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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/23/2025	.	
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The Committee on Fiscal Policy (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (2) of section 92.565, Florida
Statutes, is amended to read:

92.565 Admissibility of confession in sexual abuse cases.—

(2) In any criminal action in which the defendant is
charged with a crime against a victim under s. 787.06(3),
involving commercial sexual activity, or (5); s. 794.011; s.



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11 794.05; s. 800.04; s. 826.04; s. 827.03, involving sexual abuse;
12 s. 827.04, involving sexual abuse; s. 827.071; or s.
13 847.0135(5), or any other crime involving sexual abuse of
14 another, or with any attempt, solicitation, or conspiracy to
15 commit any of these crimes, the defendant's memorialized
16 confession or admission is admissible during trial without the
17 state having to prove a corpus delicti of the crime if the court
18 finds in a hearing conducted outside the presence of the jury
19 that the state is unable to show the existence of each element
20 of the crime, and having so found, further finds that the
21 defendant's confession or admission is trustworthy. Factors
22 which may be relevant in determining whether the state is unable
23 to show the existence of each element of the crime include, but
24 are not limited to, the fact that, at the time the crime was
25 committed, the victim was:

- 26 (a) Physically helpless, mentally incapacitated, or
27 mentally defective, as those terms are defined in s. 794.011;
28 (b) Physically incapacitated due to age, infirmity, or any
29 other cause; or
30 (c) Less than 12 years of age.

31 Section 2. Paragraph (e) of subsection (2) of section
32 456.51, Florida Statutes, is amended to read:

33 456.51 Consent for pelvic examinations.—

34 (2) A health care practitioner, a medical student, or any
35 other student receiving training as a health care practitioner
36 may not perform a pelvic examination on an anesthetized or
37 unconscious patient without the written consent of the patient
38 or the patient's legal representative executed specific to, and
39 expressly identifying, the pelvic examination. If the patient is



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40 conscious, informed verbal consent must be obtained for the
41 pelvic examination in addition to any written consent obtained.
42 Consent is not required if:

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

48 Section 3. Paragraph (o) of subsection (1) of section
49 775.0877, Florida Statutes, is amended to read:

50 775.0877 Criminal transmission of HIV; procedures;
51 penalties.—

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

57 (o) Sections 787.06(3)(b), (d), (f), and (g) and (5),
58 relating to human trafficking, the court shall order the
59 offender to undergo HIV testing, to be performed under the
60 direction of the Department of Health in accordance with s.
61 381.004, unless the offender has undergone HIV testing
62 voluntarily or pursuant to procedures established in s.
63 381.004(2)(h)6. or s. 951.27, or any other applicable law or
64 rule providing for HIV testing of criminal offenders or inmates,
65 subsequent to her or his arrest for an offense enumerated in
66 paragraphs (a)-(n) for which she or he was convicted or to which
67 she or he pled nolo contendere or guilty. The results of an HIV
68 test performed on an offender pursuant to this subsection are



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69 not admissible in any criminal proceeding arising out of the
70 alleged offense.

71 Section 4. Paragraph (a) of subsection (4) of section
72 775.21, Florida Statutes, is amended to read:

73 775.21 The Florida Sexual Predators Act.—

74 (4) SEXUAL PREDATOR CRITERIA.—

75 (a) For a current offense committed on or after October 1,
76 1993, upon conviction, an offender shall be designated as a
77 “sexual predator” under subsection (5), and subject to
78 registration under subsection (6) and community and public
79 notification under subsection (7) if:

80 1. The felony is:

81 a. A capital, life, or first degree felony violation, or
82 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
83 is a minor, or s. 787.06(3)(f) or (g), where the victim is a
84 minor, or (5); s. 794.011, s. 800.04, or s. 847.0145, or a
85 violation of a similar law of another jurisdiction; or

86 b. Any felony violation, or any attempt thereof, of s.
87 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
88 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
89 (d), (f), or (g), or (5); former s. 787.06(3)(h); s. 794.011,
90 excluding s. 794.011(10); s. 794.05; former s. 796.03; former s.
91 796.035; s. 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071;
92 s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03,
93 if the court makes a written finding that the racketeering
94 activity involved at least one sexual offense listed in this
95 sub-subparagraph or at least one offense listed in this sub-
96 subparagraph with sexual intent or motive; s. 916.1075(2); or s.
97 985.701(1); or a violation of a similar law of another



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98 jurisdiction, and the offender has previously been convicted of
99 or found to have committed, or has pled nolo contendere or
100 guilty to, regardless of adjudication, any violation of s.
101 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
102 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
103 (d), (f), or (g), or (5); former s. 787.06(3)(h); s. 794.011,
104 excluding s. 794.011(10); s. 794.05; former s. 796.03; former s.
105 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
106 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, if
107 the court makes a written finding that the racketeering activity
108 involved at least one sexual offense listed in this sub-
109 subparagraph or at least one offense listed in this sub-
110 subparagraph with sexual intent or motive; s. 916.1075(2); or s.
111 985.701(1); or a violation of a similar law of another
112 jurisdiction;

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

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

119 Section 5. Subsection (3) of section 787.01, Florida
120 Statutes, is amended to read:

121 787.01 Kidnapping; kidnapping of child under age 13,
122 aggravating circumstances.—

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

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



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- 127 2. Sexual battery, as defined in chapter 794, against the
128 child;
- 129 3. Lewd or lascivious battery, lewd or lascivious
130 molestation, lewd or lascivious conduct, or lewd or lascivious
131 exhibition, in violation of s. 800.04 or s. 847.0135(5);
- 132 4. A violation of former s. 796.03 or s. 796.04, relating
133 to prostitution, upon the child;
- 134 5. Exploitation of the child or allowing the child to be
135 exploited, in violation of s. 450.151; or
- 136 6. A violation of s. 787.06(3)(g) or (5), relating to human
137 trafficking, commits a life felony, punishable as provided in s.
138 775.082, s. 775.083, or s. 775.084.
- 139 (b) Pursuant to s. 775.021(4), nothing contained herein
140 shall be construed to prohibit the imposition of separate
141 judgments and sentences for the life felony described in
142 paragraph (a) and for each separate offense enumerated in
143 subparagraphs (a)1.-6. ~~subparagraphs (a)1.-5.~~
- 144 Section 6. Subsection (3) of section 787.02, Florida
145 Statutes, is amended to read:
- 146 787.02 False imprisonment; false imprisonment of child
147 under age 13, aggravating circumstances.—
- 148 (3)(a) A person who commits the offense of false
149 imprisonment upon a child under the age of 13 and who, in the
150 course of committing the offense, commits any offense enumerated
151 in subparagraphs (a)1.-6. ~~subparagraphs 1.-5.~~, commits a felony
152 of the first degree, punishable by imprisonment for a term of
153 years not exceeding life or as provided in s. 775.082, s.
154 775.083, or s. 775.084.
- 155 1. Aggravated child abuse, as defined in s. 827.03;



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156 2. Sexual battery, as defined in chapter 794, against the
157 child;

158 3. Lewd or lascivious battery, lewd or lascivious
159 molestation, lewd or lascivious conduct, or lewd or lascivious
160 exhibition, in violation of s. 800.04 or s. 847.0135(5);

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

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

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

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

172 Section 7. Present paragraphs (i) through (k) of subsection
173 (2) of section 787.06, Florida Statutes, are redesignated as
174 paragraphs (j) through (l), respectively, present subsections
175 (5) through (13) of that section are redesignated as subsections
176 (6) through (14), respectively, a new paragraph (i) is added to
177 subsection (2) of that section, and a new subsection (5) is
178 added to that section, to read:

179 787.06 Human trafficking.—

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

181 (i) "Sexual exploitation" means any violation of s.
182 794.011, excluding s. 794.011(10).

183 (5)(a) Any person 18 years of age or older who knowingly
184 initiates, organizes, plans, finances, directs, manages, or



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185 supervises a venture that has subjected a child younger than 12
186 years of age, or a person who is mentally defective or mentally
187 incapacitated as those terms are defined in s. 794.011(1), to
188 human trafficking for sexual exploitation commits capital human
189 trafficking of vulnerable persons for sexual exploitation, a
190 capital felony punishable as provided in ss. 775.082 and
191 921.1427.

192 (b) For each instance of human trafficking of any
193 individual under paragraph (a), a separate crime is committed
194 and a separate punishment is authorized.

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

198 (d) If the prosecutor intends to seek the death penalty,
199 the prosecutor must give notice to the defendant and file the
200 notice with the court within 45 days after arraignment. The
201 notice must contain a list of the aggravating factors the state
202 intends to prove and has reason to believe it can prove beyond a
203 reasonable doubt. The court may allow the prosecutor to amend
204 the notice upon a showing of good cause.

205 Section 8. Section 921.1427, Florida Statutes, is created
206 to read:

207 921.1427 Sentence of death or life imprisonment for capital
208 human trafficking of vulnerable persons for sexual exploitation;
209 further proceedings to determine sentence.-

210 (1) INTENT.-

211 (a) The Legislature finds that a person who commits the
212 offense of initiating, organizing, planning, financing,
213 directing, managing, or supervising a venture that has subjected



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214 a child younger than 12 years of age, or a person who is
215 mentally defective or mentally incapacitated, to human
216 trafficking for sexual exploitation in violation of s. 787.06(5)
217 imposes a great risk of death and danger to vulnerable members
218 of this state. Such crimes exploit society's most vulnerable
219 citizens, destroy the innocence of young children, and violate
220 all standards of decency held by civilized society, and persons
221 who commit such acts against such vulnerable persons may be
222 determined by the trier of fact to have a culpable mental state
223 of reckless indifference or disregard for human life.

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

228 (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon
229 conviction or an adjudication of guilt of a defendant of a
230 capital felony under s. 787.06(5), the court shall conduct a
231 separate sentencing proceeding to determine whether the
232 defendant should be sentenced to death or life imprisonment as
233 authorized by s. 775.082. The proceeding shall be conducted by
234 the trial judge before the trial jury as soon as practicable.
235 If, through impossibility or inability, the trial jury is unable
236 to reconvene for a hearing on the issue of penalty, having
237 determined the guilt of the accused, the trial judge may summon
238 a special juror or jurors as provided in chapter 913 to
239 determine the issue of the imposition of the penalty. If the
240 trial jury has been waived, or if the defendant pleaded guilty,
241 the sentencing proceeding shall be conducted before a jury
242 impaneled for that purpose, unless waived by the defendant. In



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243 the proceeding, evidence may be presented as to any matter that
244 the court deems relevant to the nature of the crime and the
245 character of the defendant and shall include matters relating to
246 any of the aggravating factors enumerated in subsection (7) and
247 for which notice has been provided pursuant to s. 787.06(5) or
248 mitigating circumstances enumerated in subsection (8). Any such
249 evidence that the court deems to have probative value may be
250 received, regardless of its admissibility under the exclusionary
251 rules of evidence, provided the defendant is accorded a fair
252 opportunity to rebut any hearsay statements. However, this
253 subsection may not be construed to authorize the introduction of
254 any evidence secured in violation of the United States
255 Constitution or the State Constitution. The state and the
256 defendant or the defendant's counsel shall be permitted to
257 present argument for or against a sentence of death.

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

261 (a) After hearing all of the evidence presented regarding
262 aggravating factors and mitigating circumstances, the jury shall
263 deliberate and determine if the state has proven, beyond a
264 reasonable doubt, the existence of at least two aggravating
265 factors set forth in subsection (7).

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

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

271 2. Unanimously finds at least two aggravating factors, the



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272 defendant is eligible for a sentence of death and the jury shall
273 make a recommendation to the court as to whether the defendant
274 shall be sentenced to life imprisonment without the possibility
275 of parole or to death. The recommendation shall be based on a
276 weighing of all of the following:

277 a. Whether sufficient aggravating factors exist.

278 b. Whether aggravating factors exist which outweigh the
279 mitigating circumstances found to exist.

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

283 (c) If at least eight jurors determine that the defendant
284 should be sentenced to death, the jury's recommendation to the
285 court shall be a sentence of death. If fewer than eight jurors
286 determine that the defendant should be sentenced to death, the
287 jury's recommendation to the court shall be a sentence of life
288 imprisonment without the possibility of parole.

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

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

291 1. Life imprisonment without the possibility of parole, the
292 court shall impose the recommended sentence of life imprisonment
293 without the possibility of parole.

294 2. Death, the court, after considering each aggravating
295 factor found by the jury and all mitigating circumstances, may
296 impose a sentence of life imprisonment without the possibility
297 of parole or a sentence of death. The court may consider only an
298 aggravating factor that was unanimously found to exist by the
299 jury. The court may impose a sentence of death only if the jury
300 unanimously found at least two aggravating factors beyond a



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301 reasonable doubt.

302 (b) If the defendant waived his or her right to a
303 sentencing proceeding by a jury, the court, after considering
304 all aggravating factors and mitigating circumstances, may impose
305 a sentence of life imprisonment without the possibility of
306 parole or a sentence of death. The court may impose a sentence
307 of death only if the court finds that at least two aggravating
308 factors have been proven to exist beyond a reasonable doubt.

309 (5) ORDER OF THE COURT IN SUPPORT OF SENTENCE OF LIFE
310 IMPRISONMENT OR DEATH.—In each case in which the court imposes a
311 sentence of life imprisonment without the possibility of parole
312 or a sentence of death, the court shall, considering the records
313 of the trial and the sentencing proceedings, enter a written
314 order addressing the aggravating factors set forth in subsection
315 (7) found to exist, the mitigating circumstances in subsection
316 (8) reasonably established by the evidence, whether there are
317 sufficient aggravating factors to warrant the death penalty, and
318 whether the aggravating factors outweigh the mitigating
319 circumstances reasonably established by the evidence. The court
320 shall include in its written order the reasons for not accepting
321 the jury's recommended sentence, if applicable. If the court
322 does not issue its order requiring the death sentence within 30
323 days after the rendition of the judgment and sentence, the court
324 shall impose a sentence of life imprisonment without the
325 possibility of parole in accordance with s. 775.082.

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



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

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

334 (a) The capital felony was committed by a person previously
335 convicted of a felony violation under s. 787.06 and under
336 sentence of imprisonment or placed on community control or on
337 felony probation.

338 (b) The defendant was previously convicted of another
339 capital felony or of a felony involving the use or threat of
340 violence to the person.

341 (c) The capital felony was committed by a person designated
342 as a sexual predator pursuant to s. 775.21 or a person
343 previously designated as a sexual predator who had the sexual
344 predator designation removed.

345 (d) The capital felony was committed by a sexual offender
346 who is required to register pursuant to s. 943.0435 or a person
347 previously required to register as a sexual offender who had
348 such requirement removed.

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

352 (f) The defendant used a firearm or knowingly directed,
353 advised, authorized, or assisted another to use a firearm to
354 threaten, intimidate, assault, or injure a person in committing
355 the offense or in furtherance of the offense.

356 (g) The capital felony was especially heinous, atrocious,
357 or cruel.

358 (h) The victim of the capital felony was particularly



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359 vulnerable due to age or disability, or because the defendant
360 stood in a position of familial or custodial authority over the
361 victim.

362 (i) The capital felony was committed by a person subject to
363 an injunction issued pursuant to s. 741.30 or s. 784.046, or a
364 foreign protection order accorded full faith and credit pursuant
365 to s. 741.315, and was committed against the petitioner who
366 obtained the injunction or protection order or any spouse,
367 child, sibling, or parent of the petitioner.

368 (j) The victim of the capital felony sustained serious
369 bodily injury.

370 (8) MITIGATING CIRCUMSTANCES.—Mitigating circumstances
371 shall include the following:

372 (a) The defendant has no significant history of prior
373 criminal activity.

374 (b) The capital felony was committed while the defendant
375 was under the influence of extreme mental or emotional
376 disturbance.

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

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

382 (e) The capacity of the defendant to appreciate the
383 criminality of her or his conduct or to conform his or her
384 conduct to the requirements of law was substantially impaired.

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

386 (g) The defendant could not have reasonably foreseen that
387 his or her conduct in the course of the commission of the



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388 offense would cause or would create a grave risk of death to one
389 or more persons.

390 (h) The existence of any other factors in the defendant's
391 background that would mitigate against imposition of the death
392 penalty.

393 (9) VICTIM IMPACT EVIDENCE.—Once the prosecution has
394 provided evidence of the existence of two or more aggravating
395 factors as described in subsection (7), the prosecution may
396 introduce and subsequently argue victim impact evidence to the
397 jury. Such evidence shall be designed to demonstrate the
398 victim's uniqueness as an individual human being and the
399 physical and psychological harm to the victim. Characterizations
400 and opinions about the crime, the defendant, and the appropriate
401 sentence may not be permitted as a part of victim impact
402 evidence.

403 (10) CONSTITUTIONALITY.—Notwithstanding s. 775.082(2) or s.
404 775.15, or any other provision of law, a sentence of death shall
405 be imposed under this section notwithstanding existing case law
406 which holds that such a sentence is unconstitutional under the
407 State Constitution and the United States Constitution. In any
408 case for which the Florida Supreme Court or the United States
409 Supreme Court reviews a sentence of death imposed pursuant to
410 this section, and in making such a review reconsiders the prior
411 holdings in *Buford v. State of Florida*, 403 So. 2d 943 (Fla.
412 1981), and *Kennedy v. Louisiana*, 554 U.S. 407 (2008), and
413 determines that a sentence of death remains unconstitutional,
414 the court having jurisdiction over the person previously
415 sentenced to death shall cause such person to be brought before
416 the court, and the court shall sentence such person to life



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417 imprisonment as provided in s. 775.082(1).

418 (11) APPLICABILITY.—This section applies to any capital
419 felony under s. 787.06(5) which is committed on or after October
420 1, 2025.

421 Section 9. Paragraph (o) is added to subsection (1) of
422 section 924.07, Florida Statutes, to read:

423 924.07 Appeal by state.—

424 (1) The state may appeal from:

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

432 Section 10. Paragraph (h) of subsection (1) of section
433 943.0435, Florida Statutes, is amended to read:

434 943.0435 Sexual offenders required to register with the
435 department; penalty.—

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

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

440 a.(I) Has been convicted of committing, or attempting,
441 soliciting, or conspiring to commit, any of the criminal
442 offenses proscribed in the following statutes in this state or
443 similar offenses in another jurisdiction: s. 393.135(2); s.
444 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
445 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g), or



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446 (5); former s. 787.06(3)(h); s. 794.011, excluding s.
447 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
448 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.
449 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
450 847.0145; s. 895.03, if the court makes a written finding that
451 the racketeering activity involved at least one sexual offense
452 listed in this sub-sub-subparagraph or at least one offense
453 listed in this sub-sub-subparagraph with sexual intent or
454 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
455 committed in this state which has been redesignated from a
456 former statute number to one of those listed in this sub-sub-
457 subparagraph; and

458 (II) Has been released on or after October 1, 1997, from a
459 sanction imposed for any conviction of an offense described in
460 sub-sub-subparagraph (I) and does not otherwise meet the
461 criteria for registration as a sexual offender under chapter 944
462 or chapter 985. For purposes of this sub-sub-subparagraph, a
463 sanction imposed in this state or in any other jurisdiction
464 means probation, community control, parole, conditional release,
465 control release, or incarceration in a state prison, federal
466 prison, contractor-operated correctional facility, or local
467 detention facility. If no sanction is imposed, the person is
468 deemed to be released upon conviction;

469 b. Establishes or maintains a residence in this state and
470 who has not been designated as a sexual predator by a court of
471 this state but who has been designated as a sexual predator, as
472 a sexually violent predator, or any other sexual offender
473 designation in another state or jurisdiction and was, as a
474 result of such designation, subjected to registration or



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475 community or public notification, or both, or would be if the
476 person were a resident of that state or jurisdiction, without
477 regard to whether the person otherwise meets the criteria for
478 registration as a sexual offender;

479 c. Establishes or maintains a residence in this state who
480 is in the custody or control of, or under the supervision of,
481 any other state or jurisdiction as a result of a conviction for
482 committing, or attempting, soliciting, or conspiring to commit,
483 any of the criminal offenses proscribed in the following
484 statutes or similar offense in another jurisdiction: s.
485 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
486 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
487 (d), (f), or (g), or (5); former s. 787.06(3)(h); s. 794.011,
488 excluding s. 794.011(10); s. 794.05; former s. 796.03; former s.
489 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s.
490 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
491 847.0138; s. 847.0145; s. 895.03, if the court makes a written
492 finding that the racketeering activity involved at least one
493 sexual offense listed in this sub-subparagraph or at least one
494 offense listed in this sub-subparagraph with sexual intent or
495 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
496 committed in this state which has been redesignated from a
497 former statute number to one of those listed in this sub-
498 subparagraph; or

499 d. On or after July 1, 2007, has been adjudicated
500 delinquent for committing, or attempting, soliciting, or
501 conspiring to commit, any of the criminal offenses proscribed in
502 the following statutes in this state or similar offenses in
503 another jurisdiction when the juvenile was 14 years of age or



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504 older at the time of the offense:

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

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

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

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

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

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

519

520 For each violation of a qualifying offense listed in this
521 subsection, except for a violation of s. 794.011, the court
522 shall make a written finding of the age of the victim at the
523 time of the offense. For a violation of s. 800.04(4), the court
524 shall also make a written finding indicating whether the offense
525 involved sexual activity and indicating whether the offense
526 involved force or coercion. For a violation of s. 800.04(5), the
527 court shall also make a written finding that the offense did or
528 did not involve unclothed genitals or genital area and that the
529 offense did or did not involve the use of force or coercion.

