

1                   A bill to be entitled  
2           An act relating to capital human trafficking of  
3           vulnerable persons for sexual exploitation; amending  
4           s. 787.06, F.S.; providing a definition; prohibiting a  
5           person 18 years of age or older from knowingly  
6           initiating, organizing, planning, financing,  
7           directing, managing, or supervising a venture that has  
8           subjected a child younger than 12 years of age, or a  
9           person who is mentally defective or mentally  
10          incapacitated to human trafficking for sexual  
11          exploitation; providing a criminal penalty; requiring  
12          the state to give a specified notice if it intends to  
13          seek the death penalty for a violation of the offense;  
14          creating s. 921.1427, F.S.; providing legislative  
15          intent; providing for separate death penalty  
16          proceedings in certain cases; providing for findings  
17          and recommended sentences by a jury; providing for  
18          imposition of sentence of life imprisonment or death;  
19          providing requirements for a court order in support of  
20          a life imprisonment or death sentence; providing for  
21          automatic review of sentences of death within a  
22          certain time period; specifying aggravating factors  
23          and mitigating circumstances; providing for victim  
24          impact evidence; providing for resentencing if  
25          provisions are found to be unconstitutional; providing

26 applicability; amending s. 924.07, F.S.; authorizing  
 27 the state to appeal from a sentence on the ground that  
 28 it resulted from the failure of the circuit court to  
 29 comply with specified sentencing procedure  
 30 requirements; amending ss. 92.565, 456.51, 775.0877,  
 31 775.21, 787.01, 787.02, 921.137, 921.141, 943.0435,  
 32 944.606, 944.607, 948.32, and 960.065, F.S.;  
 33 conforming provisions to changes made by the act;  
 34 providing an effective date.

35

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

37

38 **Section 1. Paragraphs (i) through (k) of subsection (2) of**  
 39 **section 787.06, Florida Statutes, are redesignated as paragraphs**  
 40 **(j) through (l), a new paragraph (i) is added to that**  
 41 **subsection, subsections (5) through (13) are renumbered as**  
 42 **subsections (6) through (14), and a new subsection (5) is added**  
 43 **to that section, to read:**

44 787.06 Human trafficking.—

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

46 (i) "Sexual exploitation" means any violation of s.  
 47 794.011, excluding a violation of s. 794.011(10).

48 (5) (a) Any person 18 years of age or older who knowingly  
 49 initiates, organizes, plans, finances, directs, manages, or  
 50 supervises a venture that has subjected a child younger than 12

51 years of age, or a person who is mentally defective or mentally  
52 incapacitated as those terms are defined in s. 794.011(1), to  
53 human trafficking for sexual exploitation commits capital human  
54 trafficking of vulnerable persons for sexual exploitation, a  
55 capital felony punishable as provided in ss. 775.082 and  
56 921.1427.

57 (b) For each instance of human trafficking of any  
58 individual under paragraph (a), a separate crime is committed  
59 and a separate punishment is authorized.

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

63 (d) If the prosecutor intends to seek the death penalty,  
64 the prosecutor must give notice to the defendant and file the  
65 notice with the court within 45 days after arraignment. The  
66 notice must contain a list of the aggravating factors the state  
67 intends to prove and has reason to believe it can prove beyond a  
68 reasonable doubt. The court may allow the prosecutor to amend  
69 the notice upon a showing of good cause.

70 **Section 2. Section 921.1427, Florida Statutes, is created**  
71 **to read:**

72 921.1427 Sentence of death or life imprisonment for  
73 capital human trafficking of vulnerable persons for sexual  
74 exploitation; further proceedings to determine sentence.-

75 (1) INTENT.-

76        (a) The Legislature finds that a person who commits the  
77 offense of initiating, organizing, planning, financing,  
78 directing, managing, or supervising a venture that has subjected  
79 a child younger than 12 years of age, or a person who is  
80 mentally defective or mentally incapacitated, to human  
81 trafficking for sexual exploitation in violation of s. 787.06(5)  
82 imposes a great risk of death and danger to vulnerable members  
83 of this state. Such crimes exploit society's most vulnerable  
84 citizens, destroy the innocence of young children, and violate  
85 all standards of decency held by civilized society, and persons  
86 who commit such acts against such vulnerable persons may be  
87 determined by the trier of fact to have a culpable mental state  
88 of reckless indifference or disregard for human life.

