexual Predators Act.—

1621 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
1622 as a sexual predator as follows:

1623 (d) A person who establishes or maintains a residence in
1624 this state and who has not been designated as a sexual predator
1625 by a court of this state but who has been designated as a sexual
1626 predator, as a sexually violent predator, or by another sexual
1627 offender designation in another state or jurisdiction and was,
1628 as a result of such designation, subjected to registration or
1629 community or public notification, or both, or would be if the
1630 person was a resident of that state or jurisdiction, without
1631 regard to whether the person otherwise meets the criteria for
1632 registration as a sexual offender, shall register in the manner
1633 provided in s. 943.0435 or s. 944.607 and shall be subject to
1634 community and public notification as provided in s. 943.0435 or
1635 s. 944.607. A person who meets the criteria of this section is
1636 subject to the requirements and penalty provisions of s.
1637 943.0435 or s. 944.607 until the person provides the department

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1638 with an order issued by the court that designated the person as
1639 a sexual predator, as a sexually violent predator, or by another
1640 sexual offender designation in the state or jurisdiction in
1641 which the order was issued which states that such designation
1642 has been removed or demonstrates to the department that such
1643 designation, if not imposed by a court, has been removed by
1644 operation of law or court order in the state or jurisdiction in
1645 which the designation was made, and provided such person no
1646 longer meets the criteria for registration as a sexual offender
1647 under the laws of this state.

1648 (6) REGISTRATION.—

1649 (f) Within 48 hours after the registration required under
1650 paragraph (a) or paragraph (e), a sexual predator who is not
1651 incarcerated and who resides in the community, including a
1652 sexual predator under the supervision of the Department of
1653 Corrections, shall register in person at a driver license office
1654 of the Department of Highway Safety and Motor Vehicles and shall
1655 present proof of registration unless a driver license or an
1656 identification card that complies with the requirements of s.
1657 322.141(3) was previously secured or updated under s. 944.607.
1658 At the driver license office the sexual predator shall:

1659 1. If otherwise qualified, secure a Florida driver
1660 license, renew a Florida driver license, or secure an
1661 identification card. The sexual predator shall identify himself
1662 or herself as a sexual predator who is required to comply with

1663 | this section, provide his or her place of permanent, temporary,
1664 | or transient residence, including a rural route address and a
1665 | post office box, and submit to the taking of a photograph for
1666 | use in issuing a driver license, a renewed license, or an
1667 | identification card, and for use by the department in
1668 | maintaining current records of sexual predators. A post office
1669 | box may not be provided in lieu of a physical residential
1670 | address. If the sexual predator's place of residence is a motor
1671 | vehicle, trailer, mobile home, or manufactured home, as defined
1672 | in chapter 320, the sexual predator shall also provide to the
1673 | Department of Highway Safety and Motor Vehicles the vehicle
1674 | identification number; the license tag number; the registration
1675 | number; and a description, including color scheme, of the motor
1676 | vehicle, trailer, mobile home, or manufactured home. If a sexual
1677 | predator's place of residence is a vessel, live-aboard vessel,
1678 | or houseboat, as defined in chapter 327, the sexual predator
1679 | shall also provide to the Department of Highway Safety and Motor
1680 | Vehicles the hull identification number; the manufacturer's
1681 | serial number; the name of the vessel, live-aboard vessel, or
1682 | houseboat; the registration number; and a description, including
1683 | color scheme, of the vessel, live-aboard vessel, or houseboat.
1684 | 2. Pay the costs assessed by the Department of Highway
1685 | Safety and Motor Vehicles for issuing or renewing a driver
1686 | license or an identification card as required by this section.
1687 | The driver license or identification card issued to the sexual

1688 predator must comply with s. 322.141(3).

1689 3. Provide, upon request, any additional information
 1690 necessary to confirm the identity of the sexual predator,
 1691 including a set of fingerprints.