530 Section 11. Paragraph (f) of subsection (1) of section
531 944.606, Florida Statutes, is amended to read:

532 944.606 Sexual offenders; notification upon release.—



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

534 (f) "Sexual offender" means a person who has been convicted
535 of committing, or attempting, soliciting, or conspiring to
536 commit, any of the criminal offenses proscribed in the following
537 statutes in this state or similar offenses in another
538 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
539 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
540 787.06(3)(b), (d), (f), or (g), or (5); former s. 787.06(3)(h);
541 s. 794.011, excluding s. 794.011(10); s. 794.05; former s.
542 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s.
543 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
544 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
545 if the court makes a written finding that the racketeering
546 activity involved at least one sexual offense listed in this
547 paragraph or at least one offense listed in this paragraph with
548 sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or
549 any similar offense committed in this state which has been
550 redesignated from a former statute number to one of those listed
551 in this subsection, when the department has received verified
552 information regarding such conviction; an offender's
553 computerized criminal history record is not, in and of itself,
554 verified information.

555 Section 12. Paragraph (f) of subsection (1) of section
556 944.607, Florida Statutes, is amended to read:

557 944.607 Notification to Department of Law Enforcement of
558 information on sexual offenders.—

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

560 (f) "Sexual offender" means a person who is in the custody
561 or control of, or under the supervision of, the department or is



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562 in the custody of a contractor-operated correctional facility:

563 1. On or after October 1, 1997, as a result of a conviction
564 for committing, or attempting, soliciting, or conspiring to
565 commit, any of the criminal offenses proscribed in the following
566 statutes in this state or similar offenses in another
567 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
568 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
569 787.06(3)(b), (d), (f), or (g), or (5); former s. 787.06(3)(h);
570 s. 794.011, excluding s. 794.011(10); s. 794.05; former s.
571 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s.
572 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
573 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
574 if the court makes a written finding that the racketeering
575 activity involved at least one sexual offense listed in this
576 subparagraph or at least one offense listed in this subparagraph
577 with sexual intent or motive; s. 916.1075(2); or s. 985.701(1);
578 or any similar offense committed in this state which has been
579 redesignated from a former statute number to one of those listed
580 in this paragraph; or

581 2. Who establishes or maintains a residence in this state
582 and who has not been designated as a sexual predator by a court
583 of this state but who has been designated as a sexual predator,
584 as a sexually violent predator, or by another sexual offender
585 designation in another state or jurisdiction and was, as a
586 result of such designation, subjected to registration or
587 community or public notification, or both, or would be if the
588 person were a resident of that state or jurisdiction, without
589 regard as to whether the person otherwise meets the criteria for
590 registration as a sexual offender.



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591 Section 13. Subsection (1) of section 948.32, Florida
592 Statutes, is amended to read:

593 948.32 Requirements of law enforcement agency upon arrest
594 of persons for certain sex offenses.—

595 (1) When any state or local law enforcement agency
596 investigates or arrests a person for committing, or attempting,
597 soliciting, or conspiring to commit, a violation of s.
598 787.025(2)(c), s. 787.06(3)(g) or (5), chapter 794, former s.
599 796.03, s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, or s.
600 847.0145, the law enforcement agency shall contact the
601 Department of Corrections to verify whether the person under
602 investigation or under arrest is on probation, community
603 control, parole, conditional release, or control release.

604 Section 14. Subsection (2) of section 960.065, Florida
605 Statutes, is amended to read:

606 960.065 Eligibility for awards.—

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

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

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

615 (c) Was in custody or confined, regardless of conviction,
616 in a county or municipal detention facility, a state or federal
617 correctional facility, or a juvenile detention or commitment
618 facility at the time of the crime upon which the claim for
619 compensation is based;



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620 (d) Has been adjudicated as a habitual felony offender,
621 habitual violent offender, or violent career criminal under s.
622 775.084; or

623 (e) Has been adjudicated guilty of a forcible felony
624 offense as described in s. 776.08, is ineligible for an award.

625 Section 15. Subsection (4) of section 921.137, Florida
626 Statutes, is amended to read:

627 921.137 Imposition of the death sentence upon an
628 intellectually disabled defendant prohibited.—

629 (4) After a defendant who has given notice of his or her
630 intention to raise intellectual disability as a bar to the death
631 sentence is convicted of a capital felony and an advisory jury
632 has returned a recommended sentence of death, the defendant may
633 file a motion to determine whether the defendant is
634 intellectually disabled. Upon receipt of the motion, the court
635 shall appoint two experts in the field of intellectual
636 disabilities who shall evaluate the defendant and report their
637 findings to the court and all interested parties prior to the
638 final sentencing hearing. Notwithstanding s. 921.141, s.
639 921.142, ~~or~~ s. 921.1425, or s. 921.1427, the final sentencing
640 hearing shall be held without a jury. At the final sentencing
641 hearing, the court shall consider the findings of the court-
642 appointed experts and consider the findings of any other expert
643 which is offered by the state or the defense on the issue of
644 whether the defendant has an intellectual disability. If the
645 court finds, by clear and convincing evidence, that the
646 defendant has an intellectual disability as defined in
647 subsection (1), the court may not impose a sentence of death and
648 shall enter a written order that sets forth with specificity the



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649 findings in support of the determination.

650 Section 16. Subsection (9) of section 921.141, Florida
651 Statutes, is amended to read:

652 921.141 Sentence of death or life imprisonment for capital
653 felonies; further proceedings to determine sentence.—

654 (9) APPLICABILITY.—This section does not apply to a person
655 convicted or adjudicated guilty of a capital sexual battery
656 under s. 794.011, capital human trafficking of vulnerable
657 persons for sexual exploitation under s. 787.06(5), or a capital
658 drug trafficking felony under s. 893.135.

659 Section 17. For the purpose of incorporating the amendment
660 made by this act to section 775.21, Florida Statutes, in a
661 reference thereto, paragraph (c) of subsection (1) of section
662 16.713, Florida Statutes, is reenacted to read:

663 16.713 Florida Gaming Control Commission; appointment and
664 employment restrictions.—

665 (1) PERSONS INELIGIBLE FOR APPOINTMENT TO THE COMMISSION.—
666 The following persons are ineligible for appointment to the
667 commission:

668 (c) A person who has been convicted of or found guilty of
669 or pled nolo contendere to, regardless of adjudication, in any
670 jurisdiction, a crime listed in s. 775.21(4)(a)1. or s. 776.08.

671 Section 18. For the purpose of incorporating the amendment
672 made by this act to section 775.21, Florida Statutes, in a
673 reference thereto, paragraph (a) of subsection (3) of section
674 39.0139, Florida Statutes, is reenacted to read:

675 39.0139 Visitation or other contact; restrictions.—

676 (3) PRESUMPTION OF DETRIMENT.—

677 (a) A rebuttable presumption of detriment to a child is



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678 created when:

679 1. A court of competent jurisdiction has found probable
680 cause exists that a parent or caregiver has sexually abused a
681 child as defined in s. 39.01;

682 2. A parent or caregiver has been found guilty of,
683 regardless of adjudication, or has entered a plea of guilty or
684 nolo contendere to, charges under the following statutes or
685 substantially similar statutes of other jurisdictions:

686 a. Section 787.04, relating to removing minors from the
687 state or concealing minors contrary to court order;

688 b. Section 794.011, relating to sexual battery;

689 c. Section 798.02, relating to lewd and lascivious
690 behavior;

691 d. Chapter 800, relating to lewdness and indecent exposure;

692 e. Section 826.04, relating to incest; or

693 f. Chapter 827, relating to the abuse of children; or

694 3. A court of competent jurisdiction has determined a
695 parent or caregiver to be a sexual predator as defined in s.
696 775.21 or a parent or caregiver has received a substantially
697 similar designation under laws of another jurisdiction.

698 Section 19. For the purpose of incorporating the amendment
699 made by this act to section 775.21, Florida Statutes, in a
700 reference thereto, paragraph (b) of subsection (6) of section
701 39.509, Florida Statutes, is reenacted to read:

702 39.509 Grandparents rights.—Notwithstanding any other
703 provision of law, a maternal or paternal grandparent as well as
704 a stepgrandparent is entitled to reasonable visitation with his
705 or her grandchild who has been adjudicated a dependent child and
706 taken from the physical custody of the parent unless the court



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707 finds that such visitation is not in the best interest of the
708 child or that such visitation would interfere with the goals of
709 the case plan. Reasonable visitation may be unsupervised and,
710 where appropriate and feasible, may be frequent and continuing.
711 Any order for visitation or other contact must conform to the
712 provisions of s. 39.0139.

713 (6) In determining whether grandparental visitation is not
714 in the child's best interest, consideration may be given to the
715 following:

716 (b) The designation by a court as a sexual predator as
717 defined in s. 775.21 or a substantially similar designation
718 under laws of another jurisdiction.

719 Section 20. For the purpose of incorporating the amendment
720 made by this act to section 775.21, Florida Statutes, in
721 references thereto, paragraphs (d) and (n) of subsection (1) of
722 section 39.806, Florida Statutes, are reenacted to read:

723 39.806 Grounds for termination of parental rights.—

724 (1) Grounds for the termination of parental rights may be
725 established under any of the following circumstances:

726 (d) When the parent of a child is incarcerated and either:

727 1. The period of time for which the parent is expected to
728 be incarcerated will constitute a significant portion of the
729 child's minority. When determining whether the period of time is
730 significant, the court shall consider the child's age and the
731 child's need for a permanent and stable home. The period of time
732 begins on the date that the parent enters into incarceration;

733 2. The incarcerated parent has been determined by the court
734 to be a violent career criminal as defined in s. 775.084, a
735 habitual violent felony offender as defined in s. 775.084, or a



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736 sexual predator as defined in s. 775.21; has been convicted of
737 first degree or second degree murder in violation of s. 782.04
738 or a sexual battery that constitutes a capital, life, or first
739 degree felony violation of s. 794.011; or has been convicted of
740 an offense in another jurisdiction which is substantially
741 similar to one of the offenses listed in this paragraph. As used
742 in this section, the term "substantially similar offense" means
743 any offense that is substantially similar in elements and
744 penalties to one of those listed in this subparagraph, and that
745 is in violation of a law of any other jurisdiction, whether that
746 of another state, the District of Columbia, the United States or
747 any possession or territory thereof, or any foreign
748 jurisdiction; or

749 3. The court determines by clear and convincing evidence
750 that continuing the parental relationship with the incarcerated
751 parent would be harmful to the child and, for this reason, that
752 termination of the parental rights of the incarcerated parent is
753 in the best interest of the child. When determining harm, the
754 court shall consider the following factors:

755 a. The age of the child.

756 b. The relationship between the child and the parent.

757 c. The nature of the parent's current and past provision
758 for the child's developmental, cognitive, psychological, and
759 physical needs.

760 d. The parent's history of criminal behavior, which may
761 include the frequency of incarceration and the unavailability of
762 the parent to the child due to incarceration.

763 e. Any other factor the court deems relevant.

764 (n) The parent is convicted of an offense that requires the



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765 parent to register as a sexual predator under s. 775.21.

766 Section 21. For the purpose of incorporating the amendment
767 made by this act to section 775.21, Florida Statutes, in a
768 reference thereto, paragraph (c) of subsection (9) of section
769 61.13, Florida Statutes, is reenacted to read:

770 61.13 Support of children; parenting and time-sharing;
771 powers of court.—

772 (9)

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

777 Section 22. For the purpose of incorporating the amendment
778 made by this act to section 775.21, Florida Statutes, in a
779 reference thereto, paragraph (b) of subsection (4) of section
780 63.089, Florida Statutes, is reenacted to read:

781 63.089 Proceeding to terminate parental rights pending
782 adoption; hearing; grounds; dismissal of petition; judgment.—

783 (4) FINDING OF ABANDONMENT.—A finding of abandonment
784 resulting in a termination of parental rights must be based upon
785 clear and convincing evidence that a parent or person having
786 legal custody has abandoned the child in accordance with the
787 definition contained in s. 63.032. A finding of abandonment may
788 also be based upon emotional abuse or a refusal to provide
789 reasonable financial support, when able, to a birth mother
790 during her pregnancy or on whether the person alleged to have
791 abandoned the child, while being able, failed to establish
792 contact with the child or accept responsibility for the child's
793 welfare.



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794 (b) The child has been abandoned when the parent of a child
795 is incarcerated on or after October 1, 2001, in a federal,
796 state, or county correctional institution and:

797 1. The period of time for which the parent has been or is
798 expected to be incarcerated will constitute a significant
799 portion of the child's minority. In determining whether the
800 period of time is significant, the court shall consider the
801 child's age and the child's need for a permanent and stable
802 home. The period of time begins on the date that the parent
803 enters into incarceration;

804 2. The incarcerated parent has been determined by a court
805 of competent jurisdiction to be a violent career criminal as
806 defined in s. 775.084, a habitual violent felony offender as
807 defined in s. 775.084, convicted of child abuse as defined in s.
808 827.03, or a sexual predator as defined in s. 775.21; has been
809 convicted of first degree or second degree murder in violation
810 of s. 782.04 or a sexual battery that constitutes a capital,
811 life, or first degree felony violation of s. 794.011; or has
812 been convicted of a substantially similar offense in another
813 jurisdiction. As used in this section, the term "substantially
814 similar offense" means any offense that is substantially similar
815 in elements and penalties to one of those listed in this
816 subparagraph, and that is in violation of a law of any other
817 jurisdiction, whether that of another state, the District of
818 Columbia, the United States or any possession or territory
819 thereof, or any foreign jurisdiction; or

820 3. The court determines by clear and convincing evidence
821 that continuing the parental relationship with the incarcerated
822 parent would be harmful to the child and, for this reason,



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823 termination of the parental rights of the incarcerated parent is
824 in the best interests of the child.

825 Section 23. For the purpose of incorporating the amendment
826 made by this act to section 775.21, Florida Statutes, in a
827 reference thereto, subsection (3) of section 63.092, Florida
828 Statutes, is reenacted to read:

829 63.092 Report to the court of intended placement by an
830 adoption entity; at-risk placement; preliminary study.—

831 (3) PRELIMINARY HOME STUDY.—Before placing the minor in the
832 intended adoptive home, a preliminary home study must be
833 performed by a licensed child-placing agency, a child-caring
834 agency registered under s. 409.176, a licensed professional, or
835 an agency described in s. 61.20(2), unless the adoptee is an
836 adult or the petitioner is a stepparent or a relative. If the
837 adoptee is an adult or the petitioner is a stepparent or a
838 relative, a preliminary home study may be required by the court
839 for good cause shown. The department is required to perform the
840 preliminary home study only if there is no licensed child-
841 placing agency, child-caring agency registered under s. 409.176,
842 licensed professional, or agency described in s. 61.20(2), in
843 the county where the prospective adoptive parents reside. The
844 preliminary home study must be made to determine the suitability
845 of the intended adoptive parents and may be completed before
846 identification of a prospective adoptive minor. If the
847 identified prospective adoptive minor is in the custody of the
848 department, a preliminary home study must be completed within 30
849 days after it is initiated. A favorable preliminary home study
850 is valid for 1 year after the date of its completion. Upon its
851 completion, a signed copy of the home study must be provided to



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852 the intended adoptive parents who were the subject of the home
853 study. A minor may not be placed in an intended adoptive home
854 before a favorable preliminary home study is completed unless
855 the adoptive home is also a licensed foster home under s.
856 409.175. The preliminary home study must include, at a minimum:

- 857 (a) An interview with the intended adoptive parents.
- 858 (b) Records checks of the department's central abuse
859 registry, which the department shall provide to the entity
860 conducting the preliminary home study, and criminal records
861 correspondence checks under s. 39.0138 through the Department of
862 Law Enforcement on the intended adoptive parents.
- 863 (c) An assessment of the physical environment of the home.
- 864 (d) A determination of the financial security of the
865 intended adoptive parents.
- 866 (e) Documentation of counseling and education of the
867 intended adoptive parents on adoptive parenting, as determined
868 by the entity conducting the preliminary home study. The
869 training specified in s. 409.175(14) shall only be required for
870 persons who adopt children from the department.
- 871 (f) Documentation that information on adoption and the
872 adoption process has been provided to the intended adoptive
873 parents.
- 874 (g) Documentation that information on support services
875 available in the community has been provided to the intended
876 adoptive parents.
- 877 (h) A copy of each signed acknowledgment of receipt of
878 disclosure required by s. 63.085.

879
880 If the preliminary home study is favorable, a minor may be



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881 placed in the home pending entry of the judgment of adoption. A
882 minor may not be placed in the home if the preliminary home
883 study is unfavorable. If the preliminary home study is
884 unfavorable, the adoption entity may, within 20 days after
885 receipt of a copy of the written recommendation, petition the
886 court to determine the suitability of the intended adoptive
887 home. A determination as to suitability under this subsection
888 does not act as a presumption of suitability at the final
889 hearing. In determining the suitability of the intended adoptive
890 home, the court must consider the totality of the circumstances
891 in the home. A minor may not be placed in a home in which there
892 resides any person determined by the court to be a sexual
893 predator as defined in s. 775.21 or to have been convicted of an
894 offense listed in s. 63.089(4)(b)2.

895 Section 24. For the purpose of incorporating the amendment
896 made by this act to section 775.21, Florida Statutes, in
897 references thereto, paragraph (i) of subsection (3) and
898 subsection (6) of section 68.07, Florida Statutes, are reenacted
899 to read:

900 68.07 Change of name.—

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

902 (i) Whether the petitioner has ever been required to
903 register as a sexual predator under s. 775.21 or as a sexual
904 offender under s. 943.0435.

905 (6) The clerk of the court must, within 5 business days
906 after the filing of the final judgment, send a report of the
907 judgment to the Department of Law Enforcement on a form to be
908 furnished by that department. If the petitioner is required to
909 register as a sexual predator or a sexual offender pursuant to



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910 s. 775.21 or s. 943.0435, the clerk of court shall
911 electronically notify the Department of Law Enforcement of the
912 name change, in a manner prescribed by that department, within 2
913 business days after the filing of the final judgment. The
914 Department of Law Enforcement must send a copy of the report to
915 the Department of Highway Safety and Motor Vehicles, which may
916 be delivered by electronic transmission. The report must contain
917 sufficient information to identify the petitioner, including the
918 results of the criminal history records check if applicable, the
919 new name of the petitioner, and the file number of the judgment.
920 The Department of Highway Safety and Motor Vehicles shall
921 monitor the records of any sexual predator or sexual offender
922 whose name has been provided to it by the Department of Law
923 Enforcement. If the sexual predator or sexual offender does not
924 obtain a replacement driver license or identification card
925 within the required time as specified in s. 775.21 or s.
926 943.0435, the Department of Highway Safety and Motor Vehicles
927 shall notify the Department of Law Enforcement. The Department
928 of Law Enforcement shall notify applicable law enforcement
929 agencies of the predator's or offender's failure to comply with
930 registration requirements. Any information retained by the
931 Department of Law Enforcement and the Department of Highway
932 Safety and Motor Vehicles may be revised or supplemented by said
933 departments to reflect changes made by the final judgment. With
934 respect to a person convicted of a felony in another state or of
935 a federal offense, the Department of Law Enforcement must send
936 the report to the respective state's office of law enforcement
937 records or to the office of the Federal Bureau of Investigation.
938 The Department of Law Enforcement may forward the report to any



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939 other law enforcement agency it believes may retain information
940 related to the petitioner.