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

93        (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon  
94 conviction or an adjudication of guilt of a defendant of a  
95 capital felony under s. 787.06(5), the court shall conduct a  
96 separate sentencing proceeding to determine whether the  
97 defendant should be sentenced to death or life imprisonment as  
98 authorized by s. 775.082. The proceeding shall be conducted by  
99 the trial judge before the trial jury as soon as practicable.  
100 If, through impossibility or inability, the trial jury is unable

101 to reconvene for a hearing on the issue of penalty, having  
102 determined the guilt of the accused, the trial judge may summon  
103 a special juror or jurors as provided in chapter 913 to  
104 determine the issue of the imposition of the penalty. If the  
105 trial jury has been waived, or if the defendant pleaded guilty,  
106 the sentencing proceeding shall be conducted before a jury  
107 impaneled for that purpose, unless waived by the defendant. In  
108 the proceeding, evidence may be presented as to any matter that  
109 the court deems relevant to the nature of the crime and the  
110 character of the defendant and shall include matters relating to  
111 any of the aggravating factors enumerated in subsection (7) and  
112 for which notice has been provided pursuant to s. 787.06(5) or  
113 mitigating circumstances enumerated in subsection (8). Any such  
114 evidence that the court deems to have probative value may be  
115 received, regardless of its admissibility under the exclusionary  
116 rules of evidence, provided the defendant is accorded a fair  
117 opportunity to rebut any hearsay statements. However, this  
118 subsection shall not be construed to authorize the introduction  
119 of any evidence secured in violation of the United States  
120 Constitution or the State Constitution. The state and the  
121 defendant or the defendant's counsel shall be permitted to  
122 present argument for or against a sentence of death.

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

126 (a) After hearing all of the evidence presented regarding  
127 aggravating factors and mitigating circumstances, the jury shall  
128 deliberate and determine if the state has proven, beyond a  
129 reasonable doubt, the existence of at least two aggravating  
130 factors set forth in subsection (7).

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

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

136 2. Unanimously finds at least two aggravating factors, the  
137 defendant is eligible for a sentence of death and the jury shall  
138 make a recommendation to the court as to whether the defendant  
139 shall be sentenced to life imprisonment without the possibility  
140 of parole or to death. The recommendation shall be based on a  
141 weighing of all of the following:

142 a. Whether sufficient aggravating factors exist.

143 b. Whether aggravating factors exist which outweigh the  
144 mitigating circumstances found to exist.

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

148 (c) If at least eight jurors determine that the defendant  
149 should be sentenced to death, the jury's recommendation to the  
150 court shall be a sentence of death. If fewer than eight jurors

151 determine that the defendant should be sentenced to death, the  
152 jury's recommendation to the court shall be a sentence of life  
153 imprisonment without the possibility of parole.

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

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

156 1. Life imprisonment without the possibility of parole,  
157 the court shall impose the recommended sentence of life  
158 imprisonment without the possibility of parole.

159 2. Death, the court, after considering each aggravating  
160 factor found by the jury and all mitigating circumstances, may  
161 impose a sentence of life imprisonment without the possibility  
162 of parole or a sentence of death. The court may consider only an  
163 aggravating factor that was unanimously found to exist by the  
164 jury. The court may impose a sentence of death only if the jury  
165 unanimously found at least two aggravating factors beyond a  
166 reasonable doubt.

167 (b) If the defendant waived his or her right to a  
168 sentencing proceeding by a jury, the court, after considering  
169 all aggravating factors and mitigating circumstances, may impose  
170 a sentence of life imprisonment without the possibility of  
171 parole or a sentence of death. The court may impose a sentence  
172 of death only if the court finds that at least two aggravating  
173 factors have been proven to exist beyond a reasonable doubt.

174 (5) ORDER OF THE COURT IN SUPPORT OF SENTENCE OF LIFE  
175 IMPRISONMENT OR DEATH.—In each case in which the court imposes a

176 sentence of life imprisonment without the possibility of parole  
177 or death, the court shall, considering the records of the trial  
178 and the sentencing proceedings, enter a written order addressing  
179 the aggravating factors set forth in subsection (7) found to  
180 exist, the mitigating circumstances in subsection (8) reasonably  
181 established by the evidence, whether there are sufficient  
182 aggravating factors to warrant the death penalty, and whether  
183 the aggravating factors outweigh the mitigating circumstances  
184 reasonably established by the evidence. The court shall include  
185 in its written order the reasons for not accepting the jury's  
186 recommended sentence, if applicable. If the court does not issue  
187 its order requiring the death sentence within 30 days after the  
188 rendition of the judgment and sentence, the court shall impose a  
189 sentence of life imprisonment without the possibility of parole  
190 in accordance with s. 775.082.

