

By Senator Ingoglia

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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, beginning on a specified date, such
6 devices so that a filter meeting certain requirements
7 is enabled upon activation of the device in this
8 state; subjecting such manufacturers to civil and
9 criminal liability for certain acts of noncompliance;
10 providing applicability; providing civil liability for
11 persons who enable a password to remove the required
12 filter on a device in the possession of a minor under
13 certain circumstances; authorizing the Attorney
14 General to enjoin or bring certain actions, issue
15 subpoenas, conduct hearings, and seek revocation of
16 applicable licenses or certificates; providing
17 damages; authorizing a parent or legal guardian to
18 bring a civil action against certain parties who
19 violate the act under certain circumstances; providing
20 criminal penalties; amending s. 787.025, F.S.;
21 increasing criminal penalties for adults who
22 intentionally lure or entice, or who attempt to lure
23 or entice, children under the age of 12 into a
24 structure, dwelling, or conveyance for other than a
25 lawful purpose; increasing criminal penalties for
26 committing a second or subsequent offense; increasing
27 criminal penalties for persons with specified previous
28 convictions who commit such offense; creating s.
29 827.12, F.S.; defining the terms "inappropriate

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30 relationship" and "sexual excitement"; prohibiting
31 persons who are of at least a specified age from
32 knowingly engaging in any communication that is part
33 of a pattern of communication or behavior that meets
34 specified criteria; prohibiting persons who are of at
35 least a specified age from knowingly using specified
36 devices to seduce, solicit, lure, or entice minors to,
37 or attempt to, share specified images or recorded
38 images; providing criminal penalties; providing
39 enhanced criminal penalties; providing applicability;
40 amending s. 921.0022, F.S.; ranking offenses on the
41 offense severity ranking chart of the Criminal
42 Punishment Code; amending ss. 943.0435, 944.606, and
43 944.607, F.S.; revising the definition of the term
44 "sexual offender"; reenacting ss. 61.13(2)(c) and
45 (9)(c), 68.07(3)(i) and (6), 92.55(1)(b),
46 98.0751(2)(b), 394.9125(2), 397.487(10)(b),
47 435.07(4)(b), 775.0862(2), 900.05(2)(cc),
48 903.046(2)(m), 903.133, 907.043(4)(b), 921.1425(7)(d),
49 934.255(2)(a), 938.10(1), 943.0584(2), 943.0595(2)(a),
50 944.607(4)(a) and (9), 947.1405(12), 948.013(2)(b),
51 948.05(2)(f), 948.30(4), 985.4815(9), and
52 1012.467(2)(b), F.S., relating to support of children,
53 parenting and time-sharing, and powers of court;
54 change of name; special protections in proceedings
55 involving a victim or witness younger than 18 years of
56 age, a person with an intellectual disability, or a
57 sexual offense victim; restoration of voting rights
58 and termination of ineligibility subsequent to a

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59 felony conviction; state attorneys and the authority
60 to refer a person for civil commitment; voluntary
61 certification of recovery residences; exemptions from
62 disqualification; sexual offenses against students by
63 authority figures and reclassification; criminal
64 justice data collection; purpose of and criteria for
65 bail determination; bail on appeal, prohibited for
66 certain felony convictions; pretrial release and
67 citizens' right to know; sentences of death or life
68 imprisonment for capital sexual battery and further
69 proceedings to determine sentence; subpoenas in
70 investigations of sexual offenses; additional court
71 cost imposed in cases of certain crimes; criminal
72 history records ineligible for court-ordered
73 expunction or court-ordered sealing; automatic sealing
74 of criminal history records and confidentiality of
75 related court records; notification to the Department
76 of Law Enforcement of information on sexual offenders;
77 conditional release program; administrative probation;
78 court to admonish or commend probationer or offender
79 in community control and graduated incentives;
80 additional terms and conditions of probation or
81 community control for certain sex offenses;
82 notification to the department of information on
83 juvenile sexual offenders; and noninstructional
84 contractors who are permitted access to school grounds
85 when students are present and background screening
86 requirements, respectively, to incorporate the
87 amendment made to s. 943.0435, F.S., in references

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88 thereto; reenacting s. 944.608(7), F.S., relating to
89 notification to the department of information on
90 career offenders, to incorporate the amendment made to
91 s. 944.607, F.S., in a reference thereto; reenacting
92 s. 943.0435(3) and (4)(a), F.S., relating to sexual
93 offenders required to register with the department and
94 penalties, to incorporate the amendments made to ss.
95 944.606 and 944.607, F.S., in references thereto;
96 reenacting ss. 320.02(4), 322.141(3), 322.19(1) and
97 (2), 775.13(4), 775.21(5)(d), (6)(f), and (10)(d),
98 775.261(3)(b), 948.06(4), and 948.063, F.S., relating
99 to registration required, applications for
100 registration, and forms; color or markings of certain
101 licenses or identification cards; change of address or
102 name; registration of convicted felons, exemptions,
103 and 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), F.S., relating to the duty of the
114 court to uphold laws governing sexual predators and
115 sexual offenders; prosecutions for acts or omissions;
116 the duty of the court to uphold laws governing sexual

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117 predators and sexual offenders; evaluation and
118 treatment of sexual predators and offenders on
119 probation or community control; and oaths, records,
120 and confidential information, respectively, to
121 incorporate the amendments made to ss. 943.0435,
122 944.606, and 944.607, F.S., in references thereto;
123 providing an effective date.
124

125 Be It Enacted by the Legislature of the State of Florida:
126

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

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

131 501.173 Filtering of material harmful to minors on
132 devices.—

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

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

136 (b) "Device" means a tablet or smartphone manufactured on
137 or after January 1, 2026.

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

143 (d) "Harmful to minors" has the same meaning as in s.
144 847.001.

145 (e) "Internet" means the global information system

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146 logically linked together by a globally unique address space
147 based on the Internet protocol (IP), or its subsequent
148 extensions, which is able to support communications using the
149 transmission control protocol/Internet protocol suite, or its
150 subsequent extensions, or other IP-compatible protocols, and
151 which provides, uses, or makes accessible, either publicly or
152 privately, high-level services layered on communications and
153 related infrastructure.

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

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

156 and

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

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

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

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

169 (2) FILTER REQUIRED.—Beginning on January 1, 2026, a
170 manufacturer shall manufacture a device that, when activated in
171 this state, automatically enables a filter that does all of the
172 following:

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

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175 1. A mobile data network.

176 2. An application owned and controlled by the 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 unblock
183 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, 2026, 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

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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 the aggregate, as determined by the
217 court.

218 3. Bring an action to recover from the alleged violator the
219 Attorney General's reasonable expenses, investigative costs, and
220 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 section,
231 a manufacturer is considered to have committed a separate
232 violation for each device manufactured on or after January 1,

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233 2026, 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
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.—

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262 (a) Beginning on January 1, 2026, 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
270 after the first violation commits a misdemeanor of the first
271 degree, 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

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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
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. 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 use
319 a computer online service, Internet service, local bulletin

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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 sex education which
 339 is 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 ranking
 343 chart.—

344 (3) OFFENSE SEVERITY RANKING CHART

345 (c) LEVEL 3

346

Florida	Felony	
Statute	Degree	Description

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347

119.10 (2) (b) 3rd Unlawful use of 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 on stolen vehicle.