941 Section 25. For the purpose of incorporating the amendment
942 made by this act to section 775.21, Florida Statutes, in a
943 reference thereto, paragraph (b) of subsection (1) of section
944 92.55, Florida Statutes, is reenacted to read:

945 92.55 Special protections in proceedings involving victim
946 or witness under 18, person with intellectual disability, or
947 sexual offense victim.—

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

949 (b) "Sexual offense" means any offense specified in s.
950 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

951 Section 26. For the purpose of incorporating the amendment
952 made by this act to section 775.21, Florida Statutes, in a
953 reference thereto, subsection (3) of section 322.141, Florida
954 Statutes, is reenacted to read:

955 322.141 Color or markings of certain licenses or
956 identification cards.—

957 (3) All licenses for the operation of motor vehicles or
958 identification cards originally issued or reissued by the
959 department to persons who are designated as sexual predators
960 under s. 775.21 or subject to registration as sexual offenders
961 under s. 943.0435 or s. 944.607, or who have a similar
962 designation or are subject to a similar registration under the
963 laws of another jurisdiction, shall have on the front of the
964 license or identification card the following:

965 (a) For a person designated as a sexual predator under s.
966 775.21 or who has a similar designation under the laws of
967 another jurisdiction, the marking "SEXUAL PREDATOR."



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968 (b) For a person subject to registration as a sexual
969 offender under s. 943.0435 or s. 944.607, or subject to a
970 similar registration under the laws of another jurisdiction, the
971 marking "943.0435, F.S."

972 Section 27. For the purpose of incorporating the amendment
973 made by this act to section 775.21, Florida Statutes, in a
974 reference thereto, paragraph (b) of subsection (10) of section
975 397.487, Florida Statutes, is reenacted to read:

976 397.487 Voluntary certification of recovery residences.—
977 (10)

978 (b) A certified recovery residence may not allow a minor
979 child to visit a parent who is a resident of the recovery
980 residence at any time if any resident of the recovery residence
981 is currently required to register as a sexual predator under s.
982 775.21 or as a sexual offender under s. 943.0435.

983 Section 28. For the purpose of incorporating the amendment
984 made by this act to section 775.21, Florida Statutes, in a
985 reference thereto, paragraph (b) of subsection (4) of section
986 435.07, Florida Statutes, is reenacted to read:

987 435.07 Exemptions from disqualification.—Unless otherwise
988 provided by law, the provisions of this section apply to
989 exemptions from disqualification for disqualifying offenses
990 revealed pursuant to background screenings required under this
991 chapter, regardless of whether those disqualifying offenses are
992 listed in this chapter or other laws.

993 (4)

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



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- 997 1. Sexual predator as designated pursuant to s. 775.21;
998 2. Career offender pursuant to s. 775.261; or
999 3. Sexual offender pursuant to s. 943.0435, unless the
1000 requirement to register as a sexual offender has been removed
1001 pursuant to s. 943.04354.

1002 Section 29. For the purpose of incorporating the amendment
1003 made by this act to section 775.21, Florida Statutes, in a
1004 reference thereto, paragraph (b) of subsection (3) of section
1005 455.213, Florida Statutes, is reenacted to read:

1006 455.213 General licensing provisions.—

1007 (3)

1008 (b)1. A conviction, or any other adjudication, for a crime
1009 more than 5 years before the date the application is received by
1010 the applicable board may not be grounds for denial of a license
1011 specified in paragraph (a). For purposes of this paragraph, the
1012 term "conviction" means a determination of guilt that is the
1013 result of a plea or trial, regardless of whether adjudication is
1014 withheld. This paragraph does not limit the applicable board
1015 from considering an applicant's criminal history that includes a
1016 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but
1017 only if such criminal history has been found to relate to the
1018 practice of the applicable profession.

1019 2. The applicable board may consider the criminal history
1020 of an applicant for licensure under subparagraph (a)3. if such
1021 criminal history has been found to relate to good moral
1022 character.

1023 Section 30. For the purpose of incorporating the amendment
1024 made by this act to section 775.21, Florida Statutes, in a
1025 reference thereto, subsection (7) of section 489.553, Florida



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1026 Statutes, is reenacted to read:

1027 489.553 Administration of part; registration
1028 qualifications; examination.—

1029 (7) Notwithstanding any other law, a conviction, or any
1030 other adjudication, for a crime more than 5 years before the
1031 date the application is received by the department or other
1032 applicable authority may not be grounds for denial of
1033 registration. For purposes of this subsection, the term
1034 "conviction" means a determination of guilt that is the result
1035 of a plea or trial, regardless of whether adjudication is
1036 withheld. This subsection does not limit a board from
1037 considering an applicant's criminal history that includes any
1038 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but
1039 only if such criminal history has been found to relate to the
1040 practice of the applicable profession, or any crime if it has
1041 been found to relate to good moral character.

1042 Section 31. For the purpose of incorporating the amendment
1043 made by this act to section 775.21, Florida Statutes, in a
1044 reference thereto, subsection (10) of section 507.07, Florida
1045 Statutes, is reenacted to read:

1046 507.07 Violations.—It is a violation of this chapter:

1047 (10) For a mover or a moving broker to knowingly refuse or
1048 fail to disclose in writing to a customer before a household
1049 move that the mover, or an employee or subcontractor of the
1050 mover or moving broker, who has access to the dwelling or
1051 property of the customer, including access to give a quote for
1052 the move, has been convicted of a felony listed in s.
1053 775.21(4)(a)1. or convicted of a similar offense of another
1054 jurisdiction, regardless of when such felony offense was



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1055 committed.

1056 Section 32. For the purpose of incorporating the amendment
1057 made by this act to section 775.21, Florida Statutes, in a
1058 reference thereto, subsection (4) of section 775.13, Florida
1059 Statutes, is reenacted to read:

1060 775.13 Registration of convicted felons, exemptions;
1061 penalties.—

1062 (4) This section does not apply to an offender:

1063 (a) Who has had his or her civil rights restored;

1064 (b) Who has received a full pardon for the offense for
1065 which convicted;

1066 (c) Who has been lawfully released from incarceration or
1067 other sentence or supervision for a felony conviction for more
1068 than 5 years prior to such time for registration, unless the
1069 offender is a fugitive from justice on a felony charge or has
1070 been convicted of any offense since release from such
1071 incarceration or other sentence or supervision;

1072 (d) Who is a parolee or probationer under the supervision
1073 of the United States Parole Commission if the commission knows
1074 of and consents to the presence of the offender in Florida or is
1075 a probationer under the supervision of any federal probation
1076 officer in the state or who has been lawfully discharged from
1077 such parole or probation;

1078 (e) Who is a sexual predator and has registered as required
1079 under s. 775.21;

1080 (f) Who is a sexual offender and has registered as required
1081 in s. 943.0435 or s. 944.607; or

1082 (g) Who is a career offender who has registered as required
1083 in s. 775.261 or s. 944.609.



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1084 Section 33. For the purpose of incorporating the amendment
1085 made by this act to section 775.21, Florida Statutes, in a
1086 reference thereto, section 775.25, Florida Statutes, is
1087 reenacted to read:

1088 775.25 Prosecutions for acts or omissions.—A sexual
1089 predator or sexual offender who commits any act or omission in
1090 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
1091 944.607, or former s. 947.177 may be prosecuted for the act or
1092 omission in the county in which the act or omission was
1093 committed, in the county of the last registered address of the
1094 sexual predator or sexual offender, in the county in which the
1095 conviction occurred for the offense or offenses that meet the
1096 criteria for designating a person as a sexual predator or sexual
1097 offender, in the county where the sexual predator or sexual
1098 offender was released from incarceration, or in the county of
1099 the intended address of the sexual predator or sexual offender
1100 as reported by the predator or offender prior to his or her
1101 release from incarceration. In addition, a sexual predator may
1102 be prosecuted for any such act or omission in the county in
1103 which he or she was designated a sexual predator.

1104 Section 34. For the purpose of incorporating the amendment
1105 made by this act to section 775.21, Florida Statutes, in a
1106 reference thereto, subsection (1) of section 794.075, Florida
1107 Statutes, is reenacted to read:

1108 794.075 Sexual predators; erectile dysfunction drugs.—

1109 (1) A person may not possess a prescription drug, as
1110 defined in s. 499.003(40), for the purpose of treating erectile
1111 dysfunction if the person is designated as a sexual predator
1112 under s. 775.21.



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1113 Section 35. For the purpose of incorporating the amendment
1114 made by this act to section 775.21, Florida Statutes, in a
1115 reference thereto, paragraph (cc) of subsection (2) of section
1116 900.05, Florida Statutes, is reenacted to read:

1117 900.05 Criminal justice data collection.—

1118 (2) DEFINITIONS.—As used in this section, the term:

1119 (cc) "Sexual offender flag" means an indication that a
1120 defendant was required to register as a sexual predator as
1121 defined in s. 775.21 or as a sexual offender as defined in s.
1122 943.0435.

1123 Section 36. For the purpose of incorporating the amendment
1124 made by this act to section 775.21, Florida Statutes, in a
1125 reference thereto, paragraph (c) of subsection (1) of section
1126 903.0351, Florida Statutes, is reenacted to read:

1127 903.0351 Restrictions on pretrial release pending
1128 probation-violation hearing or community-control-violation
1129 hearing.—

1130 (1) In the instance of an alleged violation of felony
1131 probation or community control, bail or any other form of
1132 pretrial release shall not be granted prior to the resolution of
1133 the probation-violation hearing or the community-control-
1134 violation hearing to:

1135 (c) A person who is on felony probation or community
1136 control and has previously been found by a court to be a
1137 habitual violent felony offender as defined in s. 775.084(1)(b),
1138 a three-time violent felony offender as defined in s.
1139 775.084(1)(c), or a sexual predator under s. 775.21, and who is
1140 arrested for committing a qualifying offense as defined in s.
1141 948.06(8)(c) on or after the effective date of this act.



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1142 Section 37. For the purpose of incorporating the amendment
1143 made by this act to section 775.21, Florida Statutes, in a
1144 reference thereto, paragraph (m) of subsection (2) of section
1145 903.046, Florida Statutes, is reenacted to read:

1146 903.046 Purpose of and criteria for bail determination.—

1147 (2) When determining whether to release a defendant on bail
1148 or other conditions, and what that bail or those conditions may
1149 be, the court shall consider:

1150 (m) Whether the defendant, other than a defendant whose
1151 only criminal charge is a misdemeanor offense under chapter 316,
1152 is required to register as a sexual offender under s. 943.0435
1153 or a sexual predator under s. 775.21; and, if so, he or she is
1154 not eligible for release on bail or surety bond until the first
1155 appearance on the case in order to ensure the full participation
1156 of the prosecutor and the protection of the public.

1157 Section 38. For the purpose of incorporating the amendment
1158 made by this act to section 775.21, Florida Statutes, in a
1159 reference thereto, subsection (3) of section 903.133, Florida
1160 Statutes, is reenacted to read:

1161 903.133 Bail on appeal; prohibited for certain felony
1162 convictions.—Notwithstanding s. 903.132, no person shall be
1163 admitted to bail pending review either by posttrial motion or
1164 appeal if he or she was adjudged guilty of:

1165 (3) Any other offense requiring sexual offender
1166 registration under s. 943.0435(1)(h) or sexual predator
1167 registration under s. 775.21(4) when, at the time of the
1168 offense, the offender was 18 years of age or older and the
1169 victim was a minor.

1170 Section 39. For the purpose of incorporating the amendment



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1171 made by this act to section 775.21, Florida Statutes, in a
1172 reference thereto, paragraph (b) of subsection (4) of section
1173 907.043, Florida Statutes, is reenacted to read:
1174 907.043 Pretrial release; citizens' right to know.—
1175 (4)
1176 (b) The annual report must contain, but need not be limited
1177 to:
1178 1. The name, location, and funding sources of the pretrial
1179 release program, including the amount of public funds, if any,
1180 received by the pretrial release program.
1181 2. The operating and capital budget of each pretrial
1182 release program receiving public funds.
1183 3.a. The percentage of the pretrial release program's total
1184 budget representing receipt of public funds.
1185 b. The percentage of the total budget which is allocated to
1186 assisting defendants obtain release through a nonpublicly funded
1187 program.
1188 c. The amount of fees paid by defendants to the pretrial
1189 release program.
1190 4. The number of persons employed by the pretrial release
1191 program.
1192 5. The number of defendants assessed and interviewed for
1193 pretrial release.
1194 6. The number of defendants recommended for pretrial
1195 release.
1196 7. The number of defendants for whom the pretrial release
1197 program recommended against nonsecured release.
1198 8. The number of defendants granted nonsecured release
1199 after the pretrial release program recommended nonsecured



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1200 release.

1201 9. The number of defendants assessed and interviewed for
1202 pretrial release who were declared indigent by the court.

1203 10. The number of defendants accepted into a pretrial
1204 release program who paid a surety or cash bail or bond.

1205 11. The number of defendants for whom a risk assessment
1206 tool was used in determining whether the defendant should be
1207 released pending the disposition of the case and the number of
1208 defendants for whom a risk assessment tool was not used.

1209 12. The specific statutory citation for each criminal
1210 charge related to a defendant whose case is accepted into a
1211 pretrial release program, including, at a minimum, the number of
1212 defendants charged with dangerous crimes as defined in s.
1213 907.041; nonviolent felonies; or misdemeanors only. A
1214 "nonviolent felony" for purposes of this subparagraph excludes
1215 the commission of, an attempt to commit, or a conspiracy to
1216 commit any of the following:

1217 a. An offense enumerated in s. 775.084(1)(c);

1218 b. An offense that requires a person to register as a
1219 sexual predator in accordance with s. 775.21 or as a sexual
1220 offender in accordance with s. 943.0435;

1221 c. Failure to register as a sexual predator in violation of
1222 s. 775.21 or as a sexual offender in violation of s. 943.0435;

1223 d. Facilitating or furthering terrorism in violation of s.
1224 775.31;

1225 e. A forcible felony as described in s. 776.08;

1226 f. False imprisonment in violation of s. 787.02;

1227 g. Burglary of a dwelling or residence in violation of s.
1228 810.02(3);



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- 1229 h. Abuse, aggravated abuse, and neglect of an elderly
1230 person or disabled adult in violation of s. 825.102;
- 1231 i. Abuse, aggravated abuse, and neglect of a child in
1232 violation of s. 827.03;
- 1233 j. Poisoning of food or water in violation of s. 859.01;
- 1234 k. Abuse of a dead human body in violation of s. 872.06;
- 1235 l. A capital offense in violation of chapter 893;
- 1236 m. An offense that results in serious bodily injury or
1237 death to another human; or
- 1238 n. A felony offense in which the defendant used a weapon or
1239 firearm in the commission of the offense.
- 1240 13. The number of defendants accepted into a pretrial
1241 release program with no prior criminal conviction.
- 1242 14. The name and case number of each person granted
1243 nonsecured release who:
- 1244 a. Failed to attend a scheduled court appearance.
- 1245 b. Was issued a warrant for failing to appear.
- 1246 c. Was arrested for any offense while on release through
1247 the pretrial release program.
- 1248 15. Any additional information deemed necessary by the
1249 governing body to assess the performance and cost efficiency of
1250 the pretrial release program.
- 1251 Section 40. For the purpose of incorporating the amendment
1252 made by this act to section 775.21, Florida Statutes, in a
1253 reference thereto, subsection (1) of section 938.10, Florida
1254 Statutes, is reenacted to read:
- 1255 938.10 Additional court cost imposed in cases of certain
1256 crimes.—
- 1257 (1) If a person pleads guilty or nolo contendere to, or is



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1258 found guilty of, regardless of adjudication, any offense against
1259 a minor in violation of s. 784.085, chapter 787, chapter 794,
1260 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.
1261 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,
1262 s. 893.147(3), or s. 985.701, or any offense in violation of s.
1263 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
1264 court shall impose a court cost of \$151 against the offender in
1265 addition to any other cost or penalty required by law.

1266 Section 41. For the purpose of incorporating the amendment
1267 made by this act to section 775.21, Florida Statutes, in a
1268 reference thereto, subsection (5) of section 943.0435, Florida
1269 Statutes, is reenacted to read:

1270 943.0435 Sexual offenders required to register with the
1271 department; penalty.—

1272 (5) This section does not apply to a sexual offender who is
1273 also a sexual predator, as defined in s. 775.21. A sexual
1274 predator must register as required under s. 775.21.

1275 Section 42. For the purpose of incorporating the amendment
1276 made by this act to section 775.21, Florida Statutes, in a
1277 reference thereto, subsection (2) of section 943.0584, Florida
1278 Statutes, is reenacted to read:

1279 943.0584 Criminal history records ineligible for court-
1280 ordered expunction or court-ordered sealing.—

1281 (2) A criminal history record is ineligible for a
1282 certificate of eligibility for expunction or a court-ordered
1283 expunction pursuant to s. 943.0585 or a certificate of
1284 eligibility for sealing or a court-ordered sealing pursuant to
1285 s. 943.059 if the record is a conviction for any of the
1286 following offenses:



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- 1287 (a) Sexual misconduct, as defined in s. 393.135, s.
1288 394.4593, or s. 916.1075;
- 1289 (b) Illegal use of explosives, as defined in chapter 552;
- 1290 (c) Terrorism, as defined in s. 775.30;
- 1291 (d) Murder, as defined in s. 782.04, s. 782.065, or s.
1292 782.09;
- 1293 (e) Manslaughter or homicide, as defined in s. 782.07, s.
1294 782.071, or s. 782.072;
- 1295 (f) Assault or battery, as defined in ss. 784.011 and
1296 784.03, respectively, of one family or household member by
1297 another family or household member, as defined in s. 741.28(3);
- 1298 (g) Aggravated assault, as defined in s. 784.021;
- 1299 (h) Felony battery, domestic battery by strangulation, or
1300 aggravated battery, as defined in ss. 784.03, 784.041, and
1301 784.045, respectively;
- 1302 (i) Stalking or aggravated stalking, as defined in s.
1303 784.048;
- 1304 (j) Luring or enticing a child, as defined in s. 787.025;
- 1305 (k) Human trafficking, as defined in s. 787.06;
- 1306 (l) Kidnapping or false imprisonment, as defined in s.
1307 787.01 or s. 787.02;
- 1308 (m) Any offense defined in chapter 794;
- 1309 (n) Procuring a person less than 18 years of age for
1310 prostitution, as defined in former s. 796.03;
- 1311 (o) Lewd or lascivious offenses committed upon or in the
1312 presence of persons less than 16 years of age, as defined in s.
1313 800.04;
- 1314 (p) Arson, as defined in s. 806.01;
- 1315 (q) Burglary of a dwelling, as defined in s. 810.02;



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- 1316 (r) Voyeurism or digital voyeurism, as defined in ss.
- 1317 810.14 and 810.145, respectively;
- 1318 (s) Robbery or robbery by sudden snatching, as defined in
- 1319 ss. 812.13 and 812.131, respectively;
- 1320 (t) Carjacking, as defined in s. 812.133;
- 1321 (u) Home-invasion robbery, as defined in s. 812.135;
- 1322 (v) A violation of the Florida Communications Fraud Act, as
- 1323 provided in s. 817.034;
- 1324 (w) Abuse of an elderly person or disabled adult, or
- 1325 aggravated abuse of an elderly person or disabled adult, as
- 1326 defined in s. 825.102;
- 1327 (x) Lewd or lascivious offenses committed upon or in the
- 1328 presence of an elderly person or disabled person, as defined in
- 1329 s. 825.1025;
- 1330 (y) Child abuse or aggravated child abuse, as defined in s.
- 1331 827.03;
- 1332 (z) Sexual performance by a child, as defined in s.
- 1333 827.071;
- 1334 (aa) Any offense defined in chapter 839;
- 1335 (bb) Certain acts in connection with obscenity, as defined
- 1336 in s. 847.0133;
- 1337 (cc) Any offense defined in s. 847.0135;
- 1338 (dd) Selling or buying of minors, as defined in s.
- 1339 847.0145;
- 1340 (ee) Aircraft piracy, as defined in s. 860.16;
- 1341 (ff) Manufacturing a controlled substance in violation of
- 1342 chapter 893;
- 1343 (gg) Drug trafficking, as defined in s. 893.135; or
- 1344 (hh) Any violation specified as a predicate offense for



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1345 registration as a sexual predator pursuant to s. 775.21, or
1346 sexual offender pursuant to s. 943.0435, without regard to
1347 whether that offense alone is sufficient to require such
1348 registration.

