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

594-03826-25 20251804c2 1 A bill to be entitled 2 An act relating to capital human trafficking of 3 vulnerable persons for sexual exploitation; amending 4 s. 92.565, F.S.; specifying that a defendant's 5 memorialized confession or admission in cases of capital human trafficking of vulnerable persons for 6 7 sexual exploitation is admissible during trial under 8 specified circumstances; amending s. 456.51, F.S.; 9 specifying that consent is not required for pelvic 10 examinations administered pursuant to a criminal 11 investigation of an alleged violation of capital human 12 trafficking of vulnerable persons for sexual exploitation; amending s. 775.0877, F.S.; requiring a 13 court to order a person who is convicted of or who had 14 15 pled nolo contendere or guilty to, or to the attempt 16 thereof, capital human trafficking of vulnerable 17 persons for sexual exploitation to undergo HIV 18 testing; amending s. 775.21, F.S.; requiring that an 19 offender who is convicted of committing capital human 20 trafficking of vulnerable persons for sexual 21 exploitation be designated as a sexual predator; 22 amending s. 787.01, F.S.; specifying that a person 23 commits a life felony if the person kidnaps a child 24 under a certain age and in the course of committing 25 that offense commits capital human trafficking of vulnerable persons for sexual exploitation; amending 2.6 27 s. 787.02, F.S.; specifying that a person commits a 28 felony of the first degree if the person falsely 29 imprisons a child under a certain age and in the

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30	course of committing that offense commits capital
31	human trafficking of vulnerable persons for sexual
32	exploitation; amending s. 787.06, F.S.; defining the
33	term "sexual exploitation"; prohibiting a person 18
34	years of age or older from knowingly initiating,
35	organizing, planning, financing, directing, managing,
36	or supervising a venture that has subjected a child
37	younger than 12 years of age, or a person who is
38	mentally defective or mentally incapacitated, to human
39	trafficking for sexual exploitation; providing a
40	criminal penalty; requiring the state to give a
41	specified notice if it intends to seek the death
42	penalty for a violation of the offense; creating s.
43	921.1427, F.S.; providing legislative findings and
44	intent; providing for separate death penalty
45	proceedings in certain cases; providing for findings
46	and recommended sentences by a jury; providing for
47	imposition of sentence of life imprisonment or death;
48	providing requirements for a court order in support of
49	a life imprisonment or death sentence; providing for
50	automatic review of sentences of death within a
51	certain time period; specifying aggravating factors
52	and mitigating circumstances; providing for victim
53	impact evidence; providing for resentencing if
54	provisions are found to be unconstitutional; providing
55	applicability; amending s. 924.07, F.S.; authorizing
56	the state to appeal from a certain sentence on the
57	ground that it resulted from the failure of the
58	circuit court to comply with specified sentencing

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59	procedure requirements; amending ss. 943.0435,
60	944.606, and 944.607, F.S.; revising the definition of
61	the term "sexual offender"; amending s. 948.32, F.S.;
62	requiring state or local law enforcement agencies to
63	contact the Department of Corrections if they
64	investigate or arrest a person for committing, or
65	attempting, soliciting, or conspiring to commit,
66	capital human trafficking of vulnerable persons for
67	sexual exploitation; amending s. 960.065, F.S.;
68	revising eligibility for awards for victim assistance;
69	amending ss. 921.137 and 921.141, F.S.; conforming
70	provisions to changes made by the act; reenacting s.
71	16.713(1)(c), F.S., relating to the Florida Gaming
72	Control Commission, appointment and employment
73	restrictions, to incorporate the amendment made to s.
74	775.21, F.S., in a reference thereto; reenacting s.
75	39.0139(3)(a), F.S., relating to visitation or other
76	contact and restrictions, to incorporate the amendment
77	made to s. 775.21, F.S., in a reference thereto;
78	reenacting s. 39.509(6)(b), F.S., relating to
79	grandparents rights, to incorporate the amendment made
80	to s. 775.21, F.S., in a reference thereto; reenacting
81	s. 39.806(1)(d) and (n), F.S., relating to grounds for
82	termination of parental rights, to incorporate the
83	amendment made to s. 775.21, F.S., in references
84	thereto; reenacting s. 61.13(9)(c), F.S., relating to
85	support of children, parenting and time-sharing, and
86	powers of the court, to incorporate the amendment made
87	to s. 775.21, F.S., in a reference thereto; reenacting