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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 destroyed, transferring, selling,

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

360

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.

362

400.9935 (4) (a)
 or (b)

3rd

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

363

400.9935 (4) (e)

3rd

Filing a false license
 application or other
 required information or

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failing to report
information.

364

440.1051(3)

3rd

False report of workers'
compensation fraud or
retaliation for making such
a report.

365

501.001(2)(b)

2nd

Tampers with a consumer
product or the container
using materially
false/misleading
information.

366

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.

368

626.902(1)(a) &
(b)

3rd

Representing an
unauthorized insurer.

369

697.08

3rd

Equity skimming.

370

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371	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
372	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.
373	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
374	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
375	810.09 (2) (b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
376	810.145 (2) (c)	3rd	Digital voyeurism; 19 years of age or older.
	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more

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but less than \$10,000.

377

812.0145 (2) (c)

3rd

Theft from person 65 years of age or older; \$300 or more but less than \$10,000.

378

812.015 (8) (b)

3rd

Retail theft with intent to sell; conspires with others.

379

812.081 (2)

3rd

Theft of a trade secret.

380

815.04 (4) (b)

2nd

Computer offense devised to defraud or obtain property.

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.

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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.

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

827.12 (3) (a) 3rd Harmful communication with a minor who is 12 years of age or older.

390

831.28 (2) (a) 3rd Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.

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(2) (c) 8., (2) (c) 9.,
 (2) (c) 10., (3), or (4)
 drugs).

399

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.

400

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.

401

893.13 (4) (c)

3rd

Use or hire of minor;
 deliver to minor other
 controlled substances.

402

893.13 (6) (a)

3rd

Possession of any
 controlled substance other

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than felony possession of
cannabis.

403

893.13(7)(a)8.

3rd

Withhold information from
practitioner regarding
previous receipt of or
prescription for a
controlled substance.

404

893.13(7)(a)9.

3rd

Obtain or attempt to obtain
controlled substance by
fraud, forgery,
misrepresentation, etc.

405

893.13(7)(a)10.

3rd

Affix false or forged label
to package of controlled
substance.

406

893.13(7)(a)11.

3rd

Furnish false or fraudulent
material information on any
document or record required
by chapter 893.

407

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

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representations in or
related to the
practitioner's practice.

408

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.

409

893.13(8)(a)3.

3rd

Knowingly write a
prescription for a
controlled substance for a
fictitious person.

410

893.13(8)(a)4.

3rd

Write a prescription for a
controlled substance for a
patient, other person, or
an animal if the sole
purpose of writing the
prescription is a monetary
benefit for the
practitioner.

411

918.13(1)

3rd

Tampering with or
fabricating physical
evidence.

412

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413	944.47 (1) (a) 1. & 2.	3rd	Introduce contraband to correctional facility.
414	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
415	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
416	(e) LEVEL 5		
417	Florida	Felony	
418	Statute	Degree	Description
419	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
420	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.

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421

322.34 (6)

3rd

Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

422

327.30 (5)

3rd

Vessel accidents involving personal injury; leaving scene.

423

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;

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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.

424

379.367(4)

3rd

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

425

379.407(5)(b)3.

3rd

Possession of 100 or more undersized spiny lobsters.

426

381.0041(11)(b)

3rd

Donate blood, plasma, or organs knowing HIV positive.

427

440.10(1)(g)

2nd

Failure to obtain workers' compensation coverage.

428

440.105(5)

2nd

Unlawful solicitation for the purpose of making workers'

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compensation claims.

429

440.381 (2)

3rd

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

430

624.401 (4) (b) 2.

2nd

Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

431

626.902 (1) (c)

2nd

Representing an unauthorized insurer; repeat offender.

432

790.01 (3)

3rd

Unlawful carrying of a concealed firearm.

433

790.162

2nd

Threat to throw or discharge destructive device.

434

790.163 (1)

2nd

False report of bomb,

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explosive, weapon of mass destruction, or use of firearms in violent manner.

435

790.221 (1)

2nd

Possession of short-barreled shotgun or machine gun.

436

790.23

2nd

Felons in possession of firearms, ammunition, or electronic weapons or devices.

437

796.05 (1)

2nd

Live on earnings of a prostitute; 1st offense.

438

800.04 (6) (c)

3rd

Lewd or lascivious conduct; offender less than 18 years of age.

439

800.04 (7) (b)

2nd

Lewd or lascivious exhibition; offender 18 years of age or older.

440

806.111 (1)

3rd

Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

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441

810.145 (4) (c) 3rd Commercial digital
voyeurism dissemination.

442

810.145 (7) (a) 2nd Digital voyeurism; 2nd
or subsequent offense.

443

810.145 (8) (a) 2nd Digital voyeurism;
certain minor victims.

444

812.014 (2) (d) 3. 2nd Grand theft, 2nd degree;
theft from 20 or more
dwellings or their
unenclosed curtilage, or
any combination.

445

812.0145 (2) (b) 2nd Theft from person 65
years of age or older;
\$10,000 or more but less
than \$50,000.

446

812.015 3rd Retail theft; property
(8) (a) & (c) - (e) stolen is valued at \$750
or more and one or more
specified acts.

447

812.015 (8) (f) 3rd Retail theft; multiple
thefts within specified
period.

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448

812.015 (8) (g) 3rd Retail theft; committed with specified number of other persons.

449

812.019 (1) 2nd Stolen property; dealing in or trafficking in.

450

812.081 (3) 2nd Trafficking in trade secrets.

451

812.131 (2) (b) 3rd Robbery by sudden snatching.

452

812.16 (2) 3rd Owning, operating, or conducting a chop shop.

453

817.034 (4) (a) 2. 2nd Communications fraud, value \$20,000 to \$50,000.

454

827.12 (3) (b) 2nd Harmful communication with a minor younger than 12 years of age.

455

817.234 (11) (b) 2nd Insurance fraud; property value \$20,000 or more but less than \$100,000.

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456

817.2341(1),
(2) (a) & (3) (a)

3rd

Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.

457

817.568 (2) (b)

2nd

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 of personal identification information of 10 or more persons.

458

817.611 (2) (a)

2nd

Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

459

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of

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scanning device,
skimming device, or
reencoder.

460

825.1025 (4)

3rd

Lewd or lascivious
exhibition in the
presence of an elderly
person or disabled
adult.

461

828.12 (2)

3rd

Tortures any animal with
intent to inflict
intense pain, serious
physical injury, or
death.

462

836.14 (4)

2nd

Person who willfully
promotes for financial
gain a sexually explicit
image of an identifiable
person without consent.

463

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.

464

843.01 (1)

3rd

Resist officer with

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violence to person;
resist arrest with
violence.

465

847.0135 (5) (b)

2nd

Lewd or lascivious
exhibition using
computer; offender 18
years or older.

466

847.0137
(2) & (3)

3rd

Transmission of
pornography by
electronic device or
equipment.

467

847.0138
(2) & (3)

3rd

Transmission of material
harmful to minors to a
minor by electronic
device or equipment.

468

874.05 (1) (b)

2nd

Encouraging or
recruiting another to
join a criminal gang;
second or subsequent
offense.

469

874.05 (2) (a)

2nd

Encouraging or
recruiting person under
13 years of age to join
a criminal gang.