191 (6) REVIEW OF JUDGMENT AND SENTENCE.—The judgment of  
192 conviction and sentence of death shall be subject to automatic  
193 review by the Supreme Court and disposition rendered within 2  
194 years after the filing of a notice of appeal. Such review by the  
195 Supreme Court shall have priority over all other cases and shall  
196 be heard in accordance with rules adopted by the Supreme Court.

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

199 (a) The capital felony was committed by a person  
200 previously convicted of a felony violation under s. 787.06 and



201 under sentence of imprisonment or placed on community control or  
202 on felony probation.

203 (b) The defendant was previously convicted of another  
204 capital felony or of a felony involving the use or threat of  
205 violence to the person.

206 (c) The capital felony was committed by a person  
207 designated as a sexual predator pursuant to s. 775.21 or a  
208 person previously designated as a sexual predator who had the  
209 sexual predator designation removed.

210 (d) The capital felony was committed by a sexual offender  
211 who is required to register pursuant to s. 943.0435 or a person  
212 previously required to register as a sexual offender who had  
213 such requirement removed.

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

217 (f) The defendant used a firearm or knowingly directed,  
218 advised, authorized, or assisted another to use a firearm to  
219 threaten, intimidate, assault, or injure a person in committing  
220 the offense or in furtherance of the offense.

221 (g) The capital felony was especially heinous, atrocious,  
222 or cruel.

223 (h) The victim of the capital felony was particularly  
224 vulnerable due to age or disability, or because the defendant  
225 stood in a position of familial or custodial authority over the

226 victim.

227 (i) The capital felony was committed by a person subject  
228 to an injunction issued pursuant to s. 741.30 or s. 784.046, or  
229 a foreign protection order accorded full faith and credit  
230 pursuant to s. 741.315, and was committed against the petitioner  
231 who obtained the injunction or protection order or any spouse,  
232 child, sibling, or parent of the petitioner.

233 (j) The victim of the capital felony sustained serious  
234 bodily injury.

235 (8) MITIGATING CIRCUMSTANCES.—Mitigating circumstances  
236 shall include the following:

237 (a) The defendant has no significant history of prior  
238 criminal activity.

239 (b) The capital felony was committed while the defendant  
240 was under the influence of extreme mental or emotional  
241 disturbance.

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

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

247 (e) The capacity of the defendant to appreciate the  
248 criminality of her or his conduct or to conform his or her  
249 conduct to the requirements of law was substantially impaired.

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

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

255 (h) The existence of any other factors in the defendant's  
256 background that would mitigate against imposition of the death  
257 penalty.

258 (9) VICTIM IMPACT EVIDENCE.—Once the prosecution has  
259 provided evidence of the existence of two or more aggravating  
260 factors as described in subsection (7), the prosecution may  
261 introduce, and subsequently argue, victim impact evidence to the  
262 jury. Such evidence shall be designed to demonstrate the  
263 victim's uniqueness as an individual human being and the  
264 physical and psychological harm to the victim. Characterizations  
265 and opinions about the crime, the defendant, and the appropriate  
266 sentence shall not be permitted as a part of victim impact  
267 evidence.

268 (10) CONSTITUTIONALITY.—Notwithstanding s. 775.082(2) or  
269 s. 775.15, or any other provision of law, a sentence of death  
270 shall be imposed under this section notwithstanding existing  
271 case law which holds that such a sentence is unconstitutional  
272 under the State Constitution and the United States Constitution.  
273 In any case for which the Florida Supreme Court or the United  
274 States Supreme Court reviews a sentence of death imposed  
275 pursuant to this section, and in making such a review

276 reconsiders the prior holdings in *Buford v. State of Florida*,  
277 403 So. 2d 943 (Fla. 1981), and *Kennedy v. Louisiana*, 554 U.S.  
278 407 (2008), and determines that a sentence of death remains  
279 unconstitutional, the court having jurisdiction over the person  
280 previously sentenced to death shall cause such person to be  
281 brought before the court, and the court shall sentence such  
282 person to life imprisonment as provided in s. 775.082(1).

283 (11) APPLICABILITY.—This section applies to any capital  
284 felony under s. 787.06(5) that is committed on or after October  
285 1, 2025.