1692 (10) PENALTIES.—

1693 (d) Any person who misuses public records information
 1694 relating to a sexual predator, as defined in this section, or a
 1695 sexual offender, as defined in s. 943.0435 or s. 944.607, to
 1696 secure a payment from such a predator or offender; who knowingly
 1697 distributes or publishes false information relating to such a
 1698 predator or offender which the person misrepresents as being
 1699 public records information; or who materially alters public
 1700 records information with the intent to misrepresent the
 1701 information, including documents, summaries of public records
 1702 information provided by law enforcement agencies, or public
 1703 records information displayed by law enforcement agencies on
 1704 websites or provided through other means of communication,
 1705 commits a misdemeanor of the first degree, punishable as
 1706 provided in s. 775.082 or s. 775.083.

1707 Section 41. For the purpose of incorporating the
 1708 amendments made by this act to sections 943.0435 and 944.607,
 1709 Florida Statutes, in references thereto, paragraph (b) of
 1710 subsection (3) of section 775.261, Florida Statutes, is
 1711 reenacted to read:

1712 775.261 The Florida Career Offender Registration Act.—

1713 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

1714 (b) This section does not apply to any person who has been
 1715 designated as a sexual predator and required to register under
 1716 s. 775.21 or who is required to register as a sexual offender
 1717 under s. 943.0435 or s. 944.607. However, if a person is no
 1718 longer required to register as a sexual predator under s. 775.21
 1719 or as a sexual offender under s. 943.0435 or s. 944.607, the
 1720 person must register as a career offender under this section if
 1721 the person is otherwise designated as a career offender as
 1722 provided in this section.

1723 Section 42. For the purpose of incorporating the
 1724 amendments made by this act to sections 943.0435 and 944.607,
 1725 Florida Statutes, in references thereto, subsection (4) of
 1726 section 948.06, Florida Statutes, is reenacted to read:

1727 948.06 Violation of probation or community control;
 1728 revocation; modification; continuance; failure to pay
 1729 restitution or cost of supervision.—

1730 (4) Notwithstanding any other provision of this section, a
 1731 felony probationer or an offender in community control who is
 1732 arrested for violating his or her probation or community control
 1733 in a material respect may be taken before the court in the
 1734 county or circuit in which the probationer or offender was
 1735 arrested. That court shall advise him or her of the charge of a
 1736 violation and, if such charge is admitted, shall cause him or
 1737 her to be brought before the court that granted the probation or

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1738 community control. If the violation is not admitted by the
1739 probationer or offender, the court may commit him or her or
1740 release him or her with or without bail to await further
1741 hearing. However, if the probationer or offender is under
1742 supervision for any criminal offense proscribed in chapter 794,
1743 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a
1744 registered sexual predator or a registered sexual offender, or
1745 is under supervision for a criminal offense for which he or she
1746 would meet the registration criteria in s. 775.21, s. 943.0435,
1747 or s. 944.607 but for the effective date of those sections, the
1748 court must make a finding that the probationer or offender is
1749 not a danger to the public prior to release with or without
1750 bail. In determining the danger posed by the offender's or
1751 probationer's release, the court may consider the nature and
1752 circumstances of the violation and any new offenses charged; the
1753 offender's or probationer's past and present conduct, including
1754 convictions of crimes; any record of arrests without conviction
1755 for crimes involving violence or sexual crimes; any other
1756 evidence of allegations of unlawful sexual conduct or the use of
1757 violence by the offender or probationer; the offender's or
1758 probationer's family ties, length of residence in the community,
1759 employment history, and mental condition; his or her history and
1760 conduct during the probation or community control supervision
1761 from which the violation arises and any other previous
1762 supervisions, including disciplinary records of previous