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drugs) within 1,000 feet
of university.

473

893.13(1)(e)2.

2nd

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.

474

893.13(1)(f)1.

1st

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.

475

893.13(4)(b)

2nd

Use or hire of minor;
deliver to minor other
controlled substance.

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476

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

477

478 Section 6. Paragraph (h) of subsection (1) of section
479 943.0435, Florida Statutes, is amended to read:

480 943.0435 Sexual offenders required to register with the
481 department; penalty.—

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

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

486 a.(I) Has been convicted of committing, or attempting,
487 soliciting, or conspiring to commit, any of the criminal
488 offenses proscribed in the following statutes in this state or
489 similar offenses in another jurisdiction: s. 393.135(2); s.
490 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
491 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
492 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
493 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
494 810.145(8); s. 825.1025; s. 827.071; s. 827.12; s. 847.0133; s.
495 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
496 847.0145; s. 895.03, if the court makes a written finding that
497 the racketeering activity involved at least one sexual offense
498 listed in this sub-sub-subparagraph or at least one offense
499 listed in this sub-sub-subparagraph with sexual intent or
500 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense

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501 committed in this state which has been redesignated from a
502 former statute number to one of those listed in this sub-sub-
503 subparagraph; and

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

515 b. Establishes or maintains a residence in this state and
516 who has not been designated as a sexual predator by a court of
517 this state but who has been designated as a sexual predator, as
518 a sexually violent predator, or any other sexual offender
519 designation in another state or jurisdiction and was, as a
520 result of such designation, subjected to registration or
521 community or public notification, or both, or would be if the
522 person were a resident of that state or jurisdiction, without
523 regard to whether the person otherwise meets the criteria for
524 registration as a sexual offender;

525 c. Establishes or maintains a residence in this state who
526 is in the custody or control of, or under the supervision of,
527 any other state or jurisdiction as a result of a conviction for
528 committing, or attempting, soliciting, or conspiring to commit,
529 any of the criminal offenses proscribed in the following

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530 statutes or similar offense in another jurisdiction: s.
531 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
532 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
533 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
534 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
535 s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 827.12; s.
536 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
537 847.0138; s. 847.0145; s. 895.03, if the court makes a written
538 finding that the racketeering activity involved at least one
539 sexual offense listed in this sub-subparagraph or at least one
540 offense listed in this sub-subparagraph with sexual intent or
541 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
542 committed in this state which has been redesignated from a
543 former statute number to one of those listed in this sub-
544 subparagraph; or

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

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

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

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

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

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

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

565
566 For each violation of a qualifying offense listed in this
567 subsection, except for a violation of s. 794.011, the court
568 shall make a written finding of the age of the victim at the
569 time of the offense. For a violation of s. 800.04(4), the court
570 shall also make a written finding indicating whether the offense
571 involved sexual activity and indicating whether the offense
572 involved force or coercion. For a violation of s. 800.04(5), the
573 court shall also make a written finding that the offense did or
574 did not involve unclothed genitals or genital area and that the
575 offense did or did not involve the use of force or coercion.

576 Section 7. Paragraph (f) of subsection (1) of section
577 944.606, Florida Statutes, is amended to read:

578 944.606 Sexual offenders; notification upon release.—

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

580 (f) "Sexual offender" means a person who has been convicted
581 of committing, or attempting, soliciting, or conspiring to
582 commit, any of the criminal offenses proscribed in the following
583 statutes in this state or similar offenses in another
584 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
585 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
586 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
587 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;

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588 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
589 827.071; s. 827.12; s. 847.0133; s. 847.0135, excluding s.
590 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
591 if the court makes a written finding that the racketeering
592 activity involved at least one sexual offense listed in this
593 paragraph or at least one offense listed in this paragraph with
594 sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or
595 any similar offense committed in this state which has been
596 redesignated from a former statute number to one of those listed
597 in this subsection, when the department has received verified
598 information regarding such conviction; an offender's
599 computerized criminal history record is not, in and of itself,
600 verified information.

601 Section 8. Paragraph (f) of subsection (1) of section
602 944.607, Florida Statutes, is amended to read:

603 944.607 Notification to Department of Law Enforcement of
604 information on sexual offenders.—

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

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

609 1. On or after October 1, 1997, as a result of a conviction
610 for committing, or attempting, soliciting, or conspiring to
611 commit, any of the criminal offenses proscribed in the following
612 statutes in this state or similar offenses in another
613 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
614 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
615 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
616 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;

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617 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
618 827.071; s. 827.12; s. 847.0133; s. 847.0135, excluding s.
619 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
620 if the court makes a written finding that the racketeering
621 activity involved at least one sexual offense listed in this
622 subparagraph or at least one offense listed in this subparagraph
623 with sexual intent or motive; s. 916.1075(2); or s. 985.701(1);
624 or any similar offense committed in this state which has been
625 redesignated from a former statute number to one of those listed
626 in this paragraph; or

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

637 Section 9. For the purpose of incorporating the amendment
638 made by this act to section 943.0435, Florida Statutes, in
639 references thereto, paragraph (c) of subsection (2) and
640 paragraph (c) of subsection (9) of section 61.13, Florida
641 Statutes, are reenacted to read:

642 61.13 Support of children; parenting and time-sharing;
643 powers of court.—

644 (2)

645 (c) The court shall determine all matters relating to

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646 parenting and time-sharing of each minor child of the parties in
647 accordance with the best interests of the child and in
648 accordance with the Uniform Child Custody Jurisdiction and
649 Enforcement Act, except that modification of a parenting plan
650 and time-sharing schedule requires a showing of a substantial
651 and material change of circumstances.

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

667 2. The court shall order that the parental responsibility
668 for a minor child be shared by both parents unless the court
669 finds that shared parental responsibility would be detrimental
670 to the child. In determining detriment to the child, the court
671 shall consider:

- 672 a. Evidence of domestic violence, as defined in s. 741.28;
673 b. Whether either parent has or has had reasonable cause to
674 believe that he or she or his or her minor child or children are

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675 or have been in imminent danger of becoming victims of an act of
676 domestic violence as defined in s. 741.28 or sexual violence as
677 defined in s. 784.046(1)(c) by the other parent against the
678 parent or against the child or children whom the parents share
679 in common regardless of whether a cause of action has been
680 brought or is currently pending in the court;

681 c. Whether either parent has or has had reasonable cause to
682 believe that his or her minor child or children are or have been
683 in imminent danger of becoming victims of an act of abuse,
684 abandonment, or neglect, as those terms are defined in s. 39.01,
685 by the other parent against the child or children whom the
686 parents share in common regardless of whether a cause of action
687 has been brought or is currently pending in the court; and

688 d. Any other relevant factors.

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

691 a. A parent has been convicted of a misdemeanor of the
692 first degree or higher involving domestic violence, as defined
693 in s. 741.28 and chapter 775;

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

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

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

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

701

702 If the presumption is not rebutted after the convicted parent is
703 advised by the court that the presumption exists, shared

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

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

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

728 6. There is a rebuttable presumption against granting time-
729 sharing with a minor child if a parent has been convicted of or
730 had adjudication withheld for an offense enumerated in s.