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

288 924.07 Appeal by state.—

289 (1) The state may appeal from:

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

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

299 92.565 Admissibility of confession in sexual abuse cases.—

300 (2) In any criminal action in which the defendant is

301 charged with a crime against a victim under s. 787.06(3),  
 302 involving commercial sexual activity; s. 787.06(5); s. 794.011;  
 303 s. 794.05; s. 800.04; s. 826.04; s. 827.03, involving sexual  
 304 abuse; s. 827.04, involving sexual abuse; s. 827.071; or s.  
 305 847.0135(5), or any other crime involving sexual abuse of  
 306 another, or with any attempt, solicitation, or conspiracy to  
 307 commit any of these crimes, the defendant's memorialized  
 308 confession or admission is admissible during trial without the  
 309 state having to prove a corpus delicti of the crime if the court  
 310 finds in a hearing conducted outside the presence of the jury  
 311 that the state is unable to show the existence of each element  
 312 of the crime, and having so found, further finds that the  
 313 defendant's confession or admission is trustworthy. Factors  
 314 which may be relevant in determining whether the state is unable  
 315 to show the existence of each element of the crime include, but  
 316 are not limited to, the fact that, at the time the crime was  
 317 committed, the victim was:

- 318 (a) Physically helpless, mentally incapacitated, or
- 319 mentally defective, as those terms are defined in s. 794.011;
- 320 (b) Physically incapacitated due to age, infirmity, or any
- 321 other cause; or
- 322 (c) Less than 12 years of age.

323 **Section 5. Paragraph (e) of subsection (2) of section**  
 324 **456.51, Florida Statutes, is amended to read:**

325 456.51 Consent for pelvic examinations.—

326 (2) A health care practitioner, a medical student, or any  
 327 other student receiving training as a health care practitioner  
 328 may not perform a pelvic examination on an anesthetized or  
 329 unconscious patient without the written consent of the patient  
 330 or the patient's legal representative executed specific to, and  
 331 expressly identifying, the pelvic examination. If the patient is  
 332 conscious, informed verbal consent must be obtained for the  
 333 pelvic examination in addition to any written consent obtained.  
 334 Consent is not required if:

335 (e) The pelvic examination is administered pursuant to a  
 336 criminal investigation of an alleged violation related to child  
 337 abuse or neglect under s. 787.06(3)(a)1., (c)1., (f)1., or (g);  
 338 s. 787.06(5); chapter 794; chapter 796; chapter 800; chapter  
 339 827; or chapter 847.

340 **Section 6. Paragraph (o) of subsection (1) of section**  
 341 **775.0877, Florida Statutes, is amended to read:**

342 775.0877 Criminal transmission of HIV; procedures;  
 343 penalties.—

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

349 (o) Sections 787.06(3)(b), (d), (f), and (g) and  
 350 787.06(5), relating to human trafficking,

351  
352 the court shall order the offender to undergo HIV testing, to be  
353 performed under the direction of the Department of Health in  
354 accordance with s. 381.004, unless the offender has undergone  
355 HIV testing voluntarily or pursuant to procedures established in  
356 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or  
357 rule providing for HIV testing of criminal offenders or inmates,  
358 subsequent to her or his arrest for an offense enumerated in  
359 paragraphs (a)-(n) for which she or he was convicted or to which  
360 she or he pled nolo contendere or guilty. The results of an HIV  
361 test performed on an offender pursuant to this subsection are  
362 not admissible in any criminal proceeding arising out of the  
363 alleged offense.

364 **Section 7. Paragraph (a) of subsection (4) of section**  
365 **775.21, Florida Statutes, is amended to read:**

366 775.21 The Florida Sexual Predators Act.—

367 (4) SEXUAL PREDATOR CRITERIA.—

368 (a) For a current offense committed on or after October 1,  
369 1993, upon conviction, an offender shall be designated as a  
370 "sexual predator" under subsection (5), and subject to  
371 registration under subsection (6) and community and public  
372 notification under subsection (7) if:

373 1. The felony is:

374 a. A capital, life, or first degree felony violation, or  
375 any attempt thereof, of s. 787.01 or s. 787.02, where the victim

