

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Jacques offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6
7 **Section 1. Paragraphs (i) through (k) of subsection (2) of**
8 **section 787.06, Florida Statutes, are renumbered as paragraphs**
9 **(j) through (1), a new paragraph (i) is added to that**
10 **subsection, subsections (5) through (13) are renumbered as**
11 **subsections (6) through (14), and a new subsection (5) is added**
12 **to that section to read:**

13 787.06 Human trafficking.—

14 (2) As used in this section, the term:

15 (i) "Sexual exploitation" means any violation of s.

16 794.011, excluding a violation of s. 794.011(10).

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17 (5) (a) Any person 18 years of age or older who knowingly
18 initiates, organizes, plans, finances, directs, manages, or
19 supervises a venture that has subjected a child younger than 12
20 years of age, or a person who is mentally defective or mentally
21 incapacitated as those terms are defined in s. 794.011(1), to
22 human trafficking for sexual exploitation commits capital human
23 trafficking of vulnerable persons for sexual exploitation, a
24 capital felony punishable as provided in ss. 775.082 and
25 921.1427.

26 (b) For each instance of human trafficking of any
27 individual under paragraph (a), a separate crime is committed
28 and a separate punishment is authorized.

29 (c) In all capital cases under this subsection, the
30 procedure in s. 921.1427 shall be followed to determine a
31 sentence of death or life imprisonment.

32 (d) If the prosecutor intends to seek the death penalty,
33 the prosecutor must give notice to the defendant and file the
34 notice with the court within 45 days after arraignment. The
35 notice must contain a list of the aggravating factors the state
36 intends to prove and has reason to believe it can prove beyond a
37 reasonable doubt. The court may allow the prosecutor to amend
38 the notice upon a showing of good cause.

39 **Section 2. Section 921.1427, Florida Statutes, is created**
40 **to read:**

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41 921.1427 Sentence of death or life imprisonment for
42 capital human trafficking of vulnerable persons for sexual
43 exploitation; further proceedings to determine sentence.-

44 (1) INTENT.-

45 (a) The Legislature finds that a person who commits the
46 offense of initiating, organizing, planning, financing,
47 directing, managing, or supervising a venture that has subjected
48 a child younger than 12 years of age, or a person who is
49 mentally defective or mentally incapacitated, to human
50 trafficking for sexual exploitation in violation of s. 787.06(5)
51 imposes a great risk of death and danger to vulnerable members
52 of this state. Such crimes exploit society's most vulnerable
53 citizens, destroy the innocence of young children, and violate
54 all standards of decency held by civilized society, and persons
55 who commit such acts against such vulnerable persons may be
56 determined by the trier of fact to have a culpable mental state
57 of reckless indifference or disregard for human life.

58 (b) It is the intent of the Legislature that the procedure
59 in this section shall be followed, and a prosecutor must file
60 notice, as provided in s. 787.06(5), if he or she intends to
61 seek the death penalty.

62 (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.-Upon
63 conviction or an adjudication of guilt of a defendant of a
64 capital felony under s. 787.06(5), the court shall conduct a
65 separate sentencing proceeding to determine whether the

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66 defendant should be sentenced to death or life imprisonment as
67 authorized by s. 775.082. The proceeding shall be conducted by
68 the trial judge before the trial jury as soon as practicable.
69 If, through impossibility or inability, the trial jury is unable
70 to reconvene for a hearing on the issue of penalty, having
71 determined the guilt of the accused, the trial judge may summon
72 a special juror or jurors as provided in chapter 913 to
73 determine the issue of the imposition of the penalty. If the
74 trial jury has been waived, or if the defendant pleaded guilty,
75 the sentencing proceeding shall be conducted before a jury
76 impaneled for that purpose, unless waived by the defendant. In
77 the proceeding, evidence may be presented as to any matter that
78 the court deems relevant to the nature of the crime and the
79 character of the defendant and shall include matters relating to
80 any of the aggravating factors enumerated in subsection (7) and
81 for which notice has been provided pursuant to s. 787.06(5) or
82 mitigating circumstances enumerated in subsection (8). Any such
83 evidence that the court deems to have probative value may be
84 received, regardless of its admissibility under the exclusionary
85 rules of evidence, provided the defendant is accorded a fair
86 opportunity to rebut any hearsay statements. However, this
87 subsection shall not be construed to authorize the introduction
88 of any evidence secured in violation of the United States
89 Constitution or the State Constitution. The state and the

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90 defendant or the defendant's counsel shall be permitted to
91 present argument for or against a sentence of death.