731 943.0435(1)(h)1.a., and at the time of the offense:

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

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

735

736 A parent may rebut the presumption upon a specific finding in
737 writing by the court that the parent poses no significant risk
738 of harm to the child and that time-sharing is in the best
739 interests of the minor child. If the presumption is rebutted,
740 the court must consider all time-sharing factors in subsection
741 (3) when developing a time-sharing schedule.

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

753 (9)

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

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

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762 to read:

763 68.07 Change of name.—

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

765 (i) Whether the petitioner has ever been required to
766 register as a sexual predator under s. 775.21 or as a sexual
767 offender under s. 943.0435.

768 (6) The clerk of the court must, within 5 business days
769 after the filing of the final judgment, send a report of the
770 judgment to the Department of Law Enforcement on a form to be
771 furnished by that department. If the petitioner is required to
772 register as a sexual predator or a sexual offender pursuant to
773 s. 775.21 or s. 943.0435, the clerk of court shall
774 electronically notify the Department of Law Enforcement of the
775 name change, in a manner prescribed by that department, within 2
776 business days after the filing of the final judgment. The
777 Department of Law Enforcement must send a copy of the report to
778 the Department of Highway Safety and Motor Vehicles, which may
779 be delivered by electronic transmission. The report must contain
780 sufficient information to identify the petitioner, including the
781 results of the criminal history records check if applicable, the
782 new name of the petitioner, and the file number of the judgment.
783 The Department of Highway Safety and Motor Vehicles shall
784 monitor the records of any sexual predator or sexual offender
785 whose name has been provided to it by the Department of Law
786 Enforcement. If the sexual predator or sexual offender does not
787 obtain a replacement driver license or identification card
788 within the required time as specified in s. 775.21 or s.
789 943.0435, the Department of Highway Safety and Motor Vehicles
790 shall notify the Department of Law Enforcement. The Department

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

804 Section 11. For the purpose of incorporating the amendment
805 made by this act to section 943.0435, Florida Statutes, in a
806 reference thereto, paragraph (b) of subsection (1) of section
807 92.55, Florida Statutes, is reenacted to read:

808 92.55 Special protections in proceedings involving victim
809 or witness under 18, person with intellectual disability, or
810 sexual offense victim.—

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

812 (b) "Sexual offense" means any offense specified in s.
813 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

814 Section 12. For the purpose of incorporating the amendment
815 made by this act to section 943.0435, Florida Statutes, in a
816 reference thereto, paragraph (b) of subsection (2) of section
817 98.0751, Florida Statutes, is reenacted to read:

818 98.0751 Restoration of voting rights; termination of
819 ineligibility subsequent to a felony conviction.—

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- 820 (2) For purposes of this section, the term:
- 821 (b) "Felony sexual offense" means any of the following:
- 822 1. Any felony offense that serves as a predicate to
- 823 registration as a sexual offender in accordance with s.
- 824 943.0435;
- 825 2. Section 491.0112;
- 826 3. Section 784.049(3)(b);
- 827 4. Section 794.08;
- 828 5. Section 796.08;
- 829 6. Section 800.101;
- 830 7. Section 826.04;
- 831 8. Section 847.012;
- 832 9. Section 872.06(2);
- 833 10. Section 944.35(3)(b)2.;
- 834 11. Section 951.221(1); or
- 835 12. Any similar offense committed in another jurisdiction
- 836 which would be an offense listed in this paragraph if it had
- 837 been committed in violation of the laws of this state.
- 838 Section 13. For the purpose of incorporating the amendment
- 839 made by this act to section 943.0435, Florida Statutes, in a
- 840 reference thereto, subsection (2) of section 394.9125, Florida
- 841 Statutes, is reenacted to read:
- 842 394.9125 State attorney; authority to refer a person for
- 843 civil commitment.—
- 844 (2) A state attorney may refer a person to the department
- 845 for civil commitment proceedings if the person:
- 846 (a) Is required to register as a sexual offender pursuant
- 847 to s. 943.0435;
- 848 (b) Has previously been convicted of a sexually violent

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849 offense as defined in s. 394.912(9)(a)-(h); and

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

852 Section 14. For the purpose of incorporating the amendment
853 made by this act to section 943.0435, Florida Statutes, in a
854 reference thereto, paragraph (b) of subsection (10) of section
855 397.487, Florida Statutes, is reenacted to read:

856 397.487 Voluntary certification of recovery residences.—

857 (10)

858 (b) A certified recovery residence may not allow a minor
859 child to visit a parent who is a resident of the recovery
860 residence at any time if any resident of the recovery residence
861 is currently required to register as a sexual predator under s.
862 775.21 or as a sexual offender under s. 943.0435.

863 Section 15. For the purpose of incorporating the amendment
864 made by this act to section 943.0435, Florida Statutes, in a
865 reference thereto, paragraph (b) of subsection (4) of section
866 435.07, Florida Statutes, is reenacted to read:

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

873 (4)

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

877 1. Sexual predator as designated pursuant to s. 775.21;

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878 2. Career offender pursuant to s. 775.261; or

879 3. Sexual offender pursuant to s. 943.0435, unless the
880 requirement to register as a sexual offender has been removed
881 pursuant to s. 943.04354.

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

886 775.0862 Sexual offenses against students by authority
887 figures; reclassification.—

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

893 Section 17. For the purpose of incorporating the amendment
894 made by this act to section 943.0435, Florida Statutes, in a
895 reference thereto, paragraph (cc) of subsection (2) of section
896 900.05, Florida Statutes, is reenacted to read:

897 900.05 Criminal justice data collection.—

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

899 (cc) "Sexual offender flag" means an indication that a
900 defendant was required to register as a sexual predator as
901 defined in s. 775.21 or as a sexual offender as defined in s.
902 943.0435.

903 Section 18. For the purpose of incorporating the amendment
904 made by this act to section 943.0435, Florida Statutes, in a
905 reference thereto, paragraph (m) of subsection (2) of section
906 903.046, Florida Statutes, is reenacted to read:

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907 903.046 Purpose of and criteria for bail determination.—

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

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

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

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

926 (1) A felony of the first degree for a violation of s.
927 782.04(2) or (3), s. 787.01, s. 794.011(4), s. 806.01, s.
928 893.13, or s. 893.135;

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

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

935 Section 20. For the purpose of incorporating the amendment

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936 made by this act to section 943.0435, Florida Statutes, in a
937 reference thereto, paragraph (b) of subsection (4) of section
938 907.043, Florida Statutes, is reenacted to read:

939 907.043 Pretrial release; citizens' right to know.—

940 (4)

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

943 1. The name, location, and funding sources of the pretrial
944 release program, including the amount of public funds, if any,
945 received by the pretrial release program.

946 2. The operating and capital budget of each pretrial
947 release program receiving public funds.

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

950 b. The percentage of the total budget which is allocated to
951 assisting defendants obtain release through a nonpublicly funded
952 program.

953 c. The amount of fees paid by defendants to the pretrial
954 release program.

955 4. The number of persons employed by the pretrial release
956 program.

957 5. The number of defendants assessed and interviewed for
958 pretrial release.

959 6. The number of defendants recommended for pretrial
960 release.

961 7. The number of defendants for whom the pretrial release
962 program recommended against nonsecured release.

963 8. The number of defendants granted nonsecured release
964 after the pretrial release program recommended nonsecured

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965 release.