1349 Section 43. For the purpose of incorporating the amendment
1350 made by this act to section 775.21, Florida Statutes, in a
1351 reference thereto, subsection (4) of section 944.609, Florida
1352 Statutes, is reenacted to read:

1353 944.609 Career offenders; notification upon release.—

1354 (4) The department or any law enforcement agency may notify
1355 the community and the public of a career offender's presence in
1356 the community. However, with respect to a career offender who
1357 has been found to be a sexual predator under s. 775.21, the
1358 Department of Law Enforcement or any other law enforcement
1359 agency must inform the community and the public of the career
1360 offender's presence in the community, as provided in s. 775.21.

1361 Section 44. For the purpose of incorporating the amendment
1362 made by this act to section 775.21, Florida Statutes, in
1363 references thereto, paragraph (c) of subsection (2) and
1364 subsection (10) of section 947.1405, Florida Statutes, are
1365 reenacted to read:

1366 947.1405 Conditional release program.—

1367 (2) Any inmate who:

1368 (c) Is found to be a sexual predator under s. 775.21 or
1369 former s. 775.23,

1370
1371 shall, upon reaching the tentative release date or provisional
1372 release date, whichever is earlier, as established by the
1373 Department of Corrections, be released under supervision subject



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1374 to specified terms and conditions, including payment of the cost
1375 of supervision pursuant to s. 948.09. Such supervision shall be
1376 applicable to all sentences within the overall term of sentences
1377 if an inmate's overall term of sentences includes one or more
1378 sentences that are eligible for conditional release supervision
1379 as provided herein. Effective July 1, 1994, and applicable for
1380 offenses committed on or after that date, the commission may
1381 require, as a condition of conditional release, that the
1382 releasee make payment of the debt due and owing to a county or
1383 municipal detention facility under s. 951.032 for medical care,
1384 treatment, hospitalization, or transportation received by the
1385 releasee while in that detention facility. The commission, in
1386 determining whether to order such repayment and the amount of
1387 such repayment, shall consider the amount of the debt, whether
1388 there was any fault of the institution for the medical expenses
1389 incurred, the financial resources of the releasee, the present
1390 and potential future financial needs and earning ability of the
1391 releasee, and dependents, and other appropriate factors. If any
1392 inmate placed on conditional release supervision is also subject
1393 to probation or community control, resulting from a probationary
1394 or community control split sentence within the overall term of
1395 sentences, the Department of Corrections shall supervise such
1396 person according to the conditions imposed by the court and the
1397 commission shall defer to such supervision. If the court revokes
1398 probation or community control and resentences the offender to a
1399 term of incarceration, such revocation also constitutes a
1400 sufficient basis for the revocation of the conditional release
1401 supervision on any nonprobationary or noncommunity control
1402 sentence without further hearing by the commission. If any such



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1403 supervision on any nonprobationary or noncommunity control
1404 sentence is revoked, such revocation may result in a forfeiture
1405 of all gain-time, and the commission may revoke the resulting
1406 deferred conditional release supervision or take other action it
1407 considers appropriate. If the term of conditional release
1408 supervision exceeds that of the probation or community control,
1409 then, upon expiration of the probation or community control,
1410 authority for the supervision shall revert to the commission and
1411 the supervision shall be subject to the conditions imposed by
1412 the commission. A panel of no fewer than two commissioners shall
1413 establish the terms and conditions of any such release. If the
1414 offense was a controlled substance violation, the conditions
1415 shall include a requirement that the offender submit to random
1416 substance abuse testing intermittently throughout the term of
1417 conditional release supervision, upon the direction of the
1418 correctional probation officer as defined in s. 943.10(3). The
1419 commission shall also determine whether the terms and conditions
1420 of such release have been violated and whether such violation
1421 warrants revocation of the conditional release.

1422 (10) Effective for a releasee whose crime was committed on
1423 or after September 1, 2005, in violation of chapter 794, s.
1424 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the
1425 unlawful activity involved a victim who was 15 years of age or
1426 younger and the offender is 18 years of age or older or for a
1427 releasee who is designated as a sexual predator pursuant to s.
1428 775.21, in addition to any other provision of this section, the
1429 commission must order electronic monitoring for the duration of
1430 the releasee's supervision.

1431 Section 45. For the purpose of incorporating the amendment



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1432 made by this act to section 775.21, Florida Statutes, in a
1433 reference thereto, paragraph (b) of subsection (2) of section
1434 948.013, Florida Statutes, is reenacted to read:

1435 948.013 Administrative probation.—

1436 (2)

1437 (b) Effective for an offense committed on or after October
1438 1, 2017, a person is ineligible for placement on administrative
1439 probation if the person is sentenced to or is serving a term of
1440 probation or community control, regardless of the conviction or
1441 adjudication, for committing, or attempting, conspiring, or
1442 soliciting to commit, any of the felony offenses described in s.
1443 775.21(4) (a)1.a. or b. or s. 943.0435(1) (h)1.a.

1444 Section 46. For the purpose of incorporating the amendment
1445 made by this act to section 775.21, Florida Statutes, in a
1446 reference thereto, paragraph (f) of subsection (2) of section
1447 948.05, Florida Statutes, is reenacted to read:

1448 948.05 Court to admonish or commend probationer or offender
1449 in community control; graduated incentives.—

1450 (2) The department shall implement a system of graduated
1451 incentives to promote compliance with the terms of supervision,
1452 encourage educational achievement and stable employment, and
1453 prioritize the highest levels of supervision for probationers or
1454 offenders presenting the greatest risk of recidivism.

1455 (f) A probationer or offender in community control who is
1456 placed under supervision for committing or attempting,
1457 soliciting, or conspiring to commit a violation of any felony
1458 offense described in s. 775.21(4) (a)1.a. or b. or s.
1459 943.0435(1) (h)1.a., or who qualifies as a violent felony
1460 offender of special concern under s. 948.06(8) (b) is not



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1461 eligible for any reduction of his or her term of supervision
1462 under this section.

1463 Section 47. For the purpose of incorporating the amendment
1464 made by this act to section 775.21, Florida Statutes, in
1465 references thereto, subsection (4) and paragraphs (b) and (d) of
1466 subsection (8) of section 948.06, Florida Statutes, are
1467 reenacted to read:

1468 948.06 Violation of probation or community control;
1469 revocation; modification; continuance; failure to pay
1470 restitution or cost of supervision.—

1471 (4) Notwithstanding any other provision of this section, a
1472 felony probationer or an offender in community control who is
1473 arrested for violating his or her probation or community control
1474 in a material respect may be taken before the court in the
1475 county or circuit in which the probationer or offender was
1476 arrested. That court shall advise him or her of the charge of a
1477 violation and, if such charge is admitted, shall cause him or
1478 her to be brought before the court that granted the probation or
1479 community control. If the violation is not admitted by the
1480 probationer or offender, the court may commit him or her or
1481 release him or her with or without bail to await further
1482 hearing. However, if the probationer or offender is under
1483 supervision for any criminal offense proscribed in chapter 794,
1484 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a
1485 registered sexual predator or a registered sexual offender, or
1486 is under supervision for a criminal offense for which he or she
1487 would meet the registration criteria in s. 775.21, s. 943.0435,
1488 or s. 944.607 but for the effective date of those sections, the
1489 court must make a finding that the probationer or offender is



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1490 not a danger to the public prior to release with or without
1491 bail. In determining the danger posed by the offender's or
1492 probationer's release, the court may consider the nature and
1493 circumstances of the violation and any new offenses charged; the
1494 offender's or probationer's past and present conduct, including
1495 convictions of crimes; any record of arrests without conviction
1496 for crimes involving violence or sexual crimes; any other
1497 evidence of allegations of unlawful sexual conduct or the use of
1498 violence by the offender or probationer; the offender's or
1499 probationer's family ties, length of residence in the community,
1500 employment history, and mental condition; his or her history and
1501 conduct during the probation or community control supervision
1502 from which the violation arises and any other previous
1503 supervisions, including disciplinary records of previous
1504 incarcerations; the likelihood that the offender or probationer
1505 will engage again in a criminal course of conduct; the weight of
1506 the evidence against the offender or probationer; and any other
1507 facts the court considers relevant. The court, as soon as is
1508 practicable, shall give the probationer or offender an
1509 opportunity to be fully heard on his or her behalf in person or
1510 by counsel. After the hearing, the court shall make findings of
1511 fact and forward the findings to the court that granted the
1512 probation or community control and to the probationer or
1513 offender or his or her attorney. The findings of fact by the
1514 hearing court are binding on the court that granted the
1515 probation or community control. Upon the probationer or offender
1516 being brought before it, the court that granted the probation or
1517 community control may revoke, modify, or continue the probation
1518 or community control or may place the probationer into community



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1519 control as provided in this section. However, the probationer or
1520 offender shall not be released and shall not be admitted to
1521 bail, but shall be brought before the court that granted the
1522 probation or community control if any violation of felony
1523 probation or community control other than a failure to pay costs
1524 or fines or make restitution payments is alleged to have been
1525 committed by:

1526 (a) A violent felony offender of special concern, as
1527 defined in this section;

1528 (b) A person who is on felony probation or community
1529 control for any offense committed on or after the effective date
1530 of this act and who is arrested for a qualifying offense as
1531 defined in this section; or

1532 (c) A person who is on felony probation or community
1533 control and has previously been found by a court to be a
1534 habitual violent felony offender as defined in s. 775.084(1)(b),
1535 a three-time violent felony offender as defined in s.
1536 775.084(1)(c), or a sexual predator under s. 775.21, and who is
1537 arrested for committing a qualifying offense as defined in this
1538 section on or after the effective date of this act.

1539 (8)

1540 (b) For purposes of this section and ss. 903.0351, 948.064,
1541 and 921.0024, the term "violent felony offender of special
1542 concern" means a person who is on:

1543 1. Felony probation or community control related to the
1544 commission of a qualifying offense committed on or after the
1545 effective date of this act;

1546 2. Felony probation or community control for any offense
1547 committed on or after the effective date of this act, and has



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1548 previously been convicted of a qualifying offense;

1549 3. Felony probation or community control for any offense
1550 committed on or after the effective date of this act, and is
1551 found to have violated that probation or community control by
1552 committing a qualifying offense;

1553 4. Felony probation or community control and has previously
1554 been found by a court to be a habitual violent felony offender
1555 as defined in s. 775.084(1)(b) and has committed a qualifying
1556 offense on or after the effective date of this act;

1557 5. Felony probation or community control and has previously
1558 been found by a court to be a three-time violent felony offender
1559 as defined in s. 775.084(1)(c) and has committed a qualifying
1560 offense on or after the effective date of this act; or

1561 6. Felony probation or community control and has previously
1562 been found by a court to be a sexual predator under s. 775.21
1563 and has committed a qualifying offense on or after the effective
1564 date of this act.

1565 (d) In the case of an alleged violation of probation or
1566 community control other than a failure to pay costs, fines, or
1567 restitution, the following individuals shall remain in custody
1568 pending the resolution of the probation or community control
1569 violation:

1570 1. A violent felony offender of special concern, as defined
1571 in this section;

1572 2. A person who is on felony probation or community control
1573 for any offense committed on or after the effective date of this
1574 act and who is arrested for a qualifying offense as defined in
1575 this section; or

1576 3. A person who is on felony probation or community control



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1577 and has previously been found by a court to be a habitual
1578 violent felony offender as defined in s. 775.084(1)(b), a three-
1579 time violent felony offender as defined in s. 775.084(1)(c), or
1580 a sexual predator under s. 775.21, and who is arrested for
1581 committing a qualifying offense as defined in this section on or
1582 after the effective date of this act.

1583
1584 The court shall not dismiss the probation or community control
1585 violation warrant pending against an offender enumerated in this
1586 paragraph without holding a recorded violation-of-probation
1587 hearing at which both the state and the offender are
1588 represented.

1589 Section 48. For the purpose of incorporating the amendment
1590 made by this act to section 775.21, Florida Statutes, in a
1591 reference thereto, section 948.063, Florida Statutes, is
1592 reenacted to read:

1593 948.063 Violations of probation or community control by
1594 designated sexual offenders and sexual predators.—

1595 (1) If probation or community control for any felony
1596 offense is revoked by the court pursuant to s. 948.06(2)(e) and
1597 the offender is designated as a sexual offender pursuant to s.
1598 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
1599 775.21 for unlawful sexual activity involving a victim 15 years
1600 of age or younger and the offender is 18 years of age or older,
1601 and if the court imposes a subsequent term of supervision
1602 following the revocation of probation or community control, the
1603 court must order electronic monitoring as a condition of the
1604 subsequent term of probation or community control.

1605 (2) If the probationer or offender is required to register



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1606 as a sexual predator under s. 775.21 or as a sexual offender
1607 under s. 943.0435 or s. 944.607 for unlawful sexual activity
1608 involving a victim 15 years of age or younger and the
1609 probationer or offender is 18 years of age or older and has
1610 violated the conditions of his or her probation or community
1611 control, but the court does not revoke the probation or
1612 community control, the court shall nevertheless modify the
1613 probation or community control to include electronic monitoring
1614 for any probationer or offender not then subject to electronic
1615 monitoring.

1616 Section 49. For the purpose of incorporating the amendment
1617 made by this act to section 775.21, Florida Statutes, in a
1618 reference thereto, subsection (4) of section 948.064, Florida
1619 Statutes, is reenacted to read:

1620 948.064 Notification of status as a violent felony offender
1621 of special concern.—

1622 (4) The state attorney, or the statewide prosecutor if
1623 applicable, shall advise the court at each critical stage in the
1624 judicial process, at which the state attorney or statewide
1625 prosecutor is represented, whether an alleged or convicted
1626 offender is a violent felony offender of special concern; a
1627 person who is on felony probation or community control for any
1628 offense committed on or after the effective date of this act and
1629 who is arrested for a qualifying offense; or a person who is on
1630 felony probation or community control and has previously been
1631 found by a court to be a habitual violent felony offender as
1632 defined in s. 775.084(1)(b), a three-time violent felony
1633 offender as defined in s. 775.084(1)(c), or a sexual predator
1634 under s. 775.21, and who is arrested for committing a qualifying



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1635 offense on or after the effective date of this act.

1636 Section 50. For the purpose of incorporating the amendment
1637 made by this act to section 775.21, Florida Statutes, in a
1638 reference thereto, section 948.12, Florida Statutes, is
1639 reenacted to read:

1640 948.12 Intensive supervision for postprison release of
1641 violent offenders.—It is the finding of the Legislature that the
1642 population of violent offenders released from state prison into
1643 the community poses the greatest threat to the public safety of
1644 the groups of offenders under community supervision. Therefore,
1645 for the purpose of enhanced public safety, any offender released
1646 from state prison who:

1647 (1) Was most recently incarcerated for an offense that is
1648 or was contained in category 1 (murder, manslaughter), category
1649 2 (sexual offenses), category 3 (robbery), or category 4
1650 (violent personal crimes) of Rules 3.701 and 3.988, Florida
1651 Rules of Criminal Procedure (1993), and who has served at least
1652 one prior felony commitment at a state or federal correctional
1653 institution;

1654 (2) Was sentenced as a habitual offender, violent habitual
1655 offender, or violent career criminal pursuant to s. 775.084; or

1656 (3) Has been found to be a sexual predator pursuant to s.
1657 775.21,

1658
1659 and who has a term of probation to follow the period of
1660 incarceration shall be provided intensive supervision by
1661 experienced correctional probation officers. Subject to specific
1662 appropriation by the Legislature, caseloads may be restricted to
1663 a maximum of 40 offenders per officer to provide for enhanced



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1664 public safety as well as to effectively monitor conditions of
1665 electronic monitoring or curfews, if such was ordered by the
1666 court.

1667 Section 51. For the purpose of incorporating the amendment
1668 made by this act to section 775.21, Florida Statutes, in a
1669 reference thereto, subsection (3) of section 948.30, Florida
1670 Statutes, is reenacted to read:

1671 948.30 Additional terms and conditions of probation or
1672 community control for certain sex offenses.—Conditions imposed
1673 pursuant to this section do not require oral pronouncement at
1674 the time of sentencing and shall be considered standard
1675 conditions of probation or community control for offenders
1676 specified in this section.

1677 (3) Effective for a probationer or community controllee
1678 whose crime was committed on or after September 1, 2005, and
1679 who:

1680 (a) Is placed on probation or community control for a
1681 violation of chapter 794; s. 800.04(4), (5), or (6); s. 827.071;
1682 or s. 847.0145, or is placed on probation or community control
1683 on or after July 1, 2023, for attempting, soliciting, or
1684 conspiring to commit a violation of chapter 794; s. 800.04(4),
1685 (5), or (6); s. 827.071; or s. 847.0145, and the unlawful sexual
1686 activity involved a victim 15 years of age or younger and the
1687 offender is 18 years of age or older;

1688 (b) Is designated a sexual predator pursuant to s. 775.21;
1689 or

1690 (c) Has previously been convicted of a violation of chapter
1691 794; s. 800.04(4), (5), or (6); s. 827.071; or s. 847.0145 and
1692 the unlawful sexual activity involved a victim 15 years of age



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1693 or younger and the offender is 18 years of age or older,
1694
1695 the court must order, in addition to any other provision of this
1696 section, mandatory electronic monitoring as a condition of the
1697 probation or community control supervision.

1698 Section 52. For the purpose of incorporating the amendment
1699 made by this act to section 775.21, Florida Statutes, in a
1700 reference thereto, section 948.31, Florida Statutes, is
1701 reenacted to read:

1702 948.31 Evaluation and treatment of sexual predators and
1703 offenders on probation or community control.—The court may
1704 require any probationer or community controllee who is required
1705 to register as a sexual predator under s. 775.21 or sexual
1706 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
1707 an evaluation, at the probationer or community controllee's
1708 expense, by a qualified practitioner to determine whether such
1709 probationer or community controllee needs sexual offender
1710 treatment. If the qualified practitioner determines that sexual
1711 offender treatment is needed and recommends treatment, the
1712 probationer or community controllee must successfully complete
1713 and pay for the treatment. Such treatment must be obtained from
1714 a qualified practitioner as defined in s. 948.001. Treatment may
1715 not be administered by a qualified practitioner who has been
1716 convicted or adjudicated delinquent of committing, or
1717 attempting, soliciting, or conspiring to commit, any offense
1718 that is listed in s. 943.0435(1)(h)1.a.(I).

1719 Section 53. For the purpose of incorporating the amendment
1720 made by this act to section 775.21, Florida Statutes, in a
1721 reference thereto, paragraph (b) of subsection (6) of section



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1722 985.04, Florida Statutes, is reenacted to read:

1723 985.04 Oaths; records; confidential information.—

1724 (6)

1725 (b) Sexual offender and predator registration information
1726 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
1727 and 985.4815 is a public record pursuant to s. 119.07(1) and as
1728 otherwise provided by law.

1729 Section 54. For the purpose of incorporating the amendment
1730 made by this act to section 943.0435, Florida Statutes, in
1731 references thereto, paragraph (c) of subsection (2) and
1732 paragraph (c) of subsection (9) of section 61.13, Florida
1733 Statutes, are reenacted to read:

1734 61.13 Support of children; parenting and time-sharing;
1735 powers of court.—

1736 (2)

1737 (c) The court shall determine all matters relating to
1738 parenting and time-sharing of each minor child of the parties in
1739 accordance with the best interests of the child and in
1740 accordance with the Uniform Child Custody Jurisdiction and
1741 Enforcement Act, except that modification of a parenting plan
1742 and time-sharing schedule requires a showing of a substantial
1743 and material change of circumstances.

1744 1. It is the public policy of this state that each minor
1745 child has frequent and continuing contact with both parents
1746 after the parents separate or the marriage of the parties is
1747 dissolved and to encourage parents to share the rights and
1748 responsibilities, and joys, of childrearing. Unless otherwise
1749 provided in this section or agreed to by the parties, there is a
1750 rebuttable presumption that equal time-sharing of a minor child



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1751 is in the best interests of the minor child. To rebut this
1752 presumption, a party must prove by a preponderance of the
1753 evidence that equal time-sharing is not in the best interests of
1754 the minor child. Except when a time-sharing schedule is agreed
1755 to by the parties and approved by the court, the court must
1756 evaluate all of the factors set forth in subsection (3) and make
1757 specific written findings of fact when creating or modifying a
1758 time-sharing schedule.