92 (3) FINDINGS AND RECOMMENDED SENTENCE BY THE JURY.—This
93 subsection applies only if the defendant has not waived his or
94 her right to a sentencing proceeding by a jury.

95 (a) After hearing all of the evidence presented regarding
96 aggravating factors and mitigating circumstances, the jury shall
97 deliberate and determine if the state has proven, beyond a
98 reasonable doubt, the existence of at least two aggravating
99 factors set forth in subsection (7).

100 (b) The jury shall return findings identifying each
101 aggravating factor found to exist. A finding that at least two
102 aggravating factors exist must be unanimous. If the jury:

103 1. Does not unanimously find at least two aggravating
104 factors, the defendant is ineligible for a sentence of death.

105 2. Unanimously finds at least two aggravating factors, the
106 defendant is eligible for a sentence of death and the jury shall
107 make a recommendation to the court as to whether the defendant
108 shall be sentenced to life imprisonment without the possibility
109 of parole or to death. The recommendation shall be based on a
110 weighing of all of the following:

111 a. Whether sufficient aggravating factors exist.

112 b. Whether aggravating factors exist which outweigh the
113 mitigating circumstances found to exist.

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114 c. Based on the considerations in sub-subparagraphs a. and
115 b., whether the defendant should be sentenced to life
116 imprisonment without the possibility of parole or to death.

117 (c) If at least eight jurors determine that the defendant
118 should be sentenced to death, the jury's recommendation to the
119 court shall be a sentence of death. If fewer than eight jurors
120 determine that the defendant should be sentenced to death, the
121 jury's recommendation to the court shall be a sentence of life
122 imprisonment without the possibility of parole.

123 (4) IMPOSITION OF SENTENCE OF LIFE IMPRISONMENT OR DEATH.—

124 (a) If the jury has recommended a sentence of:

125 1. Life imprisonment without the possibility of parole,
126 the court shall impose the recommended sentence of life
127 imprisonment without the possibility of parole.

128 2. Death, the court, after considering each aggravating
129 factor found by the jury and all mitigating circumstances, may
130 impose a sentence of life imprisonment without the possibility
131 of parole or a sentence of death. The court may consider only an
132 aggravating factor that was unanimously found to exist by the
133 jury. The court may impose a sentence of death only if the jury
134 unanimously found at least two aggravating factors beyond a
135 reasonable doubt.

136 (b) If the defendant waived his or her right to a
137 sentencing proceeding by a jury, the court, after considering
138 all aggravating factors and mitigating circumstances, may impose

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139 a sentence of life imprisonment without the possibility of
140 parole or a sentence of death. The court may impose a sentence
141 of death only if the court finds that at least two aggravating
142 factors have been proven to exist beyond a reasonable doubt.

143 (5) ORDER OF THE COURT IN SUPPORT OF SENTENCE OF LIFE
144 IMPRISONMENT OR DEATH.—In each case in which the court imposes a
145 sentence of life imprisonment without the possibility of parole
146 or death, the court shall, considering the records of the trial
147 and the sentencing proceedings, enter a written order addressing
148 the aggravating factors set forth in subsection (7) found to
149 exist, the mitigating circumstances in subsection (8) reasonably
150 established by the evidence, whether there are sufficient
151 aggravating factors to warrant the death penalty, and whether
152 the aggravating factors outweigh the mitigating circumstances
153 reasonably established by the evidence. The court shall include
154 in its written order the reasons for not accepting the jury's
155 recommended sentence, if applicable. If the court does not issue
156 its order requiring the death sentence within 30 days after the
157 rendition of the judgment and sentence, the court shall impose a
158 sentence of life imprisonment without the possibility of parole
159 in accordance with s. 775.082.