376 is a minor, or s. 787.06(3)(f) or (g), where the victim is a  
 377 minor; s. 787.06(5); s. 794.011, s. 800.04, or s. 847.0145, or a  
 378 violation of a similar law of another jurisdiction; or  
 379 b. Any felony violation, or any attempt thereof, of s.  
 380 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
 381 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),  
 382 (d), (f), or (g); former s. 787.06(3)(h); s. 787.06(5); s.  
 383 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
 384 former s. 796.035; s. 800.04; s. 810.145(8)(b); s. 825.1025; s.  
 385 827.071; s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s.  
 386 895.03, if the court makes a written finding that the  
 387 racketeering activity involved at least one sexual offense  
 388 listed in this sub-subparagraph or at least one offense listed  
 389 in this sub-subparagraph with sexual intent or motive; s.  
 390 916.1075(2); or s. 985.701(1); or a violation of a similar law  
 391 of another jurisdiction, and the offender has previously been  
 392 convicted of or found to have committed, or has pled nolo  
 393 contendere or guilty to, regardless of adjudication, any  
 394 violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.  
 395 787.02, or s. 787.025(2)(c), where the victim is a minor; s.  
 396 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
 397 787.06(5); s. 794.011, excluding s. 794.011(10); s. 794.05;  
 398 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s.  
 399 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
 400 847.0145; s. 895.03, if the court makes a written finding that



401 the racketeering activity involved at least one sexual offense  
 402 listed in this sub-subparagraph or at least one offense listed  
 403 in this sub-subparagraph with sexual intent or motive; s.  
 404 916.1075(2); or s. 985.701(1); or a violation of a similar law  
 405 of another jurisdiction;

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

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

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

414 787.01 Kidnapping; kidnapping of child under age 13,  
 415 aggravating circumstances.—

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

- 419 1. Aggravated child abuse, as defined in s. 827.03;
- 420 2. Sexual battery, as defined in chapter 794, against the  
 421 child;
- 422 3. Lewd or lascivious battery, lewd or lascivious  
 423 molestation, lewd or lascivious conduct, or lewd or lascivious  
 424 exhibition, in violation of s. 800.04 or s. 847.0135(5);
- 425 4. A violation of former s. 796.03 or s. 796.04, relating

426 to prostitution, upon the child;

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

429 6. A violation of s. 787.06(3)(g) or s. 787.06(5),  
430 relating to human trafficking,  
431 commits a life felony, punishable as provided in s. 775.082, s.  
432 775.083, or s. 775.084.

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

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

440 787.02 False imprisonment; false imprisonment of child  
441 under age 13, aggravating circumstances.—

442 (3)(a) A person who commits the offense of false  
443 imprisonment upon a child under the age of 13 and who, in the  
444 course of committing the offense, commits any offense enumerated  
445 in subparagraphs 1.-6. ~~1.-5.~~, commits a felony of the first  
446 degree, punishable by imprisonment for a term of years not  
447 exceeding life or as provided in s. 775.082, s. 775.083, or s.  
448 775.084.

- 449 1. Aggravated child abuse, as defined in s. 827.03;  
450 2. Sexual battery, as defined in chapter 794, against the

451 child;

452 3. Lewd or lascivious battery, lewd or lascivious  
453 molestation, lewd or lascivious conduct, or lewd or lascivious  
454 exhibition, in violation of s. 800.04 or s. 847.0135(5);

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

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

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

461 (b) Pursuant to s. 775.021(4), nothing contained herein  
462 shall be construed to prohibit the imposition of separate  
463 judgments and sentences for the first degree offense described  
464 in paragraph (a) and for each separate offense enumerated in  
465 subparagraphs (a)1.-6. ~~(a)1.-5.~~

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

468 921.137 Imposition of the death sentence upon an  
469 intellectually disabled defendant prohibited.—

470 (4) After a defendant who has given notice of his or her  
471 intention to raise intellectual disability as a bar to the death  
472 sentence is convicted of a capital felony and an advisory jury  
473 has returned a recommended sentence of death, the defendant may  
474 file a motion to determine whether the defendant is  
475 intellectually disabled. Upon receipt of the motion, the court

476 shall appoint two experts in the field of intellectual  
477 disabilities who shall evaluate the defendant and report their  
478 findings to the court and all interested parties prior to the  
479 final sentencing hearing. Notwithstanding s. 921.141, s.  
480 921.142, ~~or~~ s. 921.1425, or s. 921.1427, the final sentencing  
481 hearing shall be held without a jury. At the final sentencing  
482 hearing, the court shall consider the findings of the court-  
483 appointed experts and consider the findings of any other expert  
484 which is offered by the state or the defense on the issue of  
485 whether the defendant has an intellectual disability. If the  
486 court finds, by clear and convincing evidence, that the  
487 defendant has an intellectual disability as defined in  
488 subsection (1), the court may not impose a sentence of death and  
489 shall enter a written order that sets forth with specificity the  
490 findings in support of the determination.