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

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

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

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

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

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

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

988 d. Facilitating or furthering terrorism in violation of s.
989 775.31;

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

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

992 g. Burglary of a dwelling or residence in violation of s.
993 810.02(3);

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994 h. Abuse, aggravated abuse, and neglect of an elderly
995 person or disabled adult in violation of s. 825.102;

996 i. Abuse, aggravated abuse, and neglect of a child in
997 violation of s. 827.03;

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

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

1000 l. A capital offense in violation of chapter 893;

1001 m. An offense that results in serious bodily injury or
1002 death to another human; or

1003 n. A felony offense in which the defendant used a weapon or
1004 firearm in the commission of the offense.

1005 13. The number of defendants accepted into a pretrial
1006 release program with no prior criminal conviction.

1007 14. The name and case number of each person granted
1008 nonsecured release who:

1009 a. Failed to attend a scheduled court appearance.

1010 b. Was issued a warrant for failing to appear.

1011 c. Was arrested for any offense while on release through
1012 the pretrial release program.

1013 15. Any additional information deemed necessary by the
1014 governing body to assess the performance and cost efficiency of
1015 the pretrial release program.

1016 Section 21. For the purpose of incorporating the amendment
1017 made by this act to section 943.0435, Florida Statutes, in a
1018 reference thereto, paragraph (d) of subsection (7) of section
1019 921.1425, Florida Statutes, is reenacted to read:

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

1022 (7) AGGRAVATING FACTORS.—Aggravating factors shall be

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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

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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.

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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 digital voyeurism, as defined in ss.

1104 810.14 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, as

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1110 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 s.
1118 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

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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

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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 is
1172 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; date
1178 of birth; social security number; race; sex; height; weight;
1179 hair and eye color; tattoos or other identifying marks; all
1180 electronic mail addresses and Internet identifiers required to
1181 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
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

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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 is
1205 under the supervision of the Department of Corrections but who
1206 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

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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
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

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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 offender
1271 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

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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

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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
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

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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 (9) of section 985.4815, Florida
1363 Statutes, is reenacted to read:

1364 985.4815 Notification to Department of Law Enforcement of
1365 information on juvenile sexual offenders.—

1366 (9) A sexual offender, as described in this section, who is
1367 under the care, jurisdiction, or supervision of the department
1368 but who is not incarcerated shall, in addition to the
1369 registration requirements provided in subsection (4), register
1370 in the manner provided in s. 943.0435(3), (4), and (5), unless

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1371 the sexual offender is a sexual predator, in which case he or
1372 she shall register as required under s. 775.21. A sexual
1373 offender who fails to comply with the requirements of s.
1374 943.0435 is subject to the penalties provided in s. 943.0435(9).

1375 Section 32. For the purpose of incorporating the amendment
1376 made by this act to section 943.0435, Florida Statutes, in a
1377 reference thereto, paragraph (b) of subsection (2) of section
1378 1012.467, Florida Statutes, is reenacted to read:

1379 1012.467 Noninstructional contractors who are permitted
1380 access to school grounds when students are present; background
1381 screening requirements.—

1382 (2)

1383 (b) A noninstructional contractor for whom a criminal
1384 history check is required under this section may not have been
1385 convicted of any of the following offenses designated in the
1386 Florida Statutes, any similar offense in another jurisdiction,
1387 or any similar offense committed in this state which has been
1388 redesignated from a former provision of the Florida Statutes to
1389 one of the following offenses:

1390 1. Any offense listed in s. 943.0435(1)(h)1., relating to
1391 the registration of an individual as a sexual offender.

1392 2. Section 393.135, relating to sexual misconduct with
1393 certain developmentally disabled clients and the reporting of
1394 such sexual misconduct.

1395 3. Section 394.4593, relating to sexual misconduct with
1396 certain mental health patients and the reporting of such sexual
1397 misconduct.

1398 4. Section 775.30, relating to terrorism.

1399 5. Section 782.04, relating to murder.

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1400 6. Section 787.01, relating to kidnapping.

1401 7. Any offense under chapter 800, relating to lewdness and
1402 indecent exposure.

1403 8. Section 826.04, relating to incest.

1404 9. Section 827.03, relating to child abuse, aggravated
1405 child abuse, or neglect of a child.

1406 Section 33. For the purpose of incorporating the amendment
1407 made by this act to section 944.607, Florida Statutes, in a
1408 reference thereto, subsection (7) of section 944.608, Florida
1409 Statutes, is reenacted to read:

1410 944.608 Notification to Department of Law Enforcement of
1411 information on career offenders.—

1412 (7) A career offender who is under the supervision of the
1413 department but who is not incarcerated shall, in addition to the
1414 registration requirements provided in subsection (3), register
1415 in the manner provided in s. 775.261(4)(c), unless the career
1416 offender is a sexual predator, in which case he or she shall
1417 register as required under s. 775.21, or is a sexual offender,
1418 in which case he or she shall register as required in s.

1419 944.607. A career offender who fails to comply with the
1420 requirements of s. 775.261(4) is subject to the penalties
1421 provided in s. 775.261(8).

1422 Section 34. For the purpose of incorporating the amendments
1423 made by this act to sections 944.606 and 944.607, Florida
1424 Statutes, in references thereto, subsection (3) and paragraph
1425 (a) of subsection (4) of section 943.0435, Florida Statutes, are
1426 reenacted to read:

1427 943.0435 Sexual offenders required to register with the
1428 department; penalty.—

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1429 (3) Within 48 hours after the report required under
1430 subsection (2), a sexual offender shall report in person at a
1431 driver license office of the Department of Highway Safety and
1432 Motor Vehicles, unless a driver license or identification card
1433 that complies with the requirements of s. 322.141(3) was
1434 previously secured or updated under s. 944.607. At the driver
1435 license office the sexual offender shall:

1436 (a) If otherwise qualified, secure a Florida driver
1437 license, renew a Florida driver license, or secure an
1438 identification card. The sexual offender shall identify himself
1439 or herself as a sexual offender who is required to comply with
1440 this section and shall provide proof that the sexual offender
1441 reported as required in subsection (2). The sexual offender
1442 shall provide any of the information specified in subsection
1443 (2), if requested. The sexual offender shall submit to the
1444 taking of a photograph for use in issuing a driver license,
1445 renewed license, or identification card, and for use by the
1446 department in maintaining current records of sexual offenders.

1447 (b) Pay the costs assessed by the Department of Highway
1448 Safety and Motor Vehicles for issuing or renewing a driver
1449 license or identification card as required by this section. The
1450 driver license or identification card issued must be in
1451 compliance with s. 322.141(3).

1452 (c) Provide, upon request, any additional information
1453 necessary to confirm the identity of the sexual offender,
1454 including a set of fingerprints.