160 (6) REVIEW OF JUDGMENT AND SENTENCE.—The judgment of
161 conviction and sentence of death shall be subject to automatic
162 review by the Supreme Court and disposition rendered within 2
163 years after the filing of a notice of appeal. Such review by the

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164 Supreme Court shall have priority over all other cases and shall
165 be heard in accordance with rules adopted by the Supreme Court.

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

168 (a) The capital felony was committed by a person
169 previously convicted of a felony violation under s. 787.06 and
170 under sentence of imprisonment or placed on community control or
171 on felony probation.

172 (b) The defendant was previously convicted of another
173 capital felony or of a felony involving the use or threat of
174 violence to the person.

175 (c) The capital felony was committed by a person
176 designated as a sexual predator pursuant to s. 775.21 or a
177 person previously designated as a sexual predator who had the
178 sexual predator designation removed.

179 (d) The capital felony was committed by a sexual offender
180 who is required to register pursuant to s. 943.0435 or a person
181 previously required to register as a sexual offender who had
182 such requirement removed.

183 (e) The defendant knowingly created a great risk of death
184 to one or more persons such that participation in the offense
185 constituted reckless indifference or disregard for human life.

186 (f) The defendant used a firearm or knowingly directed,
187 advised, authorized, or assisted another to use a firearm to

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188 threaten, intimidate, assault, or injure a person in committing
189 the offense or in furtherance of the offense.

190 (g) The capital felony was especially heinous, atrocious,
191 or cruel.

192 (h) The victim of the capital felony was particularly
193 vulnerable due to age or disability, or because the defendant
194 stood in a position of familial or custodial authority over the
195 victim.

196 (i) The capital felony was committed by a person subject
197 to an injunction issued pursuant to s. 741.30 or s. 784.046, or
198 a foreign protection order accorded full faith and credit
199 pursuant to s. 741.315, and was committed against the petitioner
200 who obtained the injunction or protection order or any spouse,
201 child, sibling, or parent of the petitioner.

202 (j) The victim of the capital felony sustained serious
203 bodily injury.

204 (8) MITIGATING CIRCUMSTANCES.—Mitigating circumstances
205 shall include the following:

206 (a) The defendant has no significant history of prior
207 criminal activity.

208 (b) The capital felony was committed while the defendant
209 was under the influence of extreme mental or emotional
210 disturbance.

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211 (c) The defendant was an accomplice in the capital felony
212 committed by another person, and the defendant's participation
213 was relatively minor.

214 (d) The defendant was under extreme duress or under the
215 substantial domination of another person.

216 (e) The capacity of the defendant to appreciate the
217 criminality of her or his conduct or to conform his or her
218 conduct to the requirements of law was substantially impaired.

219 (f) The age of the defendant at the time of the offense.

220 (g) The defendant could not have reasonably foreseen that
221 his or her conduct in the course of the commission of the
222 offense would cause or would create a grave risk of death to one
223 or more persons.

224 (h) The existence of any other factors in the defendant's
225 background that would mitigate against imposition of the death
226 penalty.

227 (9) VICTIM IMPACT EVIDENCE.—Once the prosecution has
228 provided evidence of the existence of two or more aggravating
229 factors as described in subsection (7), the prosecution may
230 introduce, and subsequently argue, victim impact evidence to the
231 jury. Such evidence shall be designed to demonstrate the
232 victim's uniqueness as an individual human being and the
233 physical and psychological harm to the victim. Characterizations
234 and opinions about the crime, the defendant, and the appropriate

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235 sentence shall not be permitted as a part of victim impact
236 evidence.

