

By the Appropriations Committee on Criminal and Civil Justice;
and Senator Martin

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1 A bill to be entitled
2 An act relating to capital human trafficking of
3 vulnerable persons for sexual exploitation; amending
4 s. 787.06, F.S.; providing a definition; prohibiting a
5 person 18 years of age or older from knowingly
6 initiating, organizing, planning, financing,
7 directing, managing, or supervising a venture that has
8 subjected a child younger than 12 years of age, or a
9 person who is mentally defective or mentally
10 incapacitated, to human trafficking for sexual
11 exploitation; providing a criminal penalty; requiring
12 the state to give a specified notice if it intends to
13 seek the death penalty for a violation of the offense;
14 creating s. 921.1427, F.S.; providing legislative
15 findings and intent; providing for separate death
16 penalty proceedings in certain cases; providing for
17 findings and recommended sentences by a jury;
18 providing for imposition of sentence of life
19 imprisonment or death; providing requirements for a
20 court order in support of a life imprisonment or death
21 sentence; providing for automatic review of sentences
22 of death within a certain time period; specifying
23 aggravating factors and mitigating circumstances;
24 providing for victim impact evidence; providing for
25 resentencing if provisions are found to be
26 unconstitutional; providing applicability; amending s.
27 924.07, F.S.; authorizing the state to appeal from a
28 certain sentence on the ground that it resulted from
29 the failure of the circuit court to comply with

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30 specified sentencing procedure requirements; amending
31 ss. 92.565, 456.51, 775.0877, 775.21, 787.01, 787.02,
32 921.137, 921.141, 943.0435, 944.606, 944.607, 948.32,
33 and 960.065, F.S.; conforming provisions to changes
34 made by the act; providing an effective date.

35
36 Be It Enacted by the Legislature of the State of Florida:

37
38 Section 1. Present paragraphs (i) through (k) of subsection
39 (2) of section 787.06, Florida Statutes, are redesignated as
40 paragraphs (j) through (l), respectively, present subsections
41 (5) through (13) of that section are redesignated as subsections
42 (6) through (14), respectively, a new paragraph (i) is added to
43 subsection (2) of that section, and a new subsection (5) is
44 added to that section, to read:

45 787.06 Human trafficking.—

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

47 (i) "Sexual exploitation" means any violation of s.
48 794.011, excluding s. 794.011(10).

49 (5)(a) Any person 18 years of age or older who knowingly
50 initiates, organizes, plans, finances, directs, manages, or
51 supervises a venture that has subjected a child younger than 12
52 years of age, or a person who is mentally defective or mentally
53 incapacitated as those terms are defined in s. 794.011(1), to
54 human trafficking for sexual exploitation commits capital human
55 trafficking of vulnerable persons for sexual exploitation, a
56 capital felony punishable as provided in ss. 775.082 and
57 921.1427.

58 (b) For each instance of human trafficking of any

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59 individual under paragraph (a), a separate crime is committed
60 and a separate punishment is authorized.

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

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

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

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

76 (1) INTENT.-

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

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88 determined by the trier of fact to have a culpable mental state
89 of reckless indifference or disregard for human life.

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

94 (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon
95 conviction or an adjudication of guilt of a defendant of a
96 capital felony under s. 787.06(5), the court shall conduct a
97 separate sentencing proceeding to determine whether the
98 defendant should be sentenced to death or life imprisonment as
99 authorized by s. 775.082. The proceeding shall be conducted by
100 the trial judge before the trial jury as soon as practicable.
101 If, through impossibility or inability, the trial jury is unable
102 to reconvene for a hearing on the issue of penalty, having
103 determined the guilt of the accused, the trial judge may summon
104 a special juror or jurors as provided in chapter 913 to
105 determine the issue of the imposition of the penalty. If the
106 trial jury has been waived, or if the defendant pleaded guilty,
107 the sentencing proceeding shall be conducted before a jury
108 impaneled for that purpose, unless waived by the defendant. In
109 the proceeding, evidence may be presented as to any matter that
110 the court deems relevant to the nature of the crime and the
111 character of the defendant and shall include matters relating to
112 any of the aggravating factors enumerated in subsection (7) and
113 for which notice has been provided pursuant to s. 787.06(5) or
114 mitigating circumstances enumerated in subsection (8). Any such
115 evidence that the court deems to have probative value may be
116 received, regardless of its admissibility under the exclusionary