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

493 921.141 Sentence of death or life imprisonment for capital  
494 felonies; further proceedings to determine sentence.—

495 (9) APPLICABILITY.—This section does not apply to a person  
496 convicted or adjudicated guilty of a capital sexual battery  
497 under s. 794.011, capital human trafficking of vulnerable  
498 persons for sexual exploitation under s. 787.06(5), or a capital  
499 drug trafficking felony under s. 893.135.

500 **Section 12. Paragraph (h) of subsection (1) of section**

501 **943.0435, Florida Statutes, is amended to read:**

502 943.0435 Sexual offenders required to register with the  
503 department; penalty.—

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

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

508 a.(I) Has been convicted of committing, or attempting,  
509 soliciting, or conspiring to commit, any of the criminal  
510 offenses proscribed in the following statutes in this state or  
511 similar offenses in another jurisdiction: s. 393.135(2); s.  
512 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
513 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former  
514 s. 787.06(3)(h); s. 787.06(5); s. 794.011, excluding s.  
515 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.  
516 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.  
517 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
518 847.0145; s. 895.03, if the court makes a written finding that  
519 the racketeering activity involved at least one sexual offense  
520 listed in this sub-sub-subparagraph or at least one offense  
521 listed in this sub-sub-subparagraph with sexual intent or  
522 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense  
523 committed in this state which has been redesignated from a  
524 former statute number to one of those listed in this sub-sub-  
525 subparagraph; and

526 (II) Has been released on or after October 1, 1997, from a  
527 sanction imposed for any conviction of an offense described in  
528 sub-sub-subparagraph (I) and does not otherwise meet the  
529 criteria for registration as a sexual offender under chapter 944  
530 or chapter 985. For purposes of this sub-sub-subparagraph, a  
531 sanction imposed in this state or in any other jurisdiction  
532 means probation, community control, parole, conditional release,  
533 control release, or incarceration in a state prison, federal  
534 prison, contractor-operated correctional facility, or local  
535 detention facility. If no sanction is imposed, the person is  
536 deemed to be released upon conviction;

537 b. Establishes or maintains a residence in this state and  
538 who has not been designated as a sexual predator by a court of  
539 this state but who has been designated as a sexual predator, as  
540 a sexually violent predator, or any other sexual offender  
541 designation in another state or jurisdiction and was, as a  
542 result of such designation, subjected to registration or  
543 community or public notification, or both, or would be if the  
544 person were a resident of that state or jurisdiction, without  
545 regard to whether the person otherwise meets the criteria for  
546 registration as a sexual offender;

547 c. Establishes or maintains a residence in this state who  
548 is in the custody or control of, or under the supervision of,  
549 any other state or jurisdiction as a result of a conviction for  
550 committing, or attempting, soliciting, or conspiring to commit,

551 any of the criminal offenses proscribed in the following  
552 statutes or similar offense in another jurisdiction: s.  
553 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
554 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),  
555 (d), (f), or (g); former s. 787.06(3)(h); s. 787.06(5); s.  
556 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
557 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.  
558 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
559 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court  
560 makes a written finding that the racketeering activity involved  
561 at least one sexual offense listed in this sub-subparagraph or  
562 at least one offense listed in this sub-subparagraph with sexual  
563 intent or motive; s. 916.1075(2); or s. 985.701(1); or any  
564 similar offense committed in this state which has been  
565 redesignated from a former statute number to one of those listed  
566 in this sub-subparagraph; or

567 d. On or after July 1, 2007, has been adjudicated  
568 delinquent for committing, or attempting, soliciting, or  
569 conspiring to commit, any of the criminal offenses proscribed in  
570 the following statutes in this state or similar offenses in  
571 another jurisdiction when the juvenile was 14 years of age or  
572 older at the time of the offense:

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

574 (II) Section 800.04(4)(a)2. where the victim is under 12  
575 years of age or where the court finds sexual activity by the use

576 | of force or coercion;

577 |       (III) Section 800.04(5)(c)1. where the court finds  
578 | molestation involving unclothed genitals;

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

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

584 |       2. For all qualifying offenses listed in sub-subparagraph  
585 | 1.d., the court shall make a written finding of the age of the  
586 | offender at the time of the offense.