1759 2. The court shall order that the parental responsibility
1760 for a minor child be shared by both parents unless the court
1761 finds that shared parental responsibility would be detrimental
1762 to the child. In determining detriment to the child, the court
1763 shall consider:

1764 a. Evidence of domestic violence, as defined in s. 741.28;

1765 b. Whether either parent has or has had reasonable cause to
1766 believe that he or she or his or her minor child or children are
1767 or have been in imminent danger of becoming victims of an act of
1768 domestic violence as defined in s. 741.28 or sexual violence as
1769 defined in s. 784.046(1)(c) by the other parent against the
1770 parent or against the child or children whom the parents share
1771 in common regardless of whether a cause of action has been
1772 brought or is currently pending in the court;

1773 c. Whether either parent has or has had reasonable cause to
1774 believe that his or her minor child or children are or have been
1775 in imminent danger of becoming victims of an act of abuse,
1776 abandonment, or neglect, as those terms are defined in s. 39.01,
1777 by the other parent against the child or children whom the
1778 parents share in common regardless of whether a cause of action
1779 has been brought or is currently pending in the court; and



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1780 d. Any other relevant factors.

1781 3. The following evidence creates a rebuttable presumption
1782 that shared parental responsibility is detrimental to the child:
1783 a. A parent has been convicted of a misdemeanor of the
1784 first degree or higher involving domestic violence, as defined
1785 in s. 741.28 and chapter 775;
1786 b. A parent meets the criteria of s. 39.806(1)(d); or
1787 c. A parent has been convicted of or had adjudication
1788 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and
1789 at the time of the offense:
1790 (I) The parent was 18 years of age or older.
1791 (II) The victim was under 18 years of age or the parent
1792 believed the victim to be under 18 years of age.
1793

1794 If the presumption is not rebutted after the convicted parent is
1795 advised by the court that the presumption exists, shared
1796 parental responsibility, including time-sharing with the child,
1797 and decisions made regarding the child, may not be granted to
1798 the convicted parent. However, the convicted parent is not
1799 relieved of any obligation to provide financial support. If the
1800 court determines that shared parental responsibility would be
1801 detrimental to the child, it may order sole parental
1802 responsibility and make such arrangements for time-sharing as
1803 specified in the parenting plan as will best protect the child
1804 or abused spouse from further harm. Whether or not there is a
1805 conviction of any offense of domestic violence or child abuse or
1806 the existence of an injunction for protection against domestic
1807 violence, the court shall consider evidence of domestic violence
1808 or child abuse as evidence of detriment to the child.



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1809 4. In ordering shared parental responsibility, the court
1810 may consider the expressed desires of the parents and may grant
1811 to one party the ultimate responsibility over specific aspects
1812 of the child's welfare or may divide those responsibilities
1813 between the parties based on the best interests of the child.
1814 Areas of responsibility may include education, health care, and
1815 any other responsibilities that the court finds unique to a
1816 particular family.

1817 5. The court shall order sole parental responsibility for a
1818 minor child to one parent, with or without time-sharing with the
1819 other parent if it is in the best interests of the minor child.

1820 6. There is a rebuttable presumption against granting time-
1821 sharing with a minor child if a parent has been convicted of or
1822 had adjudication withheld for an offense enumerated in s.
1823 943.0435(1)(h)1.a., and at the time of the offense:

1824 a. The parent was 18 years of age or older.

1825 b. The victim was under 18 years of age or the parent
1826 believed the victim to be under 18 years of age.

1827
1828 A parent may rebut the presumption upon a specific finding in
1829 writing by the court that the parent poses no significant risk
1830 of harm to the child and that time-sharing is in the best
1831 interests of the minor child. If the presumption is rebutted,
1832 the court must consider all time-sharing factors in subsection
1833 (3) when developing a time-sharing schedule.

1834 7. Access to records and information pertaining to a minor
1835 child, including, but not limited to, medical, dental, and
1836 school records, may not be denied to either parent. Full rights
1837 under this subparagraph apply to either parent unless a court



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1838 order specifically revokes these rights, including any
1839 restrictions on these rights as provided in a domestic violence
1840 injunction. A parent having rights under this subparagraph has
1841 the same rights upon request as to form, substance, and manner
1842 of access as are available to the other parent of a child,
1843 including, without limitation, the right to in-person
1844 communication with medical, dental, and education providers.

1845 (9)

1846 (c) A court may not order visitation at a recovery
1847 residence if any resident of the recovery residence is currently
1848 required to register as a sexual predator under s. 775.21 or as
1849 a sexual offender under s. 943.0435.

1850 Section 55. For the purpose of incorporating the amendment
1851 made by this act to section 943.0435, Florida Statutes, in
1852 references thereto, paragraph (i) of subsection (3) and
1853 subsection (6) of section 68.07, Florida Statutes, are reenacted
1854 to read:

1855 68.07 Change of name.—

1856 (3) Each petition shall be verified and show:

1857 (i) Whether the petitioner has ever been required to
1858 register as a sexual predator under s. 775.21 or as a sexual
1859 offender under s. 943.0435.

1860 (6) The clerk of the court must, within 5 business days
1861 after the filing of the final judgment, send a report of the
1862 judgment to the Department of Law Enforcement on a form to be
1863 furnished by that department. If the petitioner is required to
1864 register as a sexual predator or a sexual offender pursuant to
1865 s. 775.21 or s. 943.0435, the clerk of court shall
1866 electronically notify the Department of Law Enforcement of the



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1867 name change, in a manner prescribed by that department, within 2
1868 business days after the filing of the final judgment. The
1869 Department of Law Enforcement must send a copy of the report to
1870 the Department of Highway Safety and Motor Vehicles, which may
1871 be delivered by electronic transmission. The report must contain
1872 sufficient information to identify the petitioner, including the
1873 results of the criminal history records check if applicable, the
1874 new name of the petitioner, and the file number of the judgment.
1875 The Department of Highway Safety and Motor Vehicles shall
1876 monitor the records of any sexual predator or sexual offender
1877 whose name has been provided to it by the Department of Law
1878 Enforcement. If the sexual predator or sexual offender does not
1879 obtain a replacement driver license or identification card
1880 within the required time as specified in s. 775.21 or s.
1881 943.0435, the Department of Highway Safety and Motor Vehicles
1882 shall notify the Department of Law Enforcement. The Department
1883 of Law Enforcement shall notify applicable law enforcement
1884 agencies of the predator's or offender's failure to comply with
1885 registration requirements. Any information retained by the
1886 Department of Law Enforcement and the Department of Highway
1887 Safety and Motor Vehicles may be revised or supplemented by said
1888 departments to reflect changes made by the final judgment. With
1889 respect to a person convicted of a felony in another state or of
1890 a federal offense, the Department of Law Enforcement must send
1891 the report to the respective state's office of law enforcement
1892 records or to the office of the Federal Bureau of Investigation.
1893 The Department of Law Enforcement may forward the report to any
1894 other law enforcement agency it believes may retain information
1895 related to the petitioner.



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1896 Section 56. For the purpose of incorporating the amendment
1897 made by this act to section 943.0435, Florida Statutes, in a
1898 reference thereto, paragraph (b) of subsection (1) of section
1899 92.55, Florida Statutes, is reenacted to read:

1900 92.55 Special protections in proceedings involving victim
1901 or witness under 18, person with intellectual disability, or
1902 sexual offense victim.—

1903 (1) For purposes of this section, the term:

1904 (b) "Sexual offense" means any offense specified in s.
1905 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

1906 Section 57. For the purpose of incorporating the amendment
1907 made by this act to section 943.0435, Florida Statutes, in a
1908 reference thereto, paragraph (b) of subsection (2) of section
1909 98.0751, Florida Statutes, is reenacted to read:

1910 98.0751 Restoration of voting rights; termination of
1911 ineligibility subsequent to a felony conviction.—

1912 (2) For purposes of this section, the term:

1913 (b) "Felony sexual offense" means any of the following:

1914 1. Any felony offense that serves as a predicate to
1915 registration as a sexual offender in accordance with s.

1916 943.0435;

1917 2. Section 491.0112;

1918 3. Section 784.049(3)(b);

1919 4. Section 794.08;

1920 5. Section 796.08;

1921 6. Section 800.101;

1922 7. Section 826.04;

1923 8. Section 847.012;

1924 9. Section 872.06(2);



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1925 10. Section 944.35(3)(b)2.;

1926 11. Section 951.221(1); or

1927 12. Any similar offense committed in another jurisdiction

1928 which would be an offense listed in this paragraph if it had

1929 been committed in violation of the laws of this state.

1930 Section 58. For the purpose of incorporating the amendment

1931 made by this act to section 943.0435, Florida Statutes, in a

1932 reference thereto, subsection (3) of section 322.141, Florida

1933 Statutes, is reenacted to read:

1934 322.141 Color or markings of certain licenses or

1935 identification cards.—

1936 (3) All licenses for the operation of motor vehicles or

1937 identification cards originally issued or reissued by the

1938 department to persons who are designated as sexual predators

1939 under s. 775.21 or subject to registration as sexual offenders

1940 under s. 943.0435 or s. 944.607, or who have a similar

1941 designation or are subject to a similar registration under the

1942 laws of another jurisdiction, shall have on the front of the

1943 license or identification card the following:

1944 (a) For a person designated as a sexual predator under s.

1945 775.21 or who has a similar designation under the laws of

1946 another jurisdiction, the marking "SEXUAL PREDATOR."

1947 (b) For a person subject to registration as a sexual

1948 offender under s. 943.0435 or s. 944.607, or subject to a

1949 similar registration under the laws of another jurisdiction, the

1950 marking "943.0435, F.S."

1951 Section 59. For the purpose of incorporating the amendment

1952 made by this act to section 943.0435, Florida Statutes, in a

1953 reference thereto, subsection (2) of section 394.9125, Florida



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1954 Statutes, is reenacted to read:

1955 394.9125 State attorney; authority to refer a person for
1956 civil commitment.—

1957 (2) A state attorney may refer a person to the department
1958 for civil commitment proceedings if the person:

1959 (a) Is required to register as a sexual offender pursuant
1960 to s. 943.0435;

1961 (b) Has previously been convicted of a sexually violent
1962 offense as defined in s. 394.912(9)(a)–(h); and

1963 (c) Has been sentenced to a term of imprisonment in a
1964 county or municipal jail for any criminal offense.

1965 Section 60. For the purpose of incorporating the amendment
1966 made by this act to section 943.0435, Florida Statutes, in a
1967 reference thereto, paragraph (b) of subsection (4) of section
1968 435.07, Florida Statutes, is reenacted to read:

1969 435.07 Exemptions from disqualification.—Unless otherwise
1970 provided by law, the provisions of this section apply to
1971 exemptions from disqualification for disqualifying offenses
1972 revealed pursuant to background screenings required under this
1973 chapter, regardless of whether those disqualifying offenses are
1974 listed in this chapter or other laws.

1975 (4)

1976 (b) Disqualification from employment or affiliation under
1977 this chapter may not be removed from, nor may an exemption be
1978 granted to, any person who is a:

1979 1. Sexual predator as designated pursuant to s. 775.21;

1980 2. Career offender pursuant to s. 775.261; or

1981 3. Sexual offender pursuant to s. 943.0435, unless the
1982 requirement to register as a sexual offender has been removed



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1983 pursuant to s. 943.04354.

1984 Section 61. For the purpose of incorporating the amendment
1985 made by this act to section 943.0435, Florida Statutes, in a
1986 reference thereto, subsection (2) of section 775.0862, Florida
1987 Statutes, is reenacted to read:

1988 775.0862 Sexual offenses against students by authority
1989 figures; reclassification.-

1990 (2) The felony degree of a violation of an offense listed
1991 in s. 943.0435(1)(h)1.a., unless the offense is a violation of
1992 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified
1993 as provided in this section if the offense is committed by an
1994 authority figure of a school against a student of the school.

1995 Section 62. For the purpose of incorporating the amendment
1996 made by this act to section 943.0435, Florida Statutes, in a
1997 reference thereto, subsection (4) of section 775.13, Florida
1998 Statutes, is reenacted to read:

1999 775.13 Registration of convicted felons, exemptions;
2000 penalties.-

2001 (4) This section does not apply to an offender:

2002 (a) Who has had his or her civil rights restored;

2003 (b) Who has received a full pardon for the offense for
2004 which convicted;

2005 (c) Who has been lawfully released from incarceration or
2006 other sentence or supervision for a felony conviction for more
2007 than 5 years prior to such time for registration, unless the
2008 offender is a fugitive from justice on a felony charge or has
2009 been convicted of any offense since release from such
2010 incarceration or other sentence or supervision;

2011 (d) Who is a parolee or probationer under the supervision



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2012 of the United States Parole Commission if the commission knows
2013 of and consents to the presence of the offender in Florida or is
2014 a probationer under the supervision of any federal probation
2015 officer in the state or who has been lawfully discharged from
2016 such parole or probation;

2017 (e) Who is a sexual predator and has registered as required
2018 under s. 775.21;

2019 (f) Who is a sexual offender and has registered as required
2020 in s. 943.0435 or s. 944.607; or

2021 (g) Who is a career offender who has registered as required
2022 in s. 775.261 or s. 944.609.

2023 Section 63. For the purpose of incorporating the amendment
2024 made by this act to section 943.0435, Florida Statutes, in a
2025 reference thereto, subsection (2) of section 775.24, Florida
2026 Statutes, is reenacted to read:

2027 775.24 Duty of the court to uphold laws governing sexual
2028 predators and sexual offenders.—

2029 (2) If a person meets the criteria in this chapter for
2030 designation as a sexual predator or meets the criteria in s.
2031 943.0435, s. 944.606, s. 944.607, or any other law for
2032 classification as a sexual offender, the court may not enter an
2033 order, for the purpose of approving a plea agreement or for any
2034 other reason, which:

2035 (a) Exempts a person who meets the criteria for designation
2036 as a sexual predator or classification as a sexual offender from
2037 such designation or classification, or exempts such person from
2038 the requirements for registration or community and public
2039 notification imposed upon sexual predators and sexual offenders;

2040 (b) Restricts the compiling, reporting, or release of



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2041 public records information that relates to sexual predators or
2042 sexual offenders; or

2043 (c) Prevents any person or entity from performing its
2044 duties or operating within its statutorily conferred authority
2045 as such duty or authority relates to sexual predators or sexual
2046 offenders.

2047 Section 64. For the purpose of incorporating the amendment
2048 made by this act to section 943.0435, Florida Statutes, in a
2049 reference thereto, section 775.25, Florida Statutes, is
2050 reenacted to read:

2051 775.25 Prosecutions for acts or omissions.—A sexual
2052 predator or sexual offender who commits any act or omission in
2053 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
2054 944.607, or former s. 947.177 may be prosecuted for the act or
2055 omission in the county in which the act or omission was
2056 committed, in the county of the last registered address of the
2057 sexual predator or sexual offender, in the county in which the
2058 conviction occurred for the offense or offenses that meet the
2059 criteria for designating a person as a sexual predator or sexual
2060 offender, in the county where the sexual predator or sexual
2061 offender was released from incarceration, or in the county of
2062 the intended address of the sexual predator or sexual offender
2063 as reported by the predator or offender prior to his or her
2064 release from incarceration. In addition, a sexual predator may
2065 be prosecuted for any such act or omission in the county in
2066 which he or she was designated a sexual predator.

2067 Section 65. For the purpose of incorporating the amendment
2068 made by this act to section 943.0435, Florida Statutes, in a
2069 reference thereto, paragraph (cc) of subsection (2) of section



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2070 900.05, Florida Statutes, is reenacted to read:

2071 900.05 Criminal justice data collection.—

2072 (2) DEFINITIONS.—As used in this section, the term:

2073 (cc) "Sexual offender flag" means an indication that a
2074 defendant was required to register as a sexual predator as
2075 defined in s. 775.21 or as a sexual offender as defined in s.
2076 943.0435.

2077 Section 66. For the purpose of incorporating the amendment
2078 made by this act to section 943.0435, Florida Statutes, in a
2079 reference thereto, paragraph (m) of subsection (2) of section
2080 903.046, Florida Statutes, is reenacted to read:

2081 903.046 Purpose of and criteria for bail determination.—

2082 (2) When determining whether to release a defendant on bail
2083 or other conditions, and what that bail or those conditions may
2084 be, the court shall consider:

2085 (m) Whether the defendant, other than a defendant whose
2086 only criminal charge is a misdemeanor offense under chapter 316,
2087 is required to register as a sexual offender under s. 943.0435
2088 or a sexual predator under s. 775.21; and, if so, he or she is
2089 not eligible for release on bail or surety bond until the first
2090 appearance on the case in order to ensure the full participation
2091 of the prosecutor and the protection of the public.

2092 Section 67. For the purpose of incorporating the amendment
2093 made by this act to section 943.0435, Florida Statutes, in a
2094 reference thereto, section 903.133, Florida Statutes, is
2095 reenacted to read:

2096 903.133 Bail on appeal; prohibited for certain felony
2097 convictions.—Notwithstanding s. 903.132, no person shall be
2098 admitted to bail pending review either by posttrial motion or



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2099 appeal if he or she was adjudged guilty of:

2100 (1) A felony of the first degree for a violation of s.
2101 782.04(2) or (3), s. 787.01, s. 794.011(4), s. 806.01, s.
2102 893.13, or s. 893.135;

2103 (2) A violation of s. 794.011(2) or (3); or

2104 (3) Any other offense requiring sexual offender
2105 registration under s. 943.0435(1)(h) or sexual predator
2106 registration under s. 775.21(4) when, at the time of the
2107 offense, the offender was 18 years of age or older and the
2108 victim was a minor.

2109 Section 68. For the purpose of incorporating the amendment
2110 made by this act to section 943.0435, Florida Statutes, in a
2111 reference thereto, paragraph (b) of subsection (4) of section
2112 907.043, Florida Statutes, is reenacted to read:

2113 907.043 Pretrial release; citizens' right to know.—

2114 (4)

2115 (b) The annual report must contain, but need not be limited
2116 to:

2117 1. The name, location, and funding sources of the pretrial
2118 release program, including the amount of public funds, if any,
2119 received by the pretrial release program.

2120 2. The operating and capital budget of each pretrial
2121 release program receiving public funds.

2122 3.a. The percentage of the pretrial release program's total
2123 budget representing receipt of public funds.

2124 b. The percentage of the total budget which is allocated to
2125 assisting defendants obtain release through a nonpublicly funded
2126 program.

2127 c. The amount of fees paid by defendants to the pretrial



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2128 release program.

2129 4. The number of persons employed by the pretrial release
2130 program.

2131 5. The number of defendants assessed and interviewed for
2132 pretrial release.

2133 6. The number of defendants recommended for pretrial
2134 release.

2135 7. The number of defendants for whom the pretrial release
2136 program recommended against nonsecured release.

2137 8. The number of defendants granted nonsecured release
2138 after the pretrial release program recommended nonsecured
2139 release.

2140 9. The number of defendants assessed and interviewed for
2141 pretrial release who were declared indigent by the court.

2142 10. The number of defendants accepted into a pretrial
2143 release program who paid a surety or cash bail or bond.

2144 11. The number of defendants for whom a risk assessment
2145 tool was used in determining whether the defendant should be
2146 released pending the disposition of the case and the number of
2147 defendants for whom a risk assessment tool was not used.