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117 rules of evidence, provided the defendant is accorded a fair
118 opportunity to rebut any hearsay statements. However, this
119 subsection may not be construed to authorize the introduction of
120 any evidence secured in violation of the United States
121 Constitution or the State Constitution. The state and the
122 defendant or the defendant's counsel shall be permitted to
123 present argument for or against a sentence of death.

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

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

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

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

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

143 a. Whether sufficient aggravating factors exist.

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

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

149 (c) If at least eight jurors determine that the defendant
150 should be sentenced to death, the jury's recommendation to the
151 court shall be a sentence of death. If fewer than eight jurors
152 determine that the defendant should be sentenced to death, the
153 jury's recommendation to the court shall be a sentence of life
154 imprisonment without the possibility of parole.

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

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

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

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

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

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

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

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

200 (a) The capital felony was committed by a person previously
201 convicted of a felony violation under s. 787.06 and under
202 sentence of imprisonment or placed on community control or on
203 felony probation.

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

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

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

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

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

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

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

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

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233 child, sibling, or parent of the petitioner.

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

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

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

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

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

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

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

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

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

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

259 (9) VICTIM IMPACT EVIDENCE.—Once the prosecution has
260 provided evidence of the existence of two or more aggravating
261 factors as described in subsection (7), the prosecution may

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262 introduce and subsequently argue victim impact evidence to the
263 jury. Such evidence shall be designed to demonstrate the
264 victim's uniqueness as an individual human being and the
265 physical and psychological harm to the victim. Characterizations
266 and opinions about the crime, the defendant, and the appropriate
267 sentence may not be permitted as a part of victim impact
268 evidence.

269 (10) CONSTITUTIONALITY.—Notwithstanding s. 775.082(2) or s.
270 775.15, or any other provision of law, a sentence of death shall
271 be imposed under this section notwithstanding existing case law
272 which holds that such a sentence is unconstitutional under the
273 State Constitution and the United States Constitution. In any
274 case for which the Florida Supreme Court or the United States
275 Supreme Court reviews a sentence of death imposed pursuant to
276 this section, and in making such a review reconsiders the prior
277 holdings in *Buford v. State of Florida*, 403 So. 2d 943 (Fla.
278 1981), and *Kennedy v. Louisiana*, 554 U.S. 407 (2008), and
279 determines that a sentence of death remains unconstitutional,
280 the court having jurisdiction over the person previously
281 sentenced to death shall cause such person to be brought before
282 the court, and the court shall sentence such person to life
283 imprisonment as provided in s. 775.082(1).

284 (11) APPLICABILITY.—This section applies to any capital
285 felony under s. 787.06(5) which is committed on or after October
286 1, 2025.

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

289 924.07 Appeal by state.—

290 (1) The state may appeal from:

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

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

300 92.565 Admissibility of confession in sexual abuse cases.—

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

319 (a) Physically helpless, mentally incapacitated, or

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320 mentally defective, as those terms are defined in s. 794.011;

321 (b) Physically incapacitated due to age, infirmity, or any
322 other cause; or

323 (c) Less than 12 years of age.

324 Section 5. Paragraph (e) of subsection (2) of section
325 456.51, Florida Statutes, is amended to read:

326 456.51 Consent for pelvic examinations.—

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

336 (e) The pelvic examination is administered pursuant to a
337 criminal investigation of an alleged violation related to child
338 abuse or neglect under s. 787.06(3)(a)1., (c)1., (f)1., or (g);
339 s. 787.06(5); chapter 794; chapter 796; chapter 800; chapter
340 827; or chapter 847.