1455 (4) (a) Each time a sexual offender's driver license or
1456 identification card is subject to renewal, and, without regard
1457 to the status of the offender's driver license or identification

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1458 card, within 48 hours after any change in the offender's
1459 permanent, temporary, or transient residence or change in the
1460 offender's name by reason of marriage or other legal process,
1461 the offender shall report in person to a driver license office,
1462 and is subject to the requirements specified in subsection (3).
1463 The Department of Highway Safety and Motor Vehicles shall
1464 forward to the department all photographs and information
1465 provided by sexual offenders. Notwithstanding the restrictions
1466 set forth in s. 322.142, the Department of Highway Safety and
1467 Motor Vehicles may release a reproduction of a color-photograph
1468 or digital-image license to the Department of Law Enforcement
1469 for purposes of public notification of sexual offenders as
1470 provided in this section and ss. 943.043 and 944.606. A sexual
1471 offender who is unable to secure or update a driver license or
1472 an identification card with the Department of Highway Safety and
1473 Motor Vehicles as provided in subsection (3) and this subsection
1474 shall also report any change in the sexual offender's permanent,
1475 temporary, or transient residence or change in the offender's
1476 name by reason of marriage or other legal process within 48
1477 hours after the change to the sheriff's office in the county
1478 where the offender resides or is located and provide
1479 confirmation that he or she reported such information to the
1480 Department of Highway Safety and Motor Vehicles. The reporting
1481 requirements under this paragraph do not negate the requirement
1482 for a sexual offender to obtain a Florida driver license or an
1483 identification card as required in this section.

1484 Section 35. For the purpose of incorporating the amendments
1485 made by this act to sections 943.0435 and 944.607, Florida
1486 Statutes, in references thereto, subsection (4) of section

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1487 320.02, Florida Statutes, is reenacted to read:

1488 320.02 Registration required; application for registration;
1489 forms.—

1490 (4) Except as provided in ss. 775.21, 775.261, 943.0435,
1491 944.607, and 985.4815, the owner of any motor vehicle registered
1492 in the state shall notify the department in writing of any
1493 change of address within 30 days of such change. The
1494 notification shall include the registration license plate
1495 number, the vehicle identification number (VIN) or title
1496 certificate number, year of vehicle make, and the owner's full
1497 name.

1498 Section 36. For the purpose of incorporating the amendments
1499 made by this act to sections 943.0435 and 944.607, Florida
1500 Statutes, in references thereto, subsection (3) of section
1501 322.141, Florida Statutes, is reenacted to read:

1502 322.141 Color or markings of certain licenses or
1503 identification cards.—

1504 (3) All licenses for the operation of motor vehicles or
1505 identification cards originally issued or reissued by the
1506 department to persons who are designated as sexual predators
1507 under s. 775.21 or subject to registration as sexual offenders
1508 under s. 943.0435 or s. 944.607, or who have a similar
1509 designation or are subject to a similar registration under the
1510 laws of another jurisdiction, shall have on the front of the
1511 license or identification card the following:

1512 (a) For a person designated as a sexual predator under s.
1513 775.21 or who has a similar designation under the laws of
1514 another jurisdiction, the marking "SEXUAL PREDATOR."

1515 (b) For a person subject to registration as a sexual

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1516 offender under s. 943.0435 or s. 944.607, or subject to a
1517 similar registration under the laws of another jurisdiction, the
1518 marking "943.0435, F.S."

1519 Section 37. For the purpose of incorporating the amendments
1520 made by this act to sections 943.0435 and 944.607, Florida
1521 Statutes, in references thereto, subsections (1) and (2) of
1522 section 322.19, Florida Statutes, are reenacted to read:

1523 322.19 Change of address or name.—

1524 (1) Except as provided in ss. 775.21, 775.261, 943.0435,
1525 944.607, and 985.4815, whenever any person, after applying for
1526 or receiving a driver license or identification card, changes
1527 his or her legal name, that person must within 30 days
1528 thereafter obtain a replacement license or card that reflects
1529 the change.

1530 (2) If a person, after applying for or receiving a driver
1531 license or identification card, changes the legal residence or
1532 mailing address in the application, license, or card, the person
1533 must, within 30 calendar days after making the change, obtain a
1534 replacement license or card that reflects the change. A written
1535 request to the department must include the old and new addresses
1536 and the driver license or identification card number. Any person
1537 who has a valid, current student identification card issued by
1538 an educational institution in this state is presumed not to have
1539 changed his or her legal residence or mailing address. This
1540 subsection does not affect any person required to register a
1541 permanent or temporary address change pursuant to s. 775.13, s.
1542 775.21, s. 775.25, or s. 943.0435.

1543 Section 38. For the purpose of incorporating the amendments
1544 made by this act to sections 943.0435 and 944.607, Florida

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1545 Statutes, in references thereto, subsection (4) of section
1546 775.13, Florida Statutes, is reenacted to read:

1547 775.13 Registration of convicted felons, exemptions;
1548 penalties.—

1549 (4) This section does not apply to an offender:

1550 (a) Who has had his or her civil rights restored;

1551 (b) Who has received a full pardon for the offense for
1552 which convicted;

1553 (c) Who has been lawfully released from incarceration or
1554 other sentence or supervision for a felony conviction for more
1555 than 5 years prior to such time for registration, unless the
1556 offender is a fugitive from justice on a felony charge or has
1557 been convicted of any offense since release from such
1558 incarceration or other sentence or supervision;

1559 (d) Who is a parolee or probationer under the supervision
1560 of the United States Parole Commission if the commission knows
1561 of and consents to the presence of the offender in Florida or is
1562 a probationer under the supervision of any federal probation
1563 officer in the state or who has been lawfully discharged from
1564 such parole or probation;

1565 (e) Who is a sexual predator and has registered as required
1566 under s. 775.21;

1567 (f) Who is a sexual offender and has registered as required
1568 in s. 943.0435 or s. 944.607; or

1569 (g) Who is a career offender who has registered as required
1570 in s. 775.261 or s. 944.609.

1571 Section 39. For the purpose of incorporating the amendments
1572 made by this act to sections 943.0435 and 944.607, Florida
1573 Statutes, in references thereto, paragraph (d) of subsection

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1574 (5), paragraph (f) of subsection (6), and paragraph (d) of
1575 subsection (10) of section 775.21, Florida Statutes, are
1576 reenacted to read:

1577 775.21 The Florida Sexual Predators Act.—

1578 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
1579 as a sexual predator as follows:

1580 (d) A person who establishes or maintains a residence in
1581 this state and who has not been designated as a sexual predator
1582 by a court of this state but who has been designated as a sexual
1583 predator, as a sexually violent predator, or any other sexual
1584 offender designation in another state or jurisdiction and was,
1585 as a result of such designation, subjected to registration or
1586 community or public notification, or both, or would be if the
1587 person was a resident of that state or jurisdiction, without
1588 regard to whether the person otherwise meets the criteria for
1589 registration as a sexual offender, shall register in the manner
1590 provided in s. 943.0435 or s. 944.607 and shall be subject to
1591 community and public notification as provided in s. 943.0435 or
1592 s. 944.607. A person who meets the criteria of this section is
1593 subject to the requirements and penalty provisions of s.
1594 943.0435 or s. 944.607 until the person provides the department
1595 with an order issued by the court that designated the person as
1596 a sexual predator, as a sexually violent predator, or any other
1597 sexual offender designation in the state or jurisdiction in
1598 which the order was issued which states that such designation
1599 has been removed or demonstrates to the department that such
1600 designation, if not imposed by a court, has been removed by
1601 operation of law or court order in the state or jurisdiction in
1602 which the designation was made, provided that such person no

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1603 longer meets the criteria for registration as a sexual offender
1604 under the laws of this state. To qualify for removal of the
1605 registration requirements under this paragraph, a sexual
1606 offender described in this paragraph must meet the criteria for
1607 removal under s. 943.0435.