587 | For each violation of a qualifying offense listed in this  
588 | subsection, except for a violation of s. 794.011, the court  
589 | shall make a written finding of the age of the victim at the  
590 | time of the offense. For a violation of s. 800.04(4), the court  
591 | shall also make a written finding indicating whether the offense  
592 | involved sexual activity and indicating whether the offense  
593 | involved force or coercion. For a violation of s. 800.04(5), the  
594 | court shall also make a written finding that the offense did or  
595 | did not involve unclothed genitals or genital area and that the  
596 | offense did or did not involve the use of force or coercion.

597 |       **Section 13. Paragraph (f) of subsection (1) of section**  
598 | **944.606, Florida Statutes, is amended to read:**

599 |       944.606 Sexual offenders; notification upon release.—

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



601 (f) "Sexual offender" means a person who has been  
602 convicted of committing, or attempting, soliciting, or  
603 conspiring to commit, any of the criminal offenses proscribed in  
604 the following statutes in this state or similar offenses in  
605 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,  
606 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.  
607 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
608 787.06(5); s. 794.011, excluding s. 794.011(10); s. 794.05;  
609 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);  
610 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
611 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,  
612 if the court makes a written finding that the racketeering  
613 activity involved at least one sexual offense listed in this  
614 paragraph or at least one offense listed in this paragraph with  
615 sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or  
616 any similar offense committed in this state which has been  
617 redesignated from a former statute number to one of those listed  
618 in this subsection, when the department has received verified  
619 information regarding such conviction; an offender's  
620 computerized criminal history record is not, in and of itself,  
621 verified information.

622 **Section 14. Paragraph (f) of subsection (1) of section**  
623 **944.607, Florida Statutes, is amended to read:**

624 944.607 Notification to Department of Law Enforcement of  
625 information on sexual offenders.—

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

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

630 1. On or after October 1, 1997, as a result of a  
 631 conviction for committing, or attempting, soliciting, or  
 632 conspiring to commit, any of the criminal offenses proscribed in  
 633 the following statutes in this state or similar offenses in  
 634 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,  
 635 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.  
 636 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
 637 787.06(5); s. 794.011, excluding s. 794.011(10); s. 794.05;  
 638 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);  
 639 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
 640 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,  
 641 if the court makes a written finding that the racketeering  
 642 activity involved at least one sexual offense listed in this  
 643 subparagraph or at least one offense listed in this subparagraph  
 644 with sexual intent or motive; s. 916.1075(2); or s. 985.701(1);  
 645 or any similar offense committed in this state which has been  
 646 redesignated from a former statute number to one of those listed  
 647 in this paragraph; or

648 2. Who establishes or maintains a residence in this state  
 649 and who has not been designated as a sexual predator by a court  
 650 of this state but who has been designated as a sexual predator,

651 as a sexually violent predator, or by another sexual offender  
652 designation in another state or jurisdiction and was, as a  
653 result of such designation, subjected to registration or  
654 community or public notification, or both, or would be if the  
655 person were a resident of that state or jurisdiction, without  
656 regard as to whether the person otherwise meets the criteria for  
657 registration as a sexual offender.

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

660 948.32 Requirements of law enforcement agency upon arrest  
661 of persons for certain sex offenses.—

662 (1) When any state or local law enforcement agency  
663 investigates or arrests a person for committing, or attempting,  
664 soliciting, or conspiring to commit, a violation of s.  
665 787.025(2)(c), s. 787.06(3)(g), s. 787.06(5), chapter 794,  
666 former s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s.  
667 847.0135, or s. 847.0145, the law enforcement agency shall  
668 contact the Department of Corrections to verify whether the  
669 person under investigation or under arrest is on probation,  
670 community control, parole, conditional release, or control  
671 release.

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

674 960.065 Eligibility for awards.—

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

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

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

683 (c) Was in custody or confined, regardless of conviction,  
684 in a county or municipal detention facility, a state or federal  
685 correctional facility, or a juvenile detention or commitment  
686 facility at the time of the crime upon which the claim for  
687 compensation is based;

688 (d) Has been adjudicated as a habitual felony offender,  
689 habitual violent offender, or violent career criminal under s.  
690 775.084; or

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

693  
694 is ineligible for an award.

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