237 (10) CONSTITUTIONALITY.—Notwithstanding s. 775.082(2) or
238 s. 775.15, or any other provision of law, a sentence of death
239 shall be imposed under this section notwithstanding existing
240 case law which holds that such a sentence is unconstitutional
241 under the State Constitution and the United States Constitution.
242 In any case for which the Florida Supreme Court or the United
243 States Supreme Court reviews a sentence of death imposed
244 pursuant to this section, and in making such a review
245 reconsiders the prior holdings in *Buford v. State of Florida*,
246 403 So. 2d 943 (Fla. 1981), and *Kennedy v. Louisiana*, 554 U.S.
247 407 (2008), and determines that a sentence of death remains
248 unconstitutional, the court having jurisdiction over the person
249 previously sentenced to death shall cause such person to be
250 brought before the court, and the court shall sentence such
251 person to life imprisonment as provided in s. 775.082(1).

252 (11) APPLICABILITY.—This section applies to any capital
253 felony under s. 787.06(5) that is committed on or after October
254 1, 2025.

255 **Section 3. Paragraph (o) is added to subsection (1) of**
256 **section 924.07, Florida Statutes, to read:**

257 924.07 Appeal by state.—

258 (1) The state may appeal from:

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259 (o) The sentence in a case of capital human trafficking of
260 vulnerable persons for sexual exploitation on the ground that it
261 resulted from the circuit court's failure to comply with
262 sentencing procedures under s. 921.1427, including by striking a
263 notice of intent to seek the death penalty, refusing to impanel
264 a capital jury, or otherwise granting relief that prevents the
265 state from seeking a sentence of death.

266 **Section 4. Subsection (2) of section 92.565, Florida**
267 **Statutes, is amended to read:**

268 92.565 Admissibility of confession in sexual abuse cases.—

269 (2) In any criminal action in which the defendant is
270 charged with a crime against a victim under s. 787.06(3),
271 involving commercial sexual activity; s. 787.06(5); s. 794.011;
272 s. 794.05; s. 800.04; s. 826.04; s. 827.03, involving sexual
273 abuse; s. 827.04, involving sexual abuse; s. 827.071; or s.
274 847.0135(5), or any other crime involving sexual abuse of
275 another, or with any attempt, solicitation, or conspiracy to
276 commit any of these crimes, the defendant's memorialized
277 confession or admission is admissible during trial without the
278 state having to prove a corpus delicti of the crime if the court
279 finds in a hearing conducted outside the presence of the jury
280 that the state is unable to show the existence of each element
281 of the crime, and having so found, further finds that the
282 defendant's confession or admission is trustworthy. Factors
283 which may be relevant in determining whether the state is unable

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284 to show the existence of each element of the crime include, but
285 are not limited to, the fact that, at the time the crime was
286 committed, the victim was:

287 (a) Physically helpless, mentally incapacitated, or
288 mentally defective, as those terms are defined in s. 794.011;

289 (b) Physically incapacitated due to age, infirmity, or any
290 other cause; or

291 (c) Less than 12 years of age.

292 **Section 5. Paragraph (e) of subsection (2) of section**
293 **456.51, Florida Statutes, is amended to read:**

294 456.51 Consent for pelvic examinations.—

295 (2) A health care practitioner, a medical student, or any
296 other student receiving training as a health care practitioner
297 may not perform a pelvic examination on an anesthetized or
298 unconscious patient without the written consent of the patient
299 or the patient's legal representative executed specific to, and
300 expressly identifying, the pelvic examination. If the patient is
301 conscious, informed verbal consent must be obtained for the
302 pelvic examination in addition to any written consent obtained.
303 Consent is not required if:

304 (e) The pelvic examination is administered pursuant to a
305 criminal investigation of an alleged violation related to child
306 abuse or neglect under s. 787.06(3)(a)1., (c)1., (f)1., or (g);
307 s. 787.06(5); chapter 794; chapter 796; chapter 800; chapter
308 827; or chapter 847.