1763 | incarceration; the likelihood that the offender or probationer
1764 | will engage again in a criminal course of conduct; the weight of
1765 | the evidence against the offender or probationer; and any other
1766 | facts the court considers relevant. The court, as soon as is
1767 | practicable, shall give the probationer or offender an
1768 | opportunity to be fully heard on his or her behalf in person or
1769 | by counsel. After the hearing, the court shall make findings of
1770 | fact and forward the findings to the court that granted the
1771 | probation or community control and to the probationer or
1772 | offender or his or her attorney. The findings of fact by the
1773 | hearing court are binding on the court that granted the
1774 | probation or community control. Upon the probationer or offender
1775 | being brought before it, the court that granted the probation or
1776 | community control may revoke, modify, or continue the probation
1777 | or community control or may place the probationer into community
1778 | control as provided in this section. However, the probationer or
1779 | offender shall not be released and shall not be admitted to
1780 | bail, but shall be brought before the court that granted the
1781 | probation or community control if any violation of felony
1782 | probation or community control other than a failure to pay costs
1783 | or fines or make restitution payments is alleged to have been
1784 | committed by:

1785 | (a) A violent felony offender of special concern, as
1786 | defined in this section;

1787 | (b) A person who is on felony probation or community

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1788 control for any offense committed on or after the effective date
1789 of this act and who is arrested for a qualifying offense as
1790 defined in this section; or

1791 (c) A person who is on felony probation or community
1792 control and has previously been found by a court to be a
1793 habitual violent felony offender as defined in s. 775.084(1)(b),
1794 a three-time violent felony offender as defined in s.
1795 775.084(1)(c), or a sexual predator under s. 775.21, and who is
1796 arrested for committing a qualifying offense as defined in this
1797 section on or after the effective date of this act.

1798 Section 43. For the purpose of incorporating the
1799 amendments made by this act to sections 943.0435 and 944.607,
1800 Florida Statutes, in references thereto, section 948.063,
1801 Florida Statutes, is reenacted to read:

1802 948.063 Violations of probation or community control by
1803 designated sexual offenders and sexual predators.—

1804 (1) If probation or community control for any felony
1805 offense is revoked by the court pursuant to s. 948.06(2)(e) and
1806 the offender is designated as a sexual offender pursuant to s.
1807 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
1808 775.21 for unlawful sexual activity involving a victim 15 years
1809 of age or younger and the offender is 18 years of age or older,
1810 and if the court imposes a subsequent term of supervision
1811 following the revocation of probation or community control, the
1812 court must order electronic monitoring as a condition of the

1813 subsequent term of probation or community control.

1814 (2) If the probationer or offender is required to register
 1815 as a sexual predator under s. 775.21 or as a sexual offender
 1816 under s. 943.0435 or s. 944.607 for unlawful sexual activity
 1817 involving a victim 15 years of age or younger and the
 1818 probationer or offender is 18 years of age or older and has
 1819 violated the conditions of his or her probation or community
 1820 control, but the court does not revoke the probation or
 1821 community control, the court shall nevertheless modify the
 1822 probation or community control to include electronic monitoring
 1823 for any probationer or offender not then subject to electronic
 1824 monitoring.

1825 Section 44. For the purpose of incorporating the
 1826 amendments made by this act to sections 943.0435, 944.606, and
 1827 944.607, Florida Statutes, in references thereto, subsection (2)
 1828 of section 775.24, Florida Statutes, is reenacted to read:

1829 775.24 Duty of the court to uphold laws governing sexual
 1830 predators and sexual offenders.—

1831 (2) If a person meets the criteria in this chapter for
 1832 designation as a sexual predator or meets the criteria in s.
 1833 943.0435, s. 944.606, s. 944.607, or any other law for
 1834 classification as a sexual offender, the court may not enter an
 1835 order, for the purpose of approving a plea agreement or for any
 1836 other reason, which:

1837 (a) Exempts a person who meets the criteria for

1838 designation as a sexual predator or classification as a sexual
 1839 offender from such designation or classification, or exempts
 1840 such person from the requirements for registration or community
 1841 and public notification imposed upon sexual predators and sexual
 1842 offenders;

1843 (b) Restricts the compiling, reporting, or release of
 1844 public records information that relates to sexual predators or
 1845 sexual offenders; or

1846 (c) Prevents any person or entity from performing its
 1847 duties or operating within its statutorily conferred authority
 1848 as such duty or authority relates to sexual predators or sexual
 1849 offenders.