1608 (6) REGISTRATION.—

1609 (f) Within 48 hours after the registration required under
1610 paragraph (a) or paragraph (e), a sexual predator who is not
1611 incarcerated and who resides in the community, including a
1612 sexual predator under the supervision of the Department of
1613 Corrections, shall register in person at a driver license office
1614 of the Department of Highway Safety and Motor Vehicles and shall
1615 present proof of registration unless a driver license or an
1616 identification card that complies with the requirements of s.
1617 322.141(3) was previously secured or updated under s. 944.607.
1618 At the driver license office the sexual predator shall:

1619 1. If otherwise qualified, secure a Florida driver license,
1620 renew a Florida driver license, or secure an identification
1621 card. The sexual predator shall identify himself or herself as a
1622 sexual predator who is required to comply with this section,
1623 provide his or her place of permanent, temporary, or transient
1624 residence, including a rural route address and a post office
1625 box, and submit to the taking of a photograph for use in issuing
1626 a driver license, a renewed license, or an identification card,
1627 and for use by the department in maintaining current records of
1628 sexual predators. A post office box may not be provided in lieu
1629 of a physical residential address. If the sexual predator's
1630 place of residence is a motor vehicle, trailer, mobile home, or
1631 manufactured home, as those terms are defined in chapter 320,

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1632 the sexual predator shall also provide to the Department of
1633 Highway Safety and Motor Vehicles the vehicle identification
1634 number (VIN); the license tag number; the registration number;
1635 and a description, including color scheme, of the motor vehicle,
1636 trailer, mobile home, or manufactured home. If a sexual
1637 predator's place of residence is a vessel, live-aboard vessel,
1638 or houseboat, as those terms are defined in chapter 327, the
1639 sexual predator shall also provide to the Department of Highway
1640 Safety and Motor Vehicles the hull identification number; the
1641 manufacturer's serial number; the name of the vessel, live-
1642 aboard vessel, or houseboat; the registration number of the
1643 vessel, live-aboard vessel, or houseboat; and a description,
1644 including color scheme, of the vessel, live-aboard vessel, or
1645 houseboat.

1646 2. Pay the costs assessed by the Department of Highway
1647 Safety and Motor Vehicles for issuing or renewing a driver
1648 license or an identification card as required by this section.
1649 The driver license or identification card issued to the sexual
1650 predator must comply with s. 322.141(3).

1651 3. Provide, upon request, any additional information
1652 necessary to confirm the identity of the sexual predator,
1653 including a set of fingerprints.

1654 (10) PENALTIES.—

1655 (d) Any person who misuses public records information
1656 relating to a sexual predator, as defined in this section, or a
1657 sexual offender, as defined in s. 943.0435 or s. 944.607, to
1658 secure a payment from such a predator or offender; who knowingly
1659 distributes or publishes false information relating to such a
1660 predator or offender which the person misrepresents as being

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1661 public records information; or who materially alters public
1662 records information with the intent to misrepresent the
1663 information, including documents, summaries of public records
1664 information provided by law enforcement agencies, or public
1665 records information displayed by law enforcement agencies on
1666 websites or provided through other means of communication,
1667 commits a misdemeanor of the first degree, punishable as
1668 provided in s. 775.082 or s. 775.083.

1669 Section 40. For the purpose of incorporating the amendments
1670 made by this act to sections 943.0435 and 944.607, Florida
1671 Statutes, in references thereto, paragraph (b) of subsection (3)
1672 of section 775.261, Florida Statutes, is reenacted to read:

1673 775.261 The Florida Career Offender Registration Act.—

1674 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

1675 (b) This section does not apply to any person who has been
1676 designated as a sexual predator and required to register under
1677 s. 775.21 or who is required to register as a sexual offender
1678 under s. 943.0435 or s. 944.607. However, if a person is no
1679 longer required to register as a sexual predator under s. 775.21
1680 or as a sexual offender under s. 943.0435 or s. 944.607, the
1681 person must register as a career offender under this section if
1682 the person is otherwise designated as a career offender as
1683 provided in this section.

1684 Section 41. For the purpose of incorporating the amendments
1685 made by this act to sections 943.0435 and 944.607, Florida
1686 Statutes, in references thereto, subsection (4) of section
1687 948.06, Florida Statutes, is reenacted to read:

1688 948.06 Violation of probation or community control;
1689 revocation; modification; continuance; failure to pay

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1690 restitution or cost of supervision.—

1691 (4) Notwithstanding any other provision of this section, a
1692 felony probationer or an offender in community control who is
1693 arrested for violating his or her probation or community control
1694 in a material respect may be taken before the court in the
1695 county or circuit in which the probationer or offender was
1696 arrested. That court shall advise him or her of the charge of a
1697 violation and, if such charge is admitted, shall cause him or
1698 her to be brought before the court that granted the probation or
1699 community control. If the violation is not admitted by the
1700 probationer or offender, the court may commit him or her or
1701 release him or her with or without bail to await further
1702 hearing. However, if the probationer or offender is under
1703 supervision for any criminal offense proscribed in chapter 794,
1704 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a
1705 registered sexual predator or a registered sexual offender, or
1706 is under supervision for a criminal offense for which he or she
1707 would meet the registration criteria in s. 775.21, s. 943.0435,
1708 or s. 944.607 but for the effective date of those sections, the
1709 court must make a finding that the probationer or offender is
1710 not a danger to the public prior to release with or without
1711 bail. In determining the danger posed by the offender's or
1712 probationer's release, the court may consider the nature and
1713 circumstances of the violation and any new offenses charged; the
1714 offender's or probationer's past and present conduct, including
1715 convictions of crimes; any record of arrests without conviction
1716 for crimes involving violence or sexual crimes; any other
1717 evidence of allegations of unlawful sexual conduct or the use of
1718 violence by the offender or probationer; the offender's or

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1719 probationer's family ties, length of residence in the community,
1720 employment history, and mental condition; his or her history and
1721 conduct during the probation or community control supervision
1722 from which the violation arises and any other previous
1723 supervisions, including disciplinary records of previous
1724 incarcerations; the likelihood that the offender or probationer
1725 will engage again in a criminal course of conduct; the weight of
1726 the evidence against the offender or probationer; and any other
1727 facts the court considers relevant. The court, as soon as is
1728 practicable, shall give the probationer or offender an
1729 opportunity to be fully heard on his or her behalf in person or
1730 by counsel. After the hearing, the court shall make findings of
1731 fact and forward the findings to the court that granted the
1732 probation or community control and to the probationer or
1733 offender or his or her attorney. The findings of fact by the
1734 hearing court are binding on the court that granted the
1735 probation or community control. Upon the probationer or offender
1736 being brought before it, the court that granted the probation or
1737 community control may revoke, modify, or continue the probation
1738 or community control or may place the probationer into community
1739 control as provided in this section. However, the probationer or
1740 offender shall not be released and shall not be admitted to
1741 bail, but shall be brought before the court that granted the
1742 probation or community control if any violation of felony
1743 probation or community control other than a failure to pay costs
1744 or fines or make restitution payments is alleged to have been
1745 committed by:

1746 (a) A violent felony offender of special concern, as
1747 defined in this section;

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1748 (b) A person who is on felony probation or community
1749 control for any offense committed on or after the effective date
1750 of this act and who is arrested for a qualifying offense as
1751 defined in this section; or

1752 (c) A person who is on felony probation or community
1753 control and has previously been found by a court to be a
1754 habitual violent felony offender as defined in s. 775.084(1)(b),
1755 a three-time violent felony offender as defined in s.
1756 775.084(1)(c), or a sexual predator under s. 775.21, and who is
1757 arrested for committing a qualifying offense as defined in this
1758 section on or after the effective date of this act.