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309 **Section 6. Paragraph (o) of subsection (1) of section**
310 **775.0877, Florida Statutes, is amended to read:**

311 775.0877 Criminal transmission of HIV; procedures;
312 penalties.—

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

318 (o) Sections 787.06(3)(b), (d), (f), and (g) and
319 787.06(5), relating to human trafficking,

320
321 the court shall order the offender to undergo HIV testing, to be
322 performed under the direction of the Department of Health in
323 accordance with s. 381.004, unless the offender has undergone
324 HIV testing voluntarily or pursuant to procedures established in
325 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
326 rule providing for HIV testing of criminal offenders or inmates,
327 subsequent to her or his arrest for an offense enumerated in
328 paragraphs (a)-(n) for which she or he was convicted or to which
329 she or he pled nolo contendere or guilty. The results of an HIV
330 test performed on an offender pursuant to this subsection are
331 not admissible in any criminal proceeding arising out of the
332 alleged offense.

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333 **Section 7. Paragraph (a) of subsection (4) of section**
334 **775.21, Florida Statutes, is amended to read:**

335 775.21 The Florida Sexual Predators Act.—

336 (4) SEXUAL PREDATOR CRITERIA.—

337 (a) For a current offense committed on or after October 1,
338 1993, upon conviction, an offender shall be designated as a
339 "sexual predator" under subsection (5), and subject to
340 registration under subsection (6) and community and public
341 notification under subsection (7) if:

342 1. The felony is:

343 a. A capital, life, or first degree felony violation, or
344 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
345 is a minor, or s. 787.06(3)(f) or (g), where the victim is a
346 minor; s. 787.06(5); s. 794.011, s. 800.04, or s. 847.0145, or a
347 violation of a similar law of another jurisdiction; or

348 b. Any felony violation, or any attempt thereof, of s.
349 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
350 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
351 (d), (f), or (g); former s. 787.06(3)(h); s. 787.06(5); s.
352 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
353 former s. 796.035; s. 800.04; s. 810.145(8)(b); s. 825.1025; s.
354 827.071; s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s.
355 895.03, if the court makes a written finding that the
356 racketeering activity involved at least one sexual offense
357 listed in this sub-subparagraph or at least one offense listed

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358 in this sub-subparagraph with sexual intent or motive; s.
359 916.1075(2); or s. 985.701(1); or a violation of a similar law
360 of another jurisdiction, and the offender has previously been
361 convicted of or found to have committed, or has pled nolo
362 contendere or guilty to, regardless of adjudication, any
363 violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.
364 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
365 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
366 787.06(5); s. 794.011, excluding s. 794.011(10); s. 794.05;
367 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s.
368 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
369 847.0145; s. 895.03, if the court makes a written finding that
370 the racketeering activity involved at least one sexual offense
371 listed in this sub-subparagraph or at least one offense listed
372 in this sub-subparagraph with sexual intent or motive; s.
373 916.1075(2); or s. 985.701(1); or a violation of a similar law
374 of another jurisdiction;

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

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

381 **Section 8. Subsection (3) of section 787.01, Florida**
382 **Statutes, is amended to read:**

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383 787.01 Kidnapping; kidnapping of child under age 13,
384 aggravating circumstances.—

385 (3) (a) A person who commits the offense of kidnapping upon
386 a child under the age of 13 and who, in the course of committing
387 the offense, commits one or more of the following:

388 1. Aggravated child abuse, as defined in s. 827.03;

389 2. Sexual battery, as defined in chapter 794, against the
390 child;

391 3. Lewd or lascivious battery, lewd or lascivious
392 molestation, lewd or lascivious conduct, or lewd or lascivious
393 exhibition, in violation of s. 800.04 or s. 847.0135(5);

394 4. A violation of former s. 796.03 or s. 796.04, relating
395 to prostitution, upon the child;

396 5. Exploitation of the child or allowing the child to be
397 exploited, in violation of s. 450.151; or

398 6. A violation of s. 787.06(3)(g) or s. 787.06(5),
399 relating to human trafficking,
400 commits a life felony, punishable as provided in s. 775.082, s.
401 775.083, or s. 775.084.