1850 Section 45. For the purpose of incorporating the
 1851 amendments made by this act to sections 943.0435, 944.606, and
 1852 944.607, Florida Statutes, in references thereto, section
 1853 775.25, Florida Statutes, is reenacted to read:

1854 775.25 Prosecutions for acts or omissions.—A sexual
 1855 predator or sexual offender who commits any act or omission in
 1856 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
 1857 944.607, or former s. 947.177 may be prosecuted for the act or
 1858 omission in the county in which the act or omission was
 1859 committed, in the county of the last registered address of the
 1860 sexual predator or sexual offender, in the county in which the
 1861 conviction occurred for the offense or offenses that meet the
 1862 criteria for designating a person as a sexual predator or sexual

1863 offender, in the county where the sexual predator or sexual
1864 offender was released from incarceration, or in the county of
1865 the intended address of the sexual predator or sexual offender
1866 as reported by the predator or offender prior to his or her
1867 release from incarceration. In addition, a sexual predator may
1868 be prosecuted for any such act or omission in the county in
1869 which he or she was designated a sexual predator.

1870 Section 46. For the purpose of incorporating the
1871 amendments made by this act to sections 943.0435, 944.606, and
1872 944.607, Florida Statutes, in references thereto, subsection (2)
1873 of section 943.0436, Florida Statutes, is reenacted to read:

1874 943.0436 Duty of the court to uphold laws governing sexual
1875 predators and sexual offenders.—

1876 (2) If a person meets the criteria in chapter 775 for
1877 designation as a sexual predator or meets the criteria in s.
1878 943.0435, s. 944.606, s. 944.607, or any other law for
1879 classification as a sexual offender, the court may not enter an
1880 order, for the purpose of approving a plea agreement or for any
1881 other reason, which:

1882 (a) Exempts a person who meets the criteria for
1883 designation as a sexual predator or classification as a sexual
1884 offender from such designation or classification, or exempts
1885 such person from the requirements for registration or community
1886 and public notification imposed upon sexual predators and sexual
1887 offenders;

1888 (b) Restricts the compiling, reporting, or release of
 1889 public records information that relates to sexual predators or
 1890 sexual offenders; or

1891 (c) Prevents any person or entity from performing its
 1892 duties or operating within its statutorily conferred authority
 1893 as such duty or authority relates to sexual predators or sexual
 1894 offenders.

1895 Section 47. For the purpose of incorporating the
 1896 amendments made by this act to sections 943.0435, 944.606, and
 1897 944.607, Florida Statutes, in references thereto, section
 1898 948.31, Florida Statutes, is reenacted to read:

1899 948.31 Evaluation and treatment of sexual predators and
 1900 offenders on probation or community control.—The court may
 1901 require any probationer or community controllee who is required
 1902 to register as a sexual predator under s. 775.21 or sexual
 1903 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
 1904 an evaluation, at the probationer or community controllee's
 1905 expense, by a qualified practitioner to determine whether such
 1906 probationer or community controllee needs sexual offender
 1907 treatment. If the qualified practitioner determines that sexual
 1908 offender treatment is needed and recommends treatment, the
 1909 probationer or community controllee must successfully complete
 1910 and pay for the treatment. Such treatment must be obtained from
 1911 a qualified practitioner as defined in s. 948.001. Treatment may
 1912 not be administered by a qualified practitioner who has been

1913 convicted or adjudicated delinquent of committing, or
 1914 attempting, soliciting, or conspiring to commit, any offense
 1915 that is listed in s. 943.0435(1)(h)1.a.(I).

1916 Section 48. For the purpose of incorporating the
 1917 amendments made by this act to sections 943.0435, 944.606, and
 1918 944.607, Florida Statutes, in references thereto, paragraph (b)
 1919 of subsection (6) of section 985.04, Florida Statutes, is
 1920 reenacted to read:

1921 985.04 Oaths; records; confidential information.—

1922 (6)

1923 (b) Sexual offender and predator registration information
 1924 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
 1925 and 985.4815 is a public record pursuant to s. 119.07(1) and as
 1926 otherwise provided by law.

1927 Section 49. This act shall take effect October 1, 2024.