2148 12. The specific statutory citation for each criminal
2149 charge related to a defendant whose case is accepted into a
2150 pretrial release program, including, at a minimum, the number of
2151 defendants charged with dangerous crimes as defined in s.
2152 907.041; nonviolent felonies; or misdemeanors only. A
2153 "nonviolent felony" for purposes of this subparagraph excludes
2154 the commission of, an attempt to commit, or a conspiracy to
2155 commit any of the following:

2156 a. An offense enumerated in s. 775.084(1)(c);



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- 2157 b. An offense that requires a person to register as a
2158 sexual predator in accordance with s. 775.21 or as a sexual
2159 offender in accordance with s. 943.0435;
- 2160 c. Failure to register as a sexual predator in violation of
2161 s. 775.21 or as a sexual offender in violation of s. 943.0435;
- 2162 d. Facilitating or furthering terrorism in violation of s.
2163 775.31;
- 2164 e. A forcible felony as described in s. 776.08;
- 2165 f. False imprisonment in violation of s. 787.02;
- 2166 g. Burglary of a dwelling or residence in violation of s.
2167 810.02(3);
- 2168 h. Abuse, aggravated abuse, and neglect of an elderly
2169 person or disabled adult in violation of s. 825.102;
- 2170 i. Abuse, aggravated abuse, and neglect of a child in
2171 violation of s. 827.03;
- 2172 j. Poisoning of food or water in violation of s. 859.01;
- 2173 k. Abuse of a dead human body in violation of s. 872.06;
- 2174 l. A capital offense in violation of chapter 893;
- 2175 m. An offense that results in serious bodily injury or
2176 death to another human; or
- 2177 n. A felony offense in which the defendant used a weapon or
2178 firearm in the commission of the offense.
- 2179 13. The number of defendants accepted into a pretrial
2180 release program with no prior criminal conviction.
- 2181 14. The name and case number of each person granted
2182 nonsecured release who:
- 2183 a. Failed to attend a scheduled court appearance.
- 2184 b. Was issued a warrant for failing to appear.
- 2185 c. Was arrested for any offense while on release through



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2186 the pretrial release program.

2187 15. Any additional information deemed necessary by the
2188 governing body to assess the performance and cost efficiency of
2189 the pretrial release program.

2190 Section 69. For the purpose of incorporating the amendment
2191 made by this act to section 943.0435, Florida Statutes, in a
2192 reference thereto, paragraph (a) of subsection (2) of section
2193 934.255, Florida Statutes, is reenacted to read:

2194 934.255 Subpoenas in investigations of sexual offenses.—

2195 (2) An investigative or law enforcement officer who is
2196 conducting an investigation into:

2197 (a) Allegations of the sexual abuse of a child or an
2198 individual's suspected commission of a crime listed in s.
2199 943.0435(1)(h)1.a.(I) may use a subpoena to compel the
2200 production of records, documents, or other tangible objects and
2201 the testimony of the subpoena recipient concerning the
2202 production and authenticity of such records, documents, or
2203 objects, except as provided in paragraphs (b) and (c).

2204

2205 A subpoena issued under this subsection must describe the
2206 records, documents, or other tangible objects required to be
2207 produced, and must prescribe a date by which such records,
2208 documents, or other tangible objects must be produced.

2209 Section 70. For the purpose of incorporating the amendment
2210 made by this act to section 943.0435, Florida Statutes, in a
2211 reference thereto, subsection (1) of section 938.10, Florida
2212 Statutes, is reenacted to read:

2213 938.10 Additional court cost imposed in cases of certain
2214 crimes.—



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2215 (1) If a person pleads guilty or nolo contendere to, or is
2216 found guilty of, regardless of adjudication, any offense against
2217 a minor in violation of s. 784.085, chapter 787, chapter 794,
2218 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.
2219 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,
2220 s. 893.147(3), or s. 985.701, or any offense in violation of s.
2221 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
2222 court shall impose a court cost of \$151 against the offender in
2223 addition to any other cost or penalty required by law.

2224 Section 71. For the purpose of incorporating the amendment
2225 made by this act to section 943.0435, Florida Statutes, in a
2226 reference thereto, subsection (2) of section 943.0436, Florida
2227 Statutes, is reenacted to read:

2228 943.0436 Duty of the court to uphold laws governing sexual
2229 predators and sexual offenders.—

2230 (2) If a person meets the criteria in chapter 775 for
2231 designation as a sexual predator or meets the criteria in s.
2232 943.0435, s. 944.606, s. 944.607, or any other law for
2233 classification as a sexual offender, the court may not enter an
2234 order, for the purpose of approving a plea agreement or for any
2235 other reason, which:

2236 (a) Exempts a person who meets the criteria for designation
2237 as a sexual predator or classification as a sexual offender from
2238 such designation or classification, or exempts such person from
2239 the requirements for registration or community and public
2240 notification imposed upon sexual predators and sexual offenders;

2241 (b) Restricts the compiling, reporting, or release of
2242 public records information that relates to sexual predators or
2243 sexual offenders; or



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2244 (c) Prevents any person or entity from performing its
2245 duties or operating within its statutorily conferred authority
2246 as such duty or authority relates to sexual predators or sexual
2247 offenders.

2248 Section 72. For the purpose of incorporating the amendment
2249 made by this act to section 943.0435, Florida Statutes, in a
2250 reference thereto, subsection (2) of section 943.0584, Florida
2251 Statutes, is reenacted to read:

2252 943.0584 Criminal history records ineligible for court-
2253 ordered expunction or court-ordered sealing.—

2254 (2) A criminal history record is ineligible for a
2255 certificate of eligibility for expunction or a court-ordered
2256 expunction pursuant to s. 943.0585 or a certificate of
2257 eligibility for sealing or a court-ordered sealing pursuant to
2258 s. 943.059 if the record is a conviction for any of the
2259 following offenses:

2260 (a) Sexual misconduct, as defined in s. 393.135, s.
2261 394.4593, or s. 916.1075;

2262 (b) Illegal use of explosives, as defined in chapter 552;

2263 (c) Terrorism, as defined in s. 775.30;

2264 (d) Murder, as defined in s. 782.04, s. 782.065, or s.
2265 782.09;

2266 (e) Manslaughter or homicide, as defined in s. 782.07, s.
2267 782.071, or s. 782.072;

2268 (f) Assault or battery, as defined in ss. 784.011 and
2269 784.03, respectively, of one family or household member by
2270 another family or household member, as defined in s. 741.28(3);

2271 (g) Aggravated assault, as defined in s. 784.021;

2272 (h) Felony battery, domestic battery by strangulation, or



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2273 aggravated battery, as defined in ss. 784.03, 784.041, and
2274 784.045, respectively;
2275 (i) Stalking or aggravated stalking, as defined in s.
2276 784.048;
2277 (j) Luring or enticing a child, as defined in s. 787.025;
2278 (k) Human trafficking, as defined in s. 787.06;
2279 (l) Kidnapping or false imprisonment, as defined in s.
2280 787.01 or s. 787.02;
2281 (m) Any offense defined in chapter 794;
2282 (n) Procuring a person less than 18 years of age for
2283 prostitution, as defined in former s. 796.03;
2284 (o) Lewd or lascivious offenses committed upon or in the
2285 presence of persons less than 16 years of age, as defined in s.
2286 800.04;
2287 (p) Arson, as defined in s. 806.01;
2288 (q) Burglary of a dwelling, as defined in s. 810.02;
2289 (r) Voyeurism or digital voyeurism, as defined in ss.
2290 810.14 and 810.145, respectively;
2291 (s) Robbery or robbery by sudden snatching, as defined in
2292 ss. 812.13 and 812.131, respectively;
2293 (t) Carjacking, as defined in s. 812.133;
2294 (u) Home-invasion robbery, as defined in s. 812.135;
2295 (v) A violation of the Florida Communications Fraud Act, as
2296 provided in s. 817.034;
2297 (w) Abuse of an elderly person or disabled adult, or
2298 aggravated abuse of an elderly person or disabled adult, as
2299 defined in s. 825.102;
2300 (x) Lewd or lascivious offenses committed upon or in the
2301 presence of an elderly person or disabled person, as defined in



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2302 s. 825.1025;

2303 (y) Child abuse or aggravated child abuse, as defined in s.
2304 827.03;

2305 (z) Sexual performance by a child, as defined in s.
2306 827.071;

2307 (aa) Any offense defined in chapter 839;

2308 (bb) Certain acts in connection with obscenity, as defined
2309 in s. 847.0133;

2310 (cc) Any offense defined in s. 847.0135;

2311 (dd) Selling or buying of minors, as defined in s.
2312 847.0145;

2313 (ee) Aircraft piracy, as defined in s. 860.16;

2314 (ff) Manufacturing a controlled substance in violation of
2315 chapter 893;

2316 (gg) Drug trafficking, as defined in s. 893.135; or
2317 (hh) Any violation specified as a predicate offense for
2318 registration as a sexual predator pursuant to s. 775.21, or
2319 sexual offender pursuant to s. 943.0435, without regard to
2320 whether that offense alone is sufficient to require such
2321 registration.

2322 Section 73. For the purpose of incorporating the amendment
2323 made by this act to section 943.0435, Florida Statutes, in a
2324 reference thereto, paragraph (a) of subsection (2) of section
2325 943.0595, Florida Statutes, is reenacted to read:

2326 943.0595 Automatic sealing of criminal history records;
2327 confidentiality of related court records.—

2328 (2) ELIGIBILITY.—

2329 (a) The department shall automatically seal a criminal
2330 history record that does not result from an indictment,



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2331 information, or other charging document for a forcible felony as
2332 defined in s. 776.08 or for an offense enumerated in s.

2333 943.0435(1)(h)1.a.(I), if:

2334 1. An indictment, information, or other charging document
2335 was not filed or issued in the case giving rise to the criminal
2336 history record.

2337 2. An indictment, information, or other charging document
2338 was filed in the case giving rise to the criminal history
2339 record, but was dismissed or nolle prosequi by the state
2340 attorney or statewide prosecutor or was dismissed by a court of
2341 competent jurisdiction as to all counts. However, a person is
2342 not eligible for automatic sealing under this section if the
2343 dismissal was pursuant to s. 916.145 or s. 985.19.

2344 3. A not guilty verdict was rendered by a judge or jury as
2345 to all counts. However, a person is not eligible for automatic
2346 sealing under this section if the defendant was found not guilty
2347 by reason of insanity.

2348 4. A judgment of acquittal was rendered by a judge as to
2349 all counts.

2350 Section 74. For the purpose of incorporating the amendment
2351 made by this act to section 943.0435, Florida Statutes, in a
2352 reference thereto, subsection (12) of section 947.1405, Florida
2353 Statutes, is reenacted to read:

2354 947.1405 Conditional release program.—

2355 (12) In addition to all other conditions imposed, for a
2356 releasee who is subject to conditional release for a crime that
2357 was committed on or after May 26, 2010, and who has been
2358 convicted at any time of committing, or attempting, soliciting,
2359 or conspiring to commit, any of the criminal offenses listed in



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2360 s. 943.0435(1)(h)1.a.(I), or a similar offense in another
2361 jurisdiction against a victim who was under 18 years of age at
2362 the time of the offense, if the releasee has not received a
2363 pardon for any felony or similar law of another jurisdiction
2364 necessary for the operation of this subsection, if a conviction
2365 of a felony or similar law of another jurisdiction necessary for
2366 the operation of this subsection has not been set aside in any
2367 postconviction proceeding, or if the releasee has not been
2368 removed from the requirement to register as a sexual offender or
2369 sexual predator pursuant to s. 943.04354, the commission must
2370 impose the following conditions:

2371 (a) A prohibition on visiting schools, child care
2372 facilities, parks, and playgrounds without prior approval from
2373 the releasee's supervising officer. The commission may also
2374 designate additional prohibited locations to protect a victim.
2375 The prohibition ordered under this paragraph does not prohibit
2376 the releasee from visiting a school, child care facility, park,
2377 or playground for the sole purpose of attending a religious
2378 service as defined in s. 775.0861 or picking up or dropping off
2379 the releasee's child or grandchild at a child care facility or
2380 school.

2381 (b) A prohibition on distributing candy or other items to
2382 children on Halloween; wearing a Santa Claus costume, or other
2383 costume to appeal to children, on or preceding Christmas;
2384 wearing an Easter Bunny costume, or other costume to appeal to
2385 children, on or preceding Easter; entertaining at children's
2386 parties; or wearing a clown costume without prior approval from
2387 the commission.

2388 Section 75. For the purpose of incorporating the amendment



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2389 made by this act to section 943.0435, Florida Statutes, in a
2390 reference thereto, paragraph (b) of subsection (2) of section
2391 948.013, Florida Statutes, is reenacted to read:

2392 948.013 Administrative probation.—

2393 (2)

2394 (b) Effective for an offense committed on or after October
2395 1, 2017, a person is ineligible for placement on administrative
2396 probation if the person is sentenced to or is serving a term of
2397 probation or community control, regardless of the conviction or
2398 adjudication, for committing, or attempting, conspiring, or
2399 soliciting to commit, any of the felony offenses described in s.
2400 775.21(4)(a)1.a. or b. or s. 943.0435(1)(h)1.a.

2401 Section 76. For the purpose of incorporating the amendment
2402 made by this act to section 943.0435, Florida Statutes, in a
2403 reference thereto, paragraph (f) of subsection (2) of section
2404 948.05, Florida Statutes, is reenacted to read:

2405 948.05 Court to admonish or commend probationer or offender
2406 in community control; graduated incentives.—

2407 (2) The department shall implement a system of graduated
2408 incentives to promote compliance with the terms of supervision,
2409 encourage educational achievement and stable employment, and
2410 prioritize the highest levels of supervision for probationers or
2411 offenders presenting the greatest risk of recidivism.

2412 (f) A probationer or offender in community control who is
2413 placed under supervision for committing or attempting,
2414 soliciting, or conspiring to commit a violation of any felony
2415 offense described in s. 775.21(4)(a)1.a. or b. or s.
2416 943.0435(1)(h)1.a., or who qualifies as a violent felony
2417 offender of special concern under s. 948.06(8)(b) is not



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2418 eligible for any reduction of his or her term of supervision
2419 under this section.

2420 Section 77. For the purpose of incorporating the amendment
2421 made by this act to section 943.0435, Florida Statutes, in a
2422 reference thereto, subsection (4) of section 948.06, Florida
2423 Statutes, is reenacted to read:

2424 948.06 Violation of probation or community control;
2425 revocation; modification; continuance; failure to pay
2426 restitution or cost of supervision.—

2427 (4) Notwithstanding any other provision of this section, a
2428 felony probationer or an offender in community control who is
2429 arrested for violating his or her probation or community control
2430 in a material respect may be taken before the court in the
2431 county or circuit in which the probationer or offender was
2432 arrested. That court shall advise him or her of the charge of a
2433 violation and, if such charge is admitted, shall cause him or
2434 her to be brought before the court that granted the probation or
2435 community control. If the violation is not admitted by the
2436 probationer or offender, the court may commit him or her or
2437 release him or her with or without bail to await further
2438 hearing. However, if the probationer or offender is under
2439 supervision for any criminal offense proscribed in chapter 794,
2440 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a
2441 registered sexual predator or a registered sexual offender, or
2442 is under supervision for a criminal offense for which he or she
2443 would meet the registration criteria in s. 775.21, s. 943.0435,
2444 or s. 944.607 but for the effective date of those sections, the
2445 court must make a finding that the probationer or offender is
2446 not a danger to the public prior to release with or without



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2447 bail. In determining the danger posed by the offender's or
2448 probationer's release, the court may consider the nature and
2449 circumstances of the violation and any new offenses charged; the
2450 offender's or probationer's past and present conduct, including
2451 convictions of crimes; any record of arrests without conviction
2452 for crimes involving violence or sexual crimes; any other
2453 evidence of allegations of unlawful sexual conduct or the use of
2454 violence by the offender or probationer; the offender's or
2455 probationer's family ties, length of residence in the community,
2456 employment history, and mental condition; his or her history and
2457 conduct during the probation or community control supervision
2458 from which the violation arises and any other previous
2459 supervisions, including disciplinary records of previous
2460 incarcerations; the likelihood that the offender or probationer
2461 will engage again in a criminal course of conduct; the weight of
2462 the evidence against the offender or probationer; and any other
2463 facts the court considers relevant. The court, as soon as is
2464 practicable, shall give the probationer or offender an
2465 opportunity to be fully heard on his or her behalf in person or
2466 by counsel. After the hearing, the court shall make findings of
2467 fact and forward the findings to the court that granted the
2468 probation or community control and to the probationer or
2469 offender or his or her attorney. The findings of fact by the
2470 hearing court are binding on the court that granted the
2471 probation or community control. Upon the probationer or offender
2472 being brought before it, the court that granted the probation or
2473 community control may revoke, modify, or continue the probation
2474 or community control or may place the probationer into community
2475 control as provided in this section. However, the probationer or



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2476 offender shall not be released and shall not be admitted to
2477 bail, but shall be brought before the court that granted the
2478 probation or community control if any violation of felony
2479 probation or community control other than a failure to pay costs
2480 or fines or make restitution payments is alleged to have been
2481 committed by:

2482 (a) A violent felony offender of special concern, as
2483 defined in this section;

2484 (b) A person who is on felony probation or community
2485 control for any offense committed on or after the effective date
2486 of this act and who is arrested for a qualifying offense as
2487 defined in this section; or

2488 (c) A person who is on felony probation or community
2489 control and has previously been found by a court to be a
2490 habitual violent felony offender as defined in s. 775.084(1)(b),
2491 a three-time violent felony offender as defined in s.
2492 775.084(1)(c), or a sexual predator under s. 775.21, and who is
2493 arrested for committing a qualifying offense as defined in this
2494 section on or after the effective date of this act.

2495 Section 78. For the purpose of incorporating the amendment
2496 made by this act to section 943.0435, Florida Statutes, in a
2497 reference thereto, section 948.063, Florida Statutes, is
2498 reenacted to read:

2499 948.063 Violations of probation or community control by
2500 designated sexual offenders and sexual predators.—

2501 (1) If probation or community control for any felony
2502 offense is revoked by the court pursuant to s. 948.06(2)(e) and
2503 the offender is designated as a sexual offender pursuant to s.
2504 943.0435 or s. 944.607 or as a sexual predator pursuant to s.



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2505 775.21 for unlawful sexual activity involving a victim 15 years
2506 of age or younger and the offender is 18 years of age or older,
2507 and if the court imposes a subsequent term of supervision
2508 following the revocation of probation or community control, the
2509 court must order electronic monitoring as a condition of the
2510 subsequent term of probation or community control.

2511 (2) If the probationer or offender is required to register
2512 as a sexual predator under s. 775.21 or as a sexual offender
2513 under s. 943.0435 or s. 944.607 for unlawful sexual activity
2514 involving a victim 15 years of age or younger and the
2515 probationer or offender is 18 years of age or older and has
2516 violated the conditions of his or her probation or community
2517 control, but the court does not revoke the probation or
2518 community control, the court shall nevertheless modify the
2519 probation or community control to include electronic monitoring
2520 for any probationer or offender not then subject to electronic
2521 monitoring.

2522 Section 79. For the purpose of incorporating the amendment
2523 made by this act to section 943.0435, Florida Statutes, in a
2524 reference thereto, subsection (4) of section 948.30, Florida
2525 Statutes, is reenacted to read:

2526 948.30 Additional terms and conditions of probation or
2527 community control for certain sex offenses.—Conditions imposed
2528 pursuant to this section do not require oral pronouncement at
2529 the time of sentencing and shall be considered standard
2530 conditions of probation or community control for offenders
2531 specified in this section.

2532 (4) In addition to all other conditions imposed, for a
2533 probationer or community controllee who is subject to



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2534 supervision for a crime that was committed on or after May 26,
2535 2010, and who has been convicted at any time of committing, or
2536 attempting, soliciting, or conspiring to commit, any of the
2537 criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a
2538 similar offense in another jurisdiction, against a victim who
2539 was under the age of 18 at the time of the offense; if the
2540 offender has not received a pardon for any felony or similar law
2541 of another jurisdiction necessary for the operation of this
2542 subsection, if a conviction of a felony or similar law of
2543 another jurisdiction necessary for the operation of this
2544 subsection has not been set aside in any postconviction
2545 proceeding, or if the offender has not been removed from the
2546 requirement to register as a sexual offender or sexual predator
2547 pursuant to s. 943.04354, the court must impose the following
2548 conditions:

2549 (a) A prohibition on visiting schools, child care
2550 facilities, parks, and playgrounds, without prior approval from
2551 the offender's supervising officer. The court may also designate
2552 additional locations to protect a victim. The prohibition
2553 ordered under this paragraph does not prohibit the offender from
2554 visiting a school, child care facility, park, or playground for
2555 the sole purpose of attending a religious service as defined in
2556 s. 775.0861 or picking up or dropping off the offender's
2557 children or grandchildren at a child care facility or school.

2558 (b) A prohibition on distributing candy or other items to
2559 children on Halloween; wearing a Santa Claus costume, or other
2560 costume to appeal to children, on or preceding Christmas;
2561 wearing an Easter Bunny costume, or other costume to appeal to
2562 children, on or preceding Easter; entertaining at children's



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2563 parties; or wearing a clown costume; without prior approval from
2564 the court.