402 (b) Pursuant to s. 775.021(4), nothing contained herein
403 shall be construed to prohibit the imposition of separate
404 judgments and sentences for the life felony described in
405 paragraph (a) and for each separate offense enumerated in
406 subparagraphs (a)1.-6. ~~(a)1.-5.~~

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407 **Section 9. Subsection (3) of section 787.02, Florida**
408 **Statutes, is amended to read:**

409 787.02 False imprisonment; false imprisonment of child
410 under age 13, aggravating circumstances.—

411 (3) (a) A person who commits the offense of false
412 imprisonment upon a child under the age of 13 and who, in the
413 course of committing the offense, commits any offense enumerated
414 in subparagraphs 1.-6. ~~1.-5.~~, commits a felony of the first
415 degree, punishable by imprisonment for a term of years not
416 exceeding life or as provided in s. 775.082, s. 775.083, or s.
417 775.084.

418 1. Aggravated child abuse, as defined in s. 827.03;

419 2. Sexual battery, as defined in chapter 794, against the
420 child;

421 3. Lewd or lascivious battery, lewd or lascivious
422 molestation, lewd or lascivious conduct, or lewd or lascivious
423 exhibition, in violation of s. 800.04 or s. 847.0135(5);

424 4. A violation of former s. 796.03 or s. 796.04, relating
425 to prostitution, upon the child;

426 5. Exploitation of the child or allowing the child to be
427 exploited, in violation of s. 450.151; or

428 6. A violation of s. 787.06(3)(g) or s. 787.06(5),
429 relating to human trafficking.

430 (b) Pursuant to s. 775.021(4), nothing contained herein
431 shall be construed to prohibit the imposition of separate

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432 judgments and sentences for the first degree offense described
433 in paragraph (a) and for each separate offense enumerated in
434 subparagraphs (a)1.-6. ~~(a)1.-5.~~

435 **Section 10. Subsection (4) of section 921.137, Florida**
436 **Statutes, is amended to read:**

437 921.137 Imposition of the death sentence upon an
438 intellectually disabled defendant prohibited.—

439 (4) After a defendant who has given notice of his or her
440 intention to raise intellectual disability as a bar to the death
441 sentence is convicted of a capital felony and an advisory jury
442 has returned a recommended sentence of death, the defendant may
443 file a motion to determine whether the defendant is
444 intellectually disabled. Upon receipt of the motion, the court
445 shall appoint two experts in the field of intellectual
446 disabilities who shall evaluate the defendant and report their
447 findings to the court and all interested parties prior to the
448 final sentencing hearing. Notwithstanding s. 921.141, s.
449 921.142, ~~or~~ s. 921.1425, or s. 921.1427, the final sentencing
450 hearing shall be held without a jury. At the final sentencing
451 hearing, the court shall consider the findings of the court-
452 appointed experts and consider the findings of any other expert
453 which is offered by the state or the defense on the issue of
454 whether the defendant has an intellectual disability. If the
455 court finds, by clear and convincing evidence, that the
456 defendant has an intellectual disability as defined in

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457 subsection (1), the court may not impose a sentence of death and
458 shall enter a written order that sets forth with specificity the
459 findings in support of the determination.

460 **Section 11. Subsection (9) of section 921.141, Florida**
461 **Statutes, is amended to read:**

462 921.141 Sentence of death or life imprisonment for capital
463 felonies; further proceedings to determine sentence.—

464 (9) APPLICABILITY.—This section does not apply to a person
465 convicted or adjudicated guilty of a capital sexual battery
466 under s. 794.011, capital human trafficking of vulnerable
467 persons for sexual exploitation under s. 787.06(5), or a capital
468 drug trafficking felony under s. 893.135.