1759 Section 42. For the purpose of incorporating the amendments
1760 made by this act to sections 943.0435 and 944.607, Florida
1761 Statutes, in references thereto, section 948.063, Florida
1762 Statutes, is reenacted to read:

1763 948.063 Violations of probation or community control by
1764 designated sexual offenders and sexual predators.—

1765 (1) If probation or community control for any felony
1766 offense is revoked by the court pursuant to s. 948.06(2)(e) and
1767 the offender is designated as a sexual offender pursuant to s.
1768 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
1769 775.21 for unlawful sexual activity involving a victim 15 years
1770 of age or younger and the offender is 18 years of age or older,
1771 and if the court imposes a subsequent term of supervision
1772 following the revocation of probation or community control, the
1773 court must order electronic monitoring as a condition of the
1774 subsequent term of probation or community control.

1775 (2) If the probationer or offender is required to register
1776 as a sexual predator under s. 775.21 or as a sexual offender

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1777 under s. 943.0435 or s. 944.607 for unlawful sexual activity
1778 involving a victim 15 years of age or younger and the
1779 probationer or offender is 18 years of age or older and has
1780 violated the conditions of his or her probation or community
1781 control, but the court does not revoke the probation or
1782 community control, the court shall nevertheless modify the
1783 probation or community control to include electronic monitoring
1784 for any probationer or offender not then subject to electronic
1785 monitoring.

1786 Section 43. For the purpose of incorporating the amendments
1787 made by this act to sections 943.0435, 944.606, and 944.607,
1788 Florida Statutes, in references thereto, subsection (2) of
1789 section 775.24, Florida Statutes, is reenacted to read:

1790 775.24 Duty of the court to uphold laws governing sexual
1791 predators and sexual offenders.—

1792 (2) If a person meets the criteria in this chapter for
1793 designation as a sexual predator or meets the criteria in s.
1794 943.0435, s. 944.606, s. 944.607, or any other law for
1795 classification as a sexual offender, the court may not enter an
1796 order, for the purpose of approving a plea agreement or for any
1797 other reason, which:

1798 (a) Exempts a person who meets the criteria for designation
1799 as a sexual predator or classification as a sexual offender from
1800 such designation or classification, or exempts such person from
1801 the requirements for registration or community and public
1802 notification imposed upon sexual predators and sexual offenders;

1803 (b) Restricts the compiling, reporting, or release of
1804 public records information that relates to sexual predators or
1805 sexual offenders; or

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1806 (c) Prevents any person or entity from performing its
1807 duties or operating within its statutorily conferred authority
1808 as such duty or authority relates to sexual predators or sexual
1809 offenders.

1810 Section 44. For the purpose of incorporating the amendments
1811 made by this act to sections 943.0435, 944.606, and 944.607,
1812 Florida Statutes, in references thereto, section 775.25, Florida
1813 Statutes, is reenacted to read:

1814 775.25 Prosecutions for acts or omissions.—A sexual
1815 predator or sexual offender who commits any act or omission in
1816 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
1817 944.607, or former s. 947.177 may be prosecuted for the act or
1818 omission in the county in which the act or omission was
1819 committed, in the county of the last registered address of the
1820 sexual predator or sexual offender, in the county in which the
1821 conviction occurred for the offense or offenses that meet the
1822 criteria for designating a person as a sexual predator or sexual
1823 offender, in the county where the sexual predator or sexual
1824 offender was released from incarceration, or in the county of
1825 the intended address of the sexual predator or sexual offender
1826 as reported by the predator or offender prior to his or her
1827 release from incarceration. In addition, a sexual predator may
1828 be prosecuted for any such act or omission in the county in
1829 which he or she was designated a sexual predator.

1830 Section 45. For the purpose of incorporating the amendments
1831 made by this act to sections 943.0435, 944.606, and 944.607,
1832 Florida Statutes, in references thereto, subsection (2) of
1833 section 943.0436, Florida Statutes, is reenacted to read:

1834 943.0436 Duty of the court to uphold laws governing sexual

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1835 predators and sexual offenders.—

1836 (2) If a person meets the criteria in chapter 775 for
1837 designation as a sexual predator or meets the criteria in s.
1838 943.0435, s. 944.606, s. 944.607, or any other law for
1839 classification as a sexual offender, the court may not enter an
1840 order, for the purpose of approving a plea agreement or for any
1841 other reason, which:

1842 (a) Exempts a person who meets the criteria for designation
1843 as a sexual predator or classification as a sexual offender from
1844 such designation or classification, or exempts such person from
1845 the requirements for registration or community and public
1846 notification imposed upon sexual predators and sexual offenders;

1847 (b) Restricts the compiling, reporting, or release of
1848 public records information that relates to sexual predators or
1849 sexual offenders; or

1850 (c) Prevents any person or entity from performing its
1851 duties or operating within its statutorily conferred authority
1852 as such duty or authority relates to sexual predators or sexual
1853 offenders.

1854 Section 46. For the purpose of incorporating the amendments
1855 made by this act to sections 943.0435, 944.606, and 944.607,
1856 Florida Statutes, in references thereto, section 948.31, Florida
1857 Statutes, is reenacted to read:

1858 948.31 Evaluation and treatment of sexual predators and
1859 offenders on probation or community control.—The court may
1860 require any probationer or community controllee who is required
1861 to register as a sexual predator under s. 775.21 or sexual
1862 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
1863 an evaluation, at the probationer or community controllee's

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1864 expense, by a qualified practitioner to determine whether such
1865 probationer or community controllee needs sexual offender
1866 treatment. If the qualified practitioner determines that sexual
1867 offender treatment is needed and recommends treatment, the
1868 probationer or community controllee must successfully complete
1869 and pay for the treatment. Such treatment must be obtained from
1870 a qualified practitioner as defined in s. 948.001. Treatment may
1871 not be administered by a qualified practitioner who has been
1872 convicted or adjudicated delinquent of committing, or
1873 attempting, soliciting, or conspiring to commit, any offense
1874 that is listed in s. 943.0435(1)(h)1.a.(I).

1875 Section 47. For the purpose of incorporating the amendments
1876 made by this act to sections 943.0435, 944.606, and 944.607,
1877 Florida Statutes, in references thereto, paragraph (b) of
1878 subsection (6) of section 985.04, Florida Statutes, is reenacted
1879 to read:

1880 985.04 Oaths; records; confidential information.-

1881 (6)

1882 (b) Sexual offender and predator registration information
1883 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
1884 and 985.4815 is a public record pursuant to s. 119.07(1) and as
1885 otherwise provided by law.

1886 Section 48. This act shall take effect October 1, 2025.