2565 Section 80. For the purpose of incorporating the amendment
2566 made by this act to section 943.0435, Florida Statutes, in a
2567 reference thereto, section 948.31, Florida Statutes, is
2568 reenacted to read:

2569 948.31 Evaluation and treatment of sexual predators and
2570 offenders on probation or community control.—The court may
2571 require any probationer or community controllee who is required
2572 to register as a sexual predator under s. 775.21 or sexual
2573 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
2574 an evaluation, at the probationer or community controllee's
2575 expense, by a qualified practitioner to determine whether such
2576 probationer or community controllee needs sexual offender
2577 treatment. If the qualified practitioner determines that sexual
2578 offender treatment is needed and recommends treatment, the
2579 probationer or community controllee must successfully complete
2580 and pay for the treatment. Such treatment must be obtained from
2581 a qualified practitioner as defined in s. 948.001. Treatment may
2582 not be administered by a qualified practitioner who has been
2583 convicted or adjudicated delinquent of committing, or
2584 attempting, soliciting, or conspiring to commit, any offense
2585 that is listed in s. 943.0435(1)(h)1.a.(I).

2586 Section 81. For the purpose of incorporating the amendment
2587 made by this act to section 943.0435, Florida Statutes, in a
2588 reference thereto, paragraph (b) of subsection (6) of section
2589 985.04, Florida Statutes, is reenacted to read:

2590 985.04 Oaths; records; confidential information.—
2591 (6)



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2592 (b) Sexual offender and predator registration information
2593 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
2594 and 985.4815 is a public record pursuant to s. 119.07(1) and as
2595 otherwise provided by law.

2596 Section 82. For the purpose of incorporating the amendment
2597 made by this act to section 943.0435, Florida Statutes, in a
2598 reference thereto, paragraph (b) of subsection (2) of section
2599 1012.467, Florida Statutes, is reenacted to read:

2600 1012.467 Noninstructional contractors who are permitted
2601 access to school grounds when students are present; background
2602 screening requirements.—

2603 (2)

2604 (b) A noninstructional contractor for whom a criminal
2605 history check is required under this section may not have been
2606 convicted of any of the following offenses designated in the
2607 Florida Statutes, any similar offense in another jurisdiction,
2608 or any similar offense committed in this state which has been
2609 redesignated from a former provision of the Florida Statutes to
2610 one of the following offenses:

2611 1. Any offense listed in s. 943.0435(1)(h)1., relating to
2612 the registration of an individual as a sexual offender.

2613 2. Section 393.135, relating to sexual misconduct with
2614 certain developmentally disabled clients and the reporting of
2615 such sexual misconduct.

2616 3. Section 394.4593, relating to sexual misconduct with
2617 certain mental health patients and the reporting of such sexual
2618 misconduct.

2619 4. Section 775.30, relating to terrorism.

2620 5. Section 782.04, relating to murder.



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2621 6. Section 787.01, relating to kidnapping.

2622 7. Any offense under chapter 800, relating to lewdness and
2623 indecent exposure.

2624 8. Section 826.04, relating to incest.

2625 9. Section 827.03, relating to child abuse, aggravated
2626 child abuse, or neglect of a child.

2627 Section 83. For the purpose of incorporating the amendment
2628 made by this act to section 944.606, Florida Statutes, in a
2629 reference thereto, subsection (2) of section 775.24, Florida
2630 Statutes, is reenacted to read:

2631 775.24 Duty of the court to uphold laws governing sexual
2632 predators and sexual offenders.—

2633 (2) If a person meets the criteria in this chapter for
2634 designation as a sexual predator or meets the criteria in s.
2635 943.0435, s. 944.606, s. 944.607, or any other law for
2636 classification as a sexual offender, the court may not enter an
2637 order, for the purpose of approving a plea agreement or for any
2638 other reason, which:

2639 (a) Exempts a person who meets the criteria for designation
2640 as a sexual predator or classification as a sexual offender from
2641 such designation or classification, or exempts such person from
2642 the requirements for registration or community and public
2643 notification imposed upon sexual predators and sexual offenders;

2644 (b) Restricts the compiling, reporting, or release of
2645 public records information that relates to sexual predators or
2646 sexual offenders; or

2647 (c) Prevents any person or entity from performing its
2648 duties or operating within its statutorily conferred authority
2649 as such duty or authority relates to sexual predators or sexual



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2650 offenders.

2651 Section 84. For the purpose of incorporating the amendment
2652 made by this act to section 944.606, Florida Statutes, in a
2653 reference thereto, section 775.25, Florida Statutes, is
2654 reenacted to read:

2655 775.25 Prosecutions for acts or omissions.—A sexual
2656 predator or sexual offender who commits any act or omission in
2657 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
2658 944.607, or former s. 947.177 may be prosecuted for the act or
2659 omission in the county in which the act or omission was
2660 committed, in the county of the last registered address of the
2661 sexual predator or sexual offender, in the county in which the
2662 conviction occurred for the offense or offenses that meet the
2663 criteria for designating a person as a sexual predator or sexual
2664 offender, in the county where the sexual predator or sexual
2665 offender was released from incarceration, or in the county of
2666 the intended address of the sexual predator or sexual offender
2667 as reported by the predator or offender prior to his or her
2668 release from incarceration. In addition, a sexual predator may
2669 be prosecuted for any such act or omission in the county in
2670 which he or she was designated a sexual predator.

2671 Section 85. For the purpose of incorporating the amendment
2672 made by this act to section 944.606, Florida Statutes, in a
2673 reference thereto, subsection (2) of section 943.0436, Florida
2674 Statutes, is reenacted to read:

2675 943.0436 Duty of the court to uphold laws governing sexual
2676 predators and sexual offenders.—

2677 (2) If a person meets the criteria in chapter 775 for
2678 designation as a sexual predator or meets the criteria in s.



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2679 943.0435, s. 944.606, s. 944.607, or any other law for
2680 classification as a sexual offender, the court may not enter an
2681 order, for the purpose of approving a plea agreement or for any
2682 other reason, which:

2683 (a) Exempts a person who meets the criteria for designation
2684 as a sexual predator or classification as a sexual offender from
2685 such designation or classification, or exempts such person from
2686 the requirements for registration or community and public
2687 notification imposed upon sexual predators and sexual offenders;

2688 (b) Restricts the compiling, reporting, or release of
2689 public records information that relates to sexual predators or
2690 sexual offenders; or

2691 (c) Prevents any person or entity from performing its
2692 duties or operating within its statutorily conferred authority
2693 as such duty or authority relates to sexual predators or sexual
2694 offenders.

2695 Section 86. For the purpose of incorporating the amendment
2696 made by this act to section 944.606, Florida Statutes, in a
2697 reference thereto, section 948.31, Florida Statutes, is
2698 reenacted to read:

2699 948.31 Evaluation and treatment of sexual predators and
2700 offenders on probation or community control.—The court may
2701 require any probationer or community controllee who is required
2702 to register as a sexual predator under s. 775.21 or sexual
2703 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
2704 an evaluation, at the probationer or community controllee's
2705 expense, by a qualified practitioner to determine whether such
2706 probationer or community controllee needs sexual offender
2707 treatment. If the qualified practitioner determines that sexual



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2708 offender treatment is needed and recommends treatment, the
2709 probationer or community controllee must successfully complete
2710 and pay for the treatment. Such treatment must be obtained from
2711 a qualified practitioner as defined in s. 948.001. Treatment may
2712 not be administered by a qualified practitioner who has been
2713 convicted or adjudicated delinquent of committing, or
2714 attempting, soliciting, or conspiring to commit, any offense
2715 that is listed in s. 943.0435(1)(h)1.a.(I).

2716 Section 87. For the purpose of incorporating the amendment
2717 made by this act to section 944.606, Florida Statutes, in a
2718 reference thereto, paragraph (b) of subsection (6) of section
2719 985.04, Florida Statutes, is reenacted to read:

2720 985.04 Oaths; records; confidential information.—

2721 (6)

2722 (b) Sexual offender and predator registration information
2723 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
2724 and 985.4815 is a public record pursuant to s. 119.07(1) and as
2725 otherwise provided by law.

2726 Section 88. For the purpose of incorporating the amendment
2727 made by this act to section 944.607, Florida Statutes, in a
2728 reference thereto, subsection (3) of section 322.141, Florida
2729 Statutes, is reenacted to read:

2730 322.141 Color or markings of certain licenses or
2731 identification cards.—

2732 (3) All licenses for the operation of motor vehicles or
2733 identification cards originally issued or reissued by the
2734 department to persons who are designated as sexual predators
2735 under s. 775.21 or subject to registration as sexual offenders
2736 under s. 943.0435 or s. 944.607, or who have a similar



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2737 designation or are subject to a similar registration under the
2738 laws of another jurisdiction, shall have on the front of the
2739 license or identification card the following:

2740 (a) For a person designated as a sexual predator under s.
2741 775.21 or who has a similar designation under the laws of
2742 another jurisdiction, the marking "SEXUAL PREDATOR."

2743 (b) For a person subject to registration as a sexual
2744 offender under s. 943.0435 or s. 944.607, or subject to a
2745 similar registration under the laws of another jurisdiction, the
2746 marking "943.0435, F.S."

2747 Section 89. For the purpose of incorporating the amendment
2748 made by this act to section 944.607, Florida Statutes, in a
2749 reference thereto, subsection (4) of section 775.13, Florida
2750 Statutes, is reenacted to read:

2751 775.13 Registration of convicted felons, exemptions;
2752 penalties.—

2753 (4) This section does not apply to an offender:

2754 (a) Who has had his or her civil rights restored;

2755 (b) Who has received a full pardon for the offense for
2756 which convicted;

2757 (c) Who has been lawfully released from incarceration or
2758 other sentence or supervision for a felony conviction for more
2759 than 5 years prior to such time for registration, unless the
2760 offender is a fugitive from justice on a felony charge or has
2761 been convicted of any offense since release from such
2762 incarceration or other sentence or supervision;

2763 (d) Who is a parolee or probationer under the supervision
2764 of the United States Parole Commission if the commission knows
2765 of and consents to the presence of the offender in Florida or is



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2766 a probationer under the supervision of any federal probation
2767 officer in the state or who has been lawfully discharged from
2768 such parole or probation;

2769 (e) Who is a sexual predator and has registered as required
2770 under s. 775.21;

2771 (f) Who is a sexual offender and has registered as required
2772 in s. 943.0435 or s. 944.607; or

2773 (g) Who is a career offender who has registered as required
2774 in s. 775.261 or s. 944.609.

2775 Section 90. For the purpose of incorporating the amendment
2776 made by this act to section 944.607, Florida Statutes, in a
2777 reference thereto, subsection (2) of section 775.24, Florida
2778 Statutes, is reenacted to read:

2779 775.24 Duty of the court to uphold laws governing sexual
2780 predators and sexual offenders.—

2781 (2) If a person meets the criteria in this chapter for
2782 designation as a sexual predator or meets the criteria in s.
2783 943.0435, s. 944.606, s. 944.607, or any other law for
2784 classification as a sexual offender, the court may not enter an
2785 order, for the purpose of approving a plea agreement or for any
2786 other reason, which:

2787 (a) Exempts a person who meets the criteria for designation
2788 as a sexual predator or classification as a sexual offender from
2789 such designation or classification, or exempts such person from
2790 the requirements for registration or community and public
2791 notification imposed upon sexual predators and sexual offenders;

2792 (b) Restricts the compiling, reporting, or release of
2793 public records information that relates to sexual predators or
2794 sexual offenders; or



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2795 (c) Prevents any person or entity from performing its
2796 duties or operating within its statutorily conferred authority
2797 as such duty or authority relates to sexual predators or sexual
2798 offenders.

2799 Section 91. For the purpose of incorporating the amendment
2800 made by this act to section 944.607, Florida Statutes, in a
2801 reference thereto, section 775.25, Florida Statutes, is
2802 reenacted to read:

2803 775.25 Prosecutions for acts or omissions.—A sexual
2804 predator or sexual offender who commits any act or omission in
2805 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
2806 944.607, or former s. 947.177 may be prosecuted for the act or
2807 omission in the county in which the act or omission was
2808 committed, in the county of the last registered address of the
2809 sexual predator or sexual offender, in the county in which the
2810 conviction occurred for the offense or offenses that meet the
2811 criteria for designating a person as a sexual predator or sexual
2812 offender, in the county where the sexual predator or sexual
2813 offender was released from incarceration, or in the county of
2814 the intended address of the sexual predator or sexual offender
2815 as reported by the predator or offender prior to his or her
2816 release from incarceration. In addition, a sexual predator may
2817 be prosecuted for any such act or omission in the county in
2818 which he or she was designated a sexual predator.

2819 Section 92. For the purpose of incorporating the amendment
2820 made by this act to section 944.607, Florida Statutes, in a
2821 reference thereto, subsection (2) of section 943.0436, Florida
2822 Statutes, is reenacted to read:

2823 943.0436 Duty of the court to uphold laws governing sexual



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2824 predators and sexual offenders.-

2825 (2) If a person meets the criteria in chapter 775 for
2826 designation as a sexual predator or meets the criteria in s.
2827 943.0435, s. 944.606, s. 944.607, or any other law for
2828 classification as a sexual offender, the court may not enter an
2829 order, for the purpose of approving a plea agreement or for any
2830 other reason, which:

2831 (a) Exempts a person who meets the criteria for designation
2832 as a sexual predator or classification as a sexual offender from
2833 such designation or classification, or exempts such person from
2834 the requirements for registration or community and public
2835 notification imposed upon sexual predators and sexual offenders;

2836 (b) Restricts the compiling, reporting, or release of
2837 public records information that relates to sexual predators or
2838 sexual offenders; or

2839 (c) Prevents any person or entity from performing its
2840 duties or operating within its statutorily conferred authority
2841 as such duty or authority relates to sexual predators or sexual
2842 offenders.

2843 Section 93. For the purpose of incorporating the amendment
2844 made by this act to section 944.607, Florida Statutes, in a
2845 reference thereto, subsection (4) of section 948.06, Florida
2846 Statutes, is reenacted to read:

2847 948.06 Violation of probation or community control;
2848 revocation; modification; continuance; failure to pay
2849 restitution or cost of supervision.-

2850 (4) Notwithstanding any other provision of this section, a
2851 felony probationer or an offender in community control who is
2852 arrested for violating his or her probation or community control



2853 in a material respect may be taken before the court in the
2854 county or circuit in which the probationer or offender was
2855 arrested. That court shall advise him or her of the charge of a
2856 violation and, if such charge is admitted, shall cause him or
2857 her to be brought before the court that granted the probation or
2858 community control. If the violation is not admitted by the
2859 probationer or offender, the court may commit him or her or
2860 release him or her with or without bail to await further
2861 hearing. However, if the probationer or offender is under
2862 supervision for any criminal offense proscribed in chapter 794,
2863 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a
2864 registered sexual predator or a registered sexual offender, or
2865 is under supervision for a criminal offense for which he or she
2866 would meet the registration criteria in s. 775.21, s. 943.0435,
2867 or s. 944.607 but for the effective date of those sections, the
2868 court must make a finding that the probationer or offender is
2869 not a danger to the public prior to release with or without
2870 bail. In determining the danger posed by the offender's or
2871 probationer's release, the court may consider the nature and
2872 circumstances of the violation and any new offenses charged; the
2873 offender's or probationer's past and present conduct, including
2874 convictions of crimes; any record of arrests without conviction
2875 for crimes involving violence or sexual crimes; any other
2876 evidence of allegations of unlawful sexual conduct or the use of
2877 violence by the offender or probationer; the offender's or
2878 probationer's family ties, length of residence in the community,
2879 employment history, and mental condition; his or her history and
2880 conduct during the probation or community control supervision
2881 from which the violation arises and any other previous



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2882 supervisions, including disciplinary records of previous
2883 incarcerations; the likelihood that the offender or probationer
2884 will engage again in a criminal course of conduct; the weight of
2885 the evidence against the offender or probationer; and any other
2886 facts the court considers relevant. The court, as soon as is
2887 practicable, shall give the probationer or offender an
2888 opportunity to be fully heard on his or her behalf in person or
2889 by counsel. After the hearing, the court shall make findings of
2890 fact and forward the findings to the court that granted the
2891 probation or community control and to the probationer or
2892 offender or his or her attorney. The findings of fact by the
2893 hearing court are binding on the court that granted the
2894 probation or community control. Upon the probationer or offender
2895 being brought before it, the court that granted the probation or
2896 community control may revoke, modify, or continue the probation
2897 or community control or may place the probationer into community
2898 control as provided in this section. However, the probationer or
2899 offender shall not be released and shall not be admitted to
2900 bail, but shall be brought before the court that granted the
2901 probation or community control if any violation of felony
2902 probation or community control other than a failure to pay costs
2903 or fines or make restitution payments is alleged to have been
2904 committed by:

2905 (a) A violent felony offender of special concern, as
2906 defined in this section;

2907 (b) A person who is on felony probation or community
2908 control for any offense committed on or after the effective date
2909 of this act and who is arrested for a qualifying offense as
2910 defined in this section; or



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2911 (c) A person who is on felony probation or community
2912 control and has previously been found by a court to be a
2913 habitual violent felony offender as defined in s. 775.084(1)(b),
2914 a three-time violent felony offender as defined in s.
2915 775.084(1)(c), or a sexual predator under s. 775.21, and who is
2916 arrested for committing a qualifying offense as defined in this
2917 section on or after the effective date of this act.

2918 Section 94. For the purpose of incorporating the amendment
2919 made by this act to section 944.607, Florida Statutes, in a
2920 reference thereto, section 948.063, Florida Statutes, is
2921 reenacted to read:

2922 948.063 Violations of probation or community control by
2923 designated sexual offenders and sexual predators.—

2924 (1) If probation or community control for any felony
2925 offense is revoked by the court pursuant to s. 948.06(2)(e) and
2926 the offender is designated as a sexual offender pursuant to s.
2927 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
2928 775.21 for unlawful sexual activity involving a victim 15 years
2929 of age or younger and the offender is 18 years of age or older,
2930 and if the court imposes a subsequent term of supervision
2931 following the revocation of probation or community control, the
2932 court must order electronic monitoring as a condition of the
2933 subsequent term of probation or community control.

2934 (2) If the probationer or offender is required to register
2935 as a sexual predator under s. 775.21 or as a sexual offender
2936 under s. 943.0435 or s. 944.607 for unlawful sexual activity
2937 involving a victim 15 years of age or younger and the
2938 probationer or offender is 18 years of age or older and has
2939 violated the conditions of his or her probation or community



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2940 control, but the court does not revoke the probation or
2941 community control, the court shall nevertheless modify the
2942 probation or community control to include electronic monitoring
2943 for any probationer or offender not then subject to electronic
2944 monitoring.

2945 Section 95. For the purpose of incorporating the amendment
2946 made by this act to section 944.607, Florida Statutes, in a
2947 reference thereto, section 948.31, Florida Statutes, is
2948 reenacted to read:

2949 948.31 Evaluation and treatment of sexual predators and
2950 offenders on probation or community control.—The court may
2951 require any probationer or community controllee who is required
2952 to register as a sexual predator under s. 775.21 or sexual
2953 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
2954 an evaluation, at the probationer or community controllee's
2955 expense, by a qualified practitioner to determine whether such
2956 probationer or community controllee needs sexual offender
2957 treatment. If the qualified practitioner determines that sexual
2958 offender treatment is needed and recommends treatment, the
2959 probationer or community controllee must successfully complete
2960 and pay for the treatment. Such treatment must be obtained from
2961 a qualified practitioner as defined in s. 948.001. Treatment may
2962 not be administered by a qualified practitioner who has been
2963 convicted or adjudicated delinquent of committing, or
2964 attempting, soliciting, or conspiring to commit, any offense
2965 that is listed in s. 943.0435(1)(h)1.a.(I).

2966 Section 96. For the purpose of incorporating the amendment
2967 made by this act to section 944.607, Florida Statutes, in a
2968 reference thereto, paragraph (b) of subsection (6) of section



2969 985.04, Florida Statutes, is reenacted to read:
2970 985.04 Oaths; records; confidential information.—
2971 (6)
2972 (b) Sexual offender and predator registration information
2973 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
2974 and 985.4815 is a public record pursuant to s. 119.07(1) and as
2975 otherwise provided by law.
2976 Section 97. This act shall take effect October 1, 2025.