469 **Section 12. Paragraph (h) of subsection (1) of section**
470 **943.0435, Florida Statutes, is amended to read:**

471 943.0435 Sexual offenders required to register with the
472 department; penalty.—

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

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

477 a.(I) Has been convicted of committing, or attempting,
478 soliciting, or conspiring to commit, any of the criminal
479 offenses proscribed in the following statutes in this state or
480 similar offenses in another jurisdiction: s. 393.135(2); s.
481 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where

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482 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
483 s. 787.06(3)(h); s. 787.06(5); s. 794.011, excluding s.
484 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
485 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.
486 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
487 847.0145; s. 895.03, if the court makes a written finding that
488 the racketeering activity involved at least one sexual offense
489 listed in this sub-sub-subparagraph or at least one offense
490 listed in this sub-sub-subparagraph with sexual intent or
491 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
492 committed in this state which has been redesignated from a
493 former statute number to one of those listed in this sub-sub-
494 subparagraph; and

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

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506 b. Establishes or maintains a residence in this state and
507 who has not been designated as a sexual predator by a court of
508 this state but who has been designated as a sexual predator, as
509 a sexually violent predator, or any other sexual offender
510 designation in another state or jurisdiction and was, as a
511 result of such designation, subjected to registration or
512 community or public notification, or both, or would be if the
513 person were a resident of that state or jurisdiction, without
514 regard to whether the person otherwise meets the criteria for
515 registration as a sexual offender;

516 c. Establishes or maintains a residence in this state who
517 is in the custody or control of, or under the supervision of,
518 any other state or jurisdiction as a result of a conviction for
519 committing, or attempting, soliciting, or conspiring to commit,
520 any of the criminal offenses proscribed in the following
521 statutes or similar offense in another jurisdiction: s.
522 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
523 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
524 (d), (f), or (g); former s. 787.06(3)(h); s. 787.06(5); s.
525 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
526 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
527 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
528 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
529 makes a written finding that the racketeering activity involved
530 at least one sexual offense listed in this sub-subparagraph or

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531 at least one offense listed in this sub-subparagraph with sexual
532 intent or motive; s. 916.1075(2); or s. 985.701(1); or any
533 similar offense committed in this state which has been
534 redesignated from a former statute number to one of those listed
535 in this sub-subparagraph; or

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

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

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

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

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

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

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

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556 For each violation of a qualifying offense listed in this
557 subsection, except for a violation of s. 794.011, the court
558 shall make a written finding of the age of the victim at the
559 time of the offense. For a violation of s. 800.04(4), the court
560 shall also make a written finding indicating whether the offense
561 involved sexual activity and indicating whether the offense
562 involved force or coercion. For a violation of s. 800.04(5), the
563 court shall also make a written finding that the offense did or
564 did not involve unclothed genitals or genital area and that the
565 offense did or did not involve the use of force or coercion.

566 **Section 13. Paragraph (f) of subsection (1) of section**
567 **944.606, Florida Statutes, is amended to read:**

568 944.606 Sexual offenders; notification upon release.—

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

570 (f) "Sexual offender" means a person who has been
571 convicted of committing, or attempting, soliciting, or
572 conspiring to commit, any of the criminal offenses proscribed in
573 the following statutes in this state or similar offenses in
574 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
575 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
576 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
577 787.06(5); s. 794.011, excluding s. 794.011(10); s. 794.05;
578 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);
579 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
580 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,

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581 if the court makes a written finding that the racketeering
582 activity involved at least one sexual offense listed in this
583 paragraph or at least one offense listed in this paragraph with
584 sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or
585 any similar offense committed in this state which has been
586 redesignated from a former statute number to one of those listed
587 in this subsection, when the department has received verified
588 information regarding such conviction; an offender's
589 computerized criminal history record is not, in and of itself,
590 verified information.

591 **Section 14. Paragraph (f) of subsection (1) of section**
592 **944.607, Florida Statutes, is amended to read:**

593 944.607 Notification to Department of Law Enforcement of
594 information on sexual offenders.—

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

596 (f) "Sexual offender" means a person who is in the custody
597 or control of, or under the supervision of, the department or is
598 in the custody of a contractor-operated correctional facility:

599 1. On or after October 1, 1997, as a result of a
600 conviction for committing, or attempting, soliciting, or
601 conspiring to commit, any of the criminal offenses proscribed in
602 the following statutes in this state or similar offenses in
603 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
604 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
605 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.