341 Section 6. Paragraph (o) of subsection (1) of section
342 775.0877, Florida Statutes, is amended to read:

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

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

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349 transmission of body fluids from one person to another:

350 (o) Sections 787.06(3)(b), (d), (f), and (g) and 787.06(5),
351 relating to human trafficking, the court shall order the
352 offender to undergo HIV testing, to be performed under the
353 direction of the Department of Health in accordance with s.
354 381.004, unless the offender has undergone HIV testing
355 voluntarily or pursuant to procedures established in s.
356 381.004(2)(h)6. or s. 951.27, or any other applicable law or
357 rule providing for HIV testing of criminal offenders or inmates,
358 subsequent to her or his arrest for an offense enumerated in
359 paragraphs (a)-(n) for which she or he was convicted or to which
360 she or he pled nolo contendere or guilty. The results of an HIV
361 test performed on an offender pursuant to this subsection are
362 not admissible in any criminal proceeding arising out of the
363 alleged offense.

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

366 775.21 The Florida Sexual Predators Act.—

367 (4) SEXUAL PREDATOR CRITERIA.—

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

373 1. The felony is:

374 a. A capital, life, or first degree felony violation, or
375 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
376 is a minor, or s. 787.06(3)(f) or (g), where the victim is a
377 minor; s. 787.06(5); s. 794.011, s. 800.04, or s. 847.0145, or a

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378 violation of a similar law of another jurisdiction; or
379 b. Any felony violation, or any attempt thereof, of s.
380 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
381 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
382 (d), (f), or (g); former s. 787.06(3)(h); s. 787.06(5); s.
383 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
384 former s. 796.035; s. 800.04; s. 810.145(8)(b); s. 825.1025; s.
385 827.071; s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s.
386 895.03, if the court makes a written finding that the
387 racketeering activity involved at least one sexual offense
388 listed in this sub-subparagraph or at least one offense listed
389 in this sub-subparagraph with sexual intent or motive; s.
390 916.1075(2); or s. 985.701(1); or a violation of a similar law
391 of another jurisdiction, and the offender has previously been
392 convicted of or found to have committed, or has pled nolo
393 contendere or guilty to, regardless of adjudication, any
394 violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.
395 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
396 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
397 787.06(5); s. 794.011, excluding s. 794.011(10); s. 794.05;
398 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s.
399 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
400 847.0145; s. 895.03, if the court makes a written finding that
401 the racketeering activity involved at least one sexual offense
402 listed in this sub-subparagraph or at least one offense listed
403 in this sub-subparagraph with sexual intent or motive; s.
404 916.1075(2); or s. 985.701(1); or a violation of a similar law
405 of another jurisdiction;
406 2. The offender has not received a pardon for any felony or

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407 similar law of another jurisdiction that is necessary for the
408 operation of this paragraph; and

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

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

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

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

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

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

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

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

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

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

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

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436 subparagraphs (a)1.-6. ~~(a)1.-5.~~

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

439 787.02 False imprisonment; false imprisonment of child
440 under age 13, aggravating circumstances.—

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

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

449 2. Sexual battery, as defined in chapter 794, against the
450 child;

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

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

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

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

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

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

467 921.137 Imposition of the death sentence upon an
468 intellectually disabled defendant prohibited.—

469 (4) After a defendant who has given notice of his or her
470 intention to raise intellectual disability as a bar to the death
471 sentence is convicted of a capital felony and an advisory jury
472 has returned a recommended sentence of death, the defendant may
473 file a motion to determine whether the defendant is
474 intellectually disabled. Upon receipt of the motion, the court
475 shall appoint two experts in the field of intellectual
476 disabilities who shall evaluate the defendant and report their
477 findings to the court and all interested parties prior to the
478 final sentencing hearing. Notwithstanding s. 921.141, s.
479 921.142, ~~or~~ s. 921.1425, or s. 921.1427, the final sentencing
480 hearing shall be held without a jury. At the final sentencing
481 hearing, the court shall consider the findings of the court-
482 appointed experts and consider the findings of any other expert
483 which is offered by the state or the defense on the issue of
484 whether the defendant has an intellectual disability. If the
485 court finds, by clear and convincing evidence, that the
486 defendant has an intellectual disability as defined in
487 subsection (1), the court may not impose a sentence of death and
488 shall enter a written order that sets forth with specificity the
489 findings in support of the determination.