2977
2978 ===== T I T L E A M E N D M E N T =====

2979 And the title is amended as follows:
2980 Delete everything before the enacting clause
2981 and insert:

2982 A bill to be entitled
2983 An act relating to capital human trafficking of
2984 vulnerable persons for sexual exploitation; amending
2985 s. 92.565, F.S.; specifying that a defendant's
2986 memorialized confession or admission in cases of
2987 capital human trafficking of vulnerable persons for
2988 sexual exploitation is admissible during trial under
2989 specified circumstances; amending s. 456.51, F.S.;
2990 specifying that consent is not required for pelvic
2991 examinations administered pursuant to a criminal
2992 investigation of an alleged violation of capital human
2993 trafficking of vulnerable persons for sexual
2994 exploitation; amending s. 775.0877, F.S.; requiring a
2995 court to order a person who is convicted of or who had
2996 pled nolo contendere or guilty to, or to the attempt
2997 thereof, capital human trafficking of vulnerable



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2998 persons for sexual exploitation to undergo HIV
2999 testing; amending s. 775.21, F.S.; requiring that an
3000 offender who is convicted of committing capital human
3001 trafficking of vulnerable persons for sexual
3002 exploitation be designated as a sexual predator;
3003 amending s. 787.01, F.S.; specifying that a person
3004 commits a life felony if the person kidnaps a child
3005 under a certain age and in the course of committing
3006 that offense commits capital human trafficking of
3007 vulnerable persons for sexual exploitation; amending
3008 s. 787.02, F.S.; specifying that a person commits a
3009 felony of the first degree if the person falsely
3010 imprisons a child under a certain age and in the
3011 course of committing that offense commits capital
3012 human trafficking of vulnerable persons for sexual
3013 exploitation; amending s. 787.06, F.S.; defining the
3014 term "sexual exploitation"; prohibiting a person 18
3015 years of age or older from knowingly initiating,
3016 organizing, planning, financing, directing, managing,
3017 or supervising a venture that has subjected a child
3018 younger than 12 years of age, or a person who is
3019 mentally defective or mentally incapacitated, to human
3020 trafficking for sexual exploitation; providing a
3021 criminal penalty; requiring the state to give a
3022 specified notice if it intends to seek the death
3023 penalty for a violation of the offense; creating s.
3024 921.1427, F.S.; providing legislative findings and
3025 intent; providing for separate death penalty
3026 proceedings in certain cases; providing for findings



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3027 and recommended sentences by a jury; providing for
3028 imposition of sentence of life imprisonment or death;
3029 providing requirements for a court order in support of
3030 a life imprisonment or death sentence; providing for
3031 automatic review of sentences of death within a
3032 certain time period; specifying aggravating factors
3033 and mitigating circumstances; providing for victim
3034 impact evidence; providing for resentencing if
3035 provisions are found to be unconstitutional; providing
3036 applicability; amending s. 924.07, F.S.; authorizing
3037 the state to appeal from a certain sentence on the
3038 ground that it resulted from the failure of the
3039 circuit court to comply with specified sentencing
3040 procedure requirements; amending ss. 943.0435,
3041 944.606, and 944.607, F.S.; revising the definition of
3042 the term "sexual offender"; amending s. 948.32, F.S.;
3043 requiring state or local law enforcement agencies to
3044 contact the Department of Corrections if they
3045 investigate or arrest a person for committing, or
3046 attempting, soliciting, or conspiring to commit,
3047 capital human trafficking of vulnerable persons for
3048 sexual exploitation; amending s. 960.065, F.S.;
3049 revising eligibility for awards for victims
3050 assistance; amending ss. 921.137 and 921.141, F.S.;
3051 conforming provisions to changes made by the act;
3052 reenacting s. 16.713(1)(c), F.S., relating to the
3053 Florida Gaming Control Commission, appointment and
3054 employment restrictions, to incorporate the amendment
3055 made to s. 775.21, F.S., in a reference thereto;



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3056 reenacting s. 39.0139(3)(a), F.S., relating to
3057 visitation or other contact and restrictions, to
3058 incorporate the amendment made to s. 775.21, F.S., in
3059 a reference thereto; reenacting s. 39.509(6)(b), F.S.,
3060 relating to grandparents rights, to incorporate the
3061 amendment made to s. 775.21, F.S., in a reference
3062 thereto; reenacting s. 39.806(1)(d) and (n), F.S.,
3063 relating to grounds for termination of parental
3064 rights, to incorporate the amendment made to s.
3065 775.21, F.S., in references thereto; reenacting s.
3066 61.13(9)(c), F.S., relating to support of children,
3067 parenting and time-sharing, and powers of the court,
3068 to incorporate the amendment made to s. 775.21, F.S.,
3069 in a reference thereto; reenacting s. 63.089(4)(b),
3070 F.S., relating to proceeding to terminate parental
3071 rights pending adoption, hearing, grounds, dismissal
3072 of petition, and judgment, to incorporate the
3073 amendment made to s. 775.21, F.S., in a reference
3074 thereto; reenacting s. 63.092(3), F.S., relating to
3075 report to the court of intended placement by an
3076 adoption entity, at-risk placement, and preliminary
3077 study, to incorporate the amendment made to s. 775.21,
3078 F.S., in a reference thereto; reenacting s.
3079 68.07(3)(i) and (6), F.S., relating to change of name,
3080 to incorporate the amendment made to s. 775.21, F.S.,
3081 in references thereto; reenacting s. 92.55(1)(b),
3082 F.S., relating to special protections in proceedings
3083 involving a victim or witness under 18, person with
3084 intellectual disability, or sexual offense victim, to



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3085 incorporate the amendment made to s. 775.21, F.S., in
3086 a reference thereto; reenacting s. 322.141(3), F.S.,
3087 relating to color or markings of certain licenses or
3088 identification cards, to incorporate the amendment
3089 made to s. 775.21, F.S., in a reference thereto;
3090 reenacting s. 397.487(10)(b), F.S., relating to
3091 voluntary certification of recovery residences, to
3092 incorporate the amendment made to s. 775.21, F.S., in
3093 a reference thereto; reenacting s. 435.07(4)(b), F.S.,
3094 relating to exemptions from disqualification, to
3095 incorporate the amendment made to s. 775.21, F.S., in
3096 a reference thereto; reenacting s. 455.213(3)(b),
3097 F.S., relating to general licensing provisions, to
3098 incorporate the amendment made to s. 775.21, F.S., in
3099 a reference thereto; reenacting s. 489.553(7), F.S.,
3100 relating to administration of part, registration
3101 qualifications, and examination, to incorporate the
3102 amendment made to s. 775.21, F.S., in a reference
3103 thereto; reenacting s. 507.07(10), F.S., relating to
3104 violations, to incorporate the amendment made to s.
3105 775.21, F.S., in a reference thereto; reenacting s.
3106 775.13(4), F.S., relating to registration of convicted
3107 felons, exemptions, and penalties, to incorporate the
3108 amendment made to s. 775.21, F.S., in a reference
3109 thereto; reenacting s. 775.25, F.S., relating to
3110 prosecutions for acts or omissions, to incorporate the
3111 amendment made to s. 775.21, F.S., in a reference
3112 thereto; reenacting s. 794.075(1), F.S., relating to
3113 sexual predators and erectile dysfunction drugs, to



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3114 incorporate the amendment made to s. 775.21, F.S., in
3115 a reference thereto; reenacting s. 900.05(2)(cc),
3116 F.S., relating to criminal justice data collection, to
3117 incorporate the amendment made to s. 775.21, F.S., in
3118 a reference thereto; reenacting s. 903.0351(1)(c),
3119 F.S., relating to restrictions on pretrial release
3120 pending probation-violation hearing or community-
3121 control-violation hearing, to incorporate the
3122 amendment made to s. 775.21, F.S., in a reference
3123 thereto; reenacting s. 903.046(2)(m), F.S., relating
3124 to purpose of and criteria for bail determination, to
3125 incorporate the amendment made to s. 775.21, F.S., in
3126 a reference thereto; reenacting s. 903.133(3), F.S.,
3127 relating to bail on appeal prohibited for certain
3128 felony convictions, to incorporate the amendment made
3129 to s. 775.21, F.S., in a reference thereto; reenacting
3130 s. 907.043(4)(b), F.S., relating to pretrial release
3131 and citizens' right to know, to incorporate the
3132 amendment made to s. 775.21, F.S., in a reference
3133 thereto; reenacting s. 938.10(1), F.S., relating to
3134 additional court cost imposed in cases of certain
3135 crimes, to incorporate the amendment made to s.
3136 775.21, F.S., in a reference thereto; reenacting s.
3137 943.0435(5), F.S., relating to sexual offenders
3138 required to register with the department and
3139 penalties, to incorporate the amendment made to s.
3140 775.21, F.S., in a reference thereto; reenacting s.
3141 943.0584(2), F.S., relating to criminal history
3142 records ineligible for court-ordered expunction or



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3143 court-ordered sealing, to incorporate the amendment
3144 made to s. 775.21, F.S., in a reference thereto;
3145 reenacting s. 944.609(4), F.S., relating to career
3146 offenders and notification upon release, to
3147 incorporate the amendment made to s. 775.21, F.S., in
3148 a reference thereto; reenacting s. 947.1405(2)(c) and
3149 (10), F.S., relating to conditional release program,
3150 to incorporate the amendment made to s. 775.21, F.S.,
3151 in references thereto; reenacting s. 948.013(2)(b),
3152 F.S., relating to administrative probation, to
3153 incorporate the amendment made to s. 775.21, F.S., in
3154 a reference thereto; reenacting s. 948.05(2)(f), F.S.,
3155 relating to court to admonish or commend probationer
3156 or offender in community control and graduated
3157 incentives, to incorporate the amendment made to s.
3158 775.21, F.S., in a reference thereto; reenacting s.
3159 948.06(4) and (8)(b) and (d), F.S., relating to
3160 violation of probation or community control,
3161 revocation, modification, continuance, and failure to
3162 pay restitution or cost of supervision, to incorporate
3163 the amendment made to s. 775.21, F.S., in references
3164 thereto; reenacting s. 948.063, F.S., relating to
3165 violations of probation or community control by
3166 designated sexual offenders and sexual predators, to
3167 incorporate the amendment made to s. 775.21, F.S., in
3168 a reference thereto; reenacting s. 948.064(4), F.S.,
3169 relating to notification of status as a violent felony
3170 offender of special concern, to incorporate the
3171 amendment made to s. 775.21, F.S., in a reference



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3172 thereto; reenacting s. 948.12, F.S., relating to
3173 intensive supervision for postprison release of
3174 violent offenders, to incorporate the amendment made
3175 to s. 775.21, F.S., in a reference thereto; reenacting
3176 s. 948.30(3), F.S., relating to additional terms and
3177 conditions of probation or community control for
3178 certain sex offenses, to incorporate the amendment
3179 made to s. 775.21, F.S., in a reference thereto;
3180 reenacting s. 948.31, F.S., relating to evaluation and
3181 treatment of sexual predators and offenders on
3182 probation or community control, to incorporate the
3183 amendment made to s. 775.21, F.S., in a reference
3184 thereto; reenacting s. 985.04(6)(b), F.S., relating to
3185 oaths, records, and confidential information, to
3186 incorporate the amendment made to s. 775.21, F.S., in
3187 a reference thereto; reenacting s. 61.13(2)(c) and
3188 (9)(c), F.S., relating to support of children,
3189 parenting and time-sharing, and powers of the court,
3190 to incorporate the amendment made to s. 943.0435,
3191 F.S., in references thereto; reenacting s. 68.07(3)(i)
3192 and (6), F.S., relating to change of name, to
3193 incorporate the amendment made to s. 943.0435, F.S.,
3194 in references thereto; reenacting s. 92.55(1)(b),
3195 F.S., relating to special protections in proceedings
3196 involving a victim or witness under 18, person with
3197 intellectual disability, or sexual offense victim, to
3198 incorporate the amendment made to s. 943.0435, F.S.,
3199 in a reference thereto; reenacting s. 98.0751(2)(b),
3200 F.S., relating to restoration of voting rights and



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3201 termination of ineligibility subsequent to a felony
3202 conviction, to incorporate the amendment made to s.
3203 943.0435, F.S., in a reference thereto; reenacting s.
3204 322.141(3), F.S., relating to color or markings of
3205 certain licenses or identification cards, to
3206 incorporate the amendment made to s. 943.0435, F.S.,
3207 in a reference thereto; reenacting s. 394.9125(2),
3208 F.S., relating to state attorney authority to refer a
3209 person for civil commitment, to incorporate the
3210 amendment made to s. 943.0435, F.S., in a reference
3211 thereto; reenacting s. 435.07(4)(b), F.S., relating to
3212 exemptions from disqualification, to incorporate the
3213 amendment made to s. 943.0435, F.S., in a reference
3214 thereto; reenacting s. 775.0862(2), F.S., relating to
3215 sexual offenses against students by authority figures
3216 and reclassification, to incorporate the amendment
3217 made to s. 943.0435, F.S., in a reference thereto;
3218 reenacting s. 775.13(4), F.S., relating to
3219 registration of convicted felons, exemptions, and
3220 penalties, to incorporate the amendment made to s.
3221 943.0435, F.S., in a reference thereto; reenacting s.
3222 775.24(2), F.S., relating to the duty of the court to
3223 uphold laws governing sexual predators and sexual
3224 offenders, to incorporate the amendment made to s.
3225 943.0435, F.S., in a reference thereto; reenacting s.
3226 775.25, F.S., relating to prosecutions for acts or
3227 omissions, to incorporate the amendment made to s.
3228 943.0435, F.S., in a reference thereto; reenacting s.
3229 900.05(2)(cc), F.S., relating to criminal justice data



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3230 collection, to incorporate the amendment made to s.
3231 943.0435, F.S., in a reference thereto; reenacting s.
3232 903.046(2)(m), F.S., relating to purpose of and
3233 criteria for bail determination, to incorporate the
3234 amendment made to s. 943.0435, F.S., in a reference
3235 thereto; reenacting s. 903.133, F.S., relating to bail
3236 on appeal prohibited for certain felony convictions,
3237 to incorporate the amendment made to s. 943.0435,
3238 F.S., in a reference thereto; reenacting s.
3239 907.043(4)(b), F.S., relating to pretrial release and
3240 citizens' right to know, to incorporate the amendment
3241 made to s. 943.0435, F.S., in a reference thereto;
3242 reenacting s. 934.255(2)(a), F.S., relating to
3243 subpoenas in investigations of sexual offenses, to
3244 incorporate the amendment made to s. 943.0435, F.S.,
3245 in a reference thereto; reenacting s. 938.10(1), F.S.,
3246 relating to additional court cost imposed in cases of
3247 certain crimes, to incorporate the amendment made to
3248 s. 943.0435, F.S., in a reference thereto; reenacting
3249 s. 943.0436(2), F.S., relating to the duty of the
3250 court to uphold laws governing sexual predators and
3251 sexual offenders, to incorporate the amendment made to
3252 s. 943.0435, F.S., in a reference thereto; reenacting
3253 s. 943.0584(2), F.S., relating to criminal history
3254 records ineligible for court-ordered expunction or
3255 court-ordered sealing, to incorporate the amendment
3256 made to s. 943.0435, F.S., in a reference thereto;
3257 reenacting s. 943.0595(2)(a), F.S., relating to
3258 automatic sealing of criminal history records and



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3259 confidentiality of related court records, to
3260 incorporate the amendment made to s. 943.0435, F.S.,
3261 in a reference thereto; reenacting s. 947.1405(12),
3262 F.S., relating to the conditional release program, to
3263 incorporate the amendment made to s. 943.0435, F.S.,
3264 in a reference thereto; reenacting s. 948.013(2)(b),
3265 F.S., relating to administrative probation, to
3266 incorporate the amendment made to s. 943.0435, F.S.,
3267 in a reference thereto; reenacting s. 948.05(2)(f),
3268 F.S., relating to court to admonish or commend
3269 probationer or offender in community control and
3270 graduated incentives, to incorporate the amendment
3271 made to s. 943.0435, F.S., in a reference thereto;
3272 reenacting s. 948.06(4), F.S., relating to violation
3273 of probation or community control, revocation,
3274 modification, continuance, and failure to pay
3275 restitution or cost of supervision, to incorporate the
3276 amendment made to s. 943.0435, F.S., in a reference
3277 thereto; reenacting s. 948.063, F.S., relating to
3278 violations of probation or community control by
3279 designated sexual offenders and sexual predators, to
3280 incorporate the amendment made to s. 943.0435, F.S.,
3281 in a reference thereto; reenacting s. 948.30(4), F.S.,
3282 relating to additional terms and conditions of
3283 probation or community control for certain sex
3284 offenses, to incorporate the amendment made to s.
3285 943.0435, F.S., in a reference thereto; reenacting s.
3286 948.31, F.S., relating to evaluation and treatment of
3287 sexual predators and offenders on probation or



3288 community control, to incorporate the amendment made
3289 to s. 943.0435, F.S., in a reference thereto;
3290 reenacting s. 985.04(6)(b), F.S., relating to oaths,
3291 records, and confidential information, to incorporate
3292 the amendment made to s. 943.0435, F.S., in a
3293 reference thereto; reenacting s. 1012.467(2)(b), F.S.,
3294 relating to noninstructional contractors who are
3295 permitted access to school grounds when students are
3296 present and background screening requirements, to
3297 incorporate the amendment made to s. 943.0435, F.S.,
3298 in a reference thereto; reenacting s. 775.24(2), F.S.,
3299 relating to the duty of the court to uphold laws
3300 governing sexual predators and sexual offenders, to
3301 incorporate the amendment made to s. 944.606, F.S., in
3302 a reference thereto; reenacting s. 775.25, F.S.,
3303 relating to prosecutions for acts or omissions, to
3304 incorporate the amendment made to s. 944.606, F.S., in
3305 a reference thereto; reenacting s. 943.0436(2), F.S.,
3306 relating to the duty of the court to uphold laws
3307 governing sexual predators and sexual offenders, to
3308 incorporate the amendment made to s. 944.606, F.S., in
3309 a reference thereto; reenacting s. 948.31, F.S.,
3310 relating to evaluation and treatment of sexual
3311 predators and offenders on probation or community
3312 control, to incorporate the amendment made to s.
3313 944.606, F.S., in a reference thereto; reenacting s.
3314 985.04(6)(b), F.S., relating to oaths, records, and
3315 confidential information, to incorporate the amendment
3316 made to s. 944.606, F.S., in a reference thereto;



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3317 reenacting s. 322.141(3), F.S., relating to color or
3318 markings of certain licenses or identification cards,
3319 to incorporate the amendment made to s. 944.607, F.S.,
3320 in a reference thereto; reenacting s. 775.13(4), F.S.,
3321 relating to registration of convicted felons,
3322 exemptions, and penalties, to incorporate the
3323 amendment made to s. 944.607, F.S., in a reference
3324 thereto; reenacting s. 775.24(2), F.S., relating to
3325 the duty of the court to uphold laws governing sexual
3326 predators and sexual offenders, to incorporate the
3327 amendment made to s. 944.607, F.S., in a reference
3328 thereto; reenacting s. 775.25, F.S., relating to
3329 prosecutions for acts or omissions, to incorporate the
3330 amendment made to s. 944.607, F.S., in a reference
3331 thereto; reenacting s. 943.0436(2), F.S., relating to
3332 the duty of the court to uphold laws governing sexual
3333 predators and sexual offenders, to incorporate the
3334 amendment made to s. 944.607, F.S., in a reference
3335 thereto; reenacting s. 948.06(4), F.S., relating to
3336 violation of probation or community control,
3337 revocation, modification, continuance, and failure to
3338 pay restitution or cost of supervision, to incorporate
3339 the amendment made to s. 944.607, F.S., in a reference
3340 thereto; reenacting s. 948.063, F.S., relating to
3341 violations of probation or community control by
3342 designated sexual offenders and sexual predators, to
3343 incorporate the amendment made to s. 944.607, F.S., in
3344 a reference thereto; reenacting s. 948.31, F.S.,
3345 relating to evaluation and treatment of sexual



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3346 predators and offenders on probation or community
3347 control, to incorporate the amendment made to s.
3348 944.607, F.S., in a reference thereto; reenacting s.
3349 985.04(6)(b), F.S., relating to oaths, records, and
3350 confidential information, to incorporate the amendment
3351 made to s. 944.607, F.S., in a reference thereto;
3352 providing an effective date.