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606 787.06(5); s. 794.011, excluding s. 794.011(10); s. 794.05;
607 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);
608 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
609 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
610 if the court makes a written finding that the racketeering
611 activity involved at least one sexual offense listed in this
612 subparagraph or at least one offense listed in this subparagraph
613 with sexual intent or motive; s. 916.1075(2); or s. 985.701(1);
614 or any similar offense committed in this state which has been
615 redesignated from a former statute number to one of those listed
616 in this paragraph; or

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

627 **Section 15. Subsection (1) of section 948.32, Florida**
628 **Statutes, is amended to read:**

629 948.32 Requirements of law enforcement agency upon arrest
630 of persons for certain sex offenses.—

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631 (1) When any state or local law enforcement agency
632 investigates or arrests a person for committing, or attempting,
633 soliciting, or conspiring to commit, a violation of s.
634 787.025(2)(c), s. 787.06(3)(g), s. 787.06(5), chapter 794,
635 former s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s.
636 847.0135, or s. 847.0145, the law enforcement agency shall
637 contact the Department of Corrections to verify whether the
638 person under investigation or under arrest is on probation,
639 community control, parole, conditional release, or control
640 release.

641 **Section 16. Subsection (2) of section 960.065, Florida**
642 **Statutes, is amended to read:**

643 960.065 Eligibility for awards.—

644 (2) Any claim filed by or on behalf of a person who:

645 (a) Committed or aided in the commission of the crime upon
646 which the claim for compensation was based;

647 (b) Was engaged in an unlawful activity at the time of the
648 crime upon which the claim for compensation is based, unless the
649 victim was engaged in prostitution as a result of being a victim
650 of human trafficking as described in s. 787.06(3)(b), (d), (f),
651 or (g), or s. 787.06(5);

652 (c) Was in custody or confined, regardless of conviction,
653 in a county or municipal detention facility, a state or federal
654 correctional facility, or a juvenile detention or commitment

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655 facility at the time of the crime upon which the claim for
656 compensation is based;

657 (d) Has been adjudicated as a habitual felony offender,
658 habitual violent offender, or violent career criminal under s.
659 775.084; or

660 (e) Has been adjudicated guilty of a forcible felony
661 offense as described in s. 776.08,

662

663 is ineligible for an award.

664 **Section 17.** This act shall take effect October 1, 2025.

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

668 Remove lines 3-28 and insert:

669 vulnerable persons for sexual exploitation; amending
670 s. 787.06, F.S.; providing a definition; prohibiting a
671 person 18 years of age or older from knowingly
672 initiating, organizing, planning, financing,
673 directing, managing, or supervising a venture that has
674 subjected a child younger than 12 years of age, or a
675 person who is mentally defective or mentally
676 incapacitated to human trafficking for sexual
677 exploitation; providing a criminal penalty; requiring
678 the state to give a specified notice if it intends to
679 seek the death penalty for a violation of the offense;

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680 creating s. 921.1427, F.S.; providing legislative
681 intent; providing for separate death penalty
682 proceedings in certain cases; providing for findings
683 and recommended sentences by a jury; providing for
684 imposition of sentence of life imprisonment or death;
685 providing requirements for a court order in support of
686 a life imprisonment or death sentence; providing for
687 automatic review of sentences of death within a
688 certain time period; specifying aggravating factors
689 and mitigating circumstances; providing for victim
690 impact evidence; providing for resentencing if
691 provisions are found to be unconstitutional; providing
692 applicability; amending s. 924.07, F.S.; authorizing
693 the state to appeal from a sentence on the ground that
694 it resulted from the failure of the circuit court to
695 comply with specified sentencing procedure
696 requirements; amending ss. 92.565, 456.51, 775.0877,
697 775.21, 787.01, 787.02, 921.137, 921.141, 943.0435,
698 944.606, 944.607, 948.32, and 960.065, F.S.;