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

492 921.141 Sentence of death or life imprisonment for capital
493 felonies; further proceedings to determine sentence.—

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

499 Section 12. Paragraph (h) of subsection (1) of section
500 943.0435, Florida Statutes, is amended to read:

501 943.0435 Sexual offenders required to register with the
502 department; penalty.—

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

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

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

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523 former statute number to one of those listed in this sub-sub-
524 subparagraph; and

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

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

546 c. Establishes or maintains a residence in this state who
547 is in the custody or control of, or under the supervision of,
548 any other state or jurisdiction as a result of a conviction for
549 committing, or attempting, soliciting, or conspiring to commit,
550 any of the criminal offenses proscribed in the following
551 statutes or similar offense in another jurisdiction: s.

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

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

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

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

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

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

580 (V) Any similar offense committed in this state which has

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581 been redesignated from a former statute number to one of those
582 listed in this sub-subparagraph.

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

586

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

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

599 944.606 Sexual offenders; notification upon release.—

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

601 (f) "Sexual offender" means a person who has been convicted
602 of committing, or attempting, soliciting, or conspiring to
603 commit, any of the criminal offenses proscribed in the following
604 statutes in this state or similar offenses in another
605 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
606 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
607 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
608 787.06(5); s. 794.011, excluding s. 794.011(10); s. 794.05;
609 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);

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610 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
611 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
612 if the court makes a written finding that the racketeering
613 activity involved at least one sexual offense listed in this
614 paragraph or at least one offense listed in this paragraph with
615 sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or
616 any similar offense committed in this state which has been
617 redesignated from a former statute number to one of those listed
618 in this subsection, when the department has received verified
619 information regarding such conviction; an offender's
620 computerized criminal history record is not, in and of itself,
621 verified information.

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

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

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

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

630 1. On or after October 1, 1997, as a result of a conviction
631 for committing, or attempting, soliciting, or conspiring to
632 commit, any of the criminal offenses proscribed in the following
633 statutes in this state or similar offenses in another
634 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
635 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
636 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
637 787.06(5); s. 794.011, excluding s. 794.011(10); s. 794.05;
638 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);

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639 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
640 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
641 if the court makes a written finding that the racketeering
642 activity involved at least one sexual offense listed in this
643 subparagraph or at least one offense listed in this subparagraph
644 with sexual intent or motive; s. 916.1075(2); or s. 985.701(1);
645 or any similar offense committed in this state which has been
646 redesignated from a former statute number to one of those listed
647 in this paragraph; or

648 2. Who establishes or maintains a residence in this state
649 and who has not been designated as a sexual predator by a court
650 of this state but who has been designated as a sexual predator,
651 as a sexually violent predator, or by another sexual offender
652 designation in another state or jurisdiction and was, as a
653 result of such designation, subjected to registration or
654 community or public notification, or both, or would be if the
655 person were a resident of that state or jurisdiction, without
656 regard as to whether the person otherwise meets the criteria for
657 registration as a sexual offender.

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

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

662 (1) When any state or local law enforcement agency
663 investigates or arrests a person for committing, or attempting,
664 soliciting, or conspiring to commit, a violation of s.
665 787.025(2)(c), s. 787.06(3)(g), s. 787.06(5), chapter 794,
666 former s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s.
667 847.0135, or s. 847.0145, the law enforcement agency shall

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668 contact the Department of Corrections to verify whether the
669 person under investigation or under arrest is on probation,
670 community control, parole, conditional release, or control
671 release.

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

674 960.065 Eligibility for awards.—

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

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

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

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

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

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

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