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88	s. 63.089(4)(b), F.S., relating to proceeding to
89	terminate parental rights pending adoption, hearing,
90	grounds, dismissal of petition, and judgment, to
91	incorporate the amendment made to s. 775.21, F.S., in
92	a reference thereto; reenacting s. 63.092(3), F.S.,
93	relating to report to the court of intended placement
94	by an adoption entity, at-risk placement, and
95	preliminary study, to incorporate the amendment made
96	to s. 775.21, F.S., in a reference thereto; reenacting
97	s. 68.07(3)(i) and (6), F.S., relating to change of
98	name, to incorporate the amendment made to s. 775.21,
99	F.S., in references thereto; reenacting s.
100	92.55(1)(b), F.S., relating to special protections in
101	proceedings involving a victim or witness under 18,
102	person with intellectual disability, or sexual offense
103	victim, to incorporate the amendment made to s.
104	775.21, F.S., in a reference thereto; reenacting s.
105	322.141(3), F.S., relating to color or markings of
106	certain licenses or identification cards, to
107	incorporate the amendment made to s. 775.21, F.S., in
108	a reference thereto; reenacting s. 397.487(10)(b),
109	F.S., relating to voluntary certification of recovery
110	residences, to incorporate the amendment made to s.
111	775.21, F.S., in a reference thereto; reenacting s.
112	435.07(4)(b), F.S., relating to exemptions from
113	disqualification, to incorporate the amendment made to
114	s. 775.21, F.S., in a reference thereto; reenacting s.
115	455.213(3)(b), F.S., relating to general licensing
116	provisions, to incorporate the amendment made to s.

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117	775.21, F.S., in a reference thereto; reenacting s.
118	489.553(7), F.S., relating to administration of part,
119	registration qualifications, and examination, to
120	incorporate the amendment made to s. 775.21, F.S., in
121	a reference thereto; reenacting s. 507.07(10), F.S.,
122	relating to violations, to incorporate the amendment
123	made to s. 775.21, F.S., in a reference thereto;
124	reenacting s. 775.13(4), F.S., relating to
125	registration of convicted felons, exemptions, and
126	penalties, to incorporate the amendment made to s.
127	775.21, F.S., in a reference thereto; reenacting s.
128	775.25, F.S., relating to prosecutions for acts or
129	omissions, to incorporate the amendment made to s.
130	775.21, F.S., in a reference thereto; reenacting s.
131	794.075(1), F.S., relating to sexual predators and
132	erectile dysfunction drugs, to incorporate the
133	amendment made to s. 775.21, F.S., in a reference
134	thereto; reenacting s. 900.05(2)(cc), F.S., relating
135	to criminal justice data collection, to incorporate
136	the amendment made to s. 775.21, F.S., in a reference
137	thereto; reenacting s. 903.0351(1)(c), F.S., relating
138	to restrictions on pretrial release pending probation-
139	violation hearing or community-control-violation
140	hearing, to incorporate the amendment made to s.
141	775.21, F.S., in a reference thereto; reenacting s.
142	903.046(2)(m), F.S., relating to purpose of and
143	criteria for bail determination, to incorporate the
144	amendment made to s. 775.21, F.S., in a reference
145	thereto; reenacting s. 903.133(3), F.S., relating to

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146	bail on appeal prohibited for certain felony
147	convictions, to incorporate the amendment made to s.
148	775.21, F.S., in a reference thereto; reenacting s.
149	907.043(4)(b), F.S., relating to pretrial release and
150	citizens' right to know, to incorporate the amendment
151	made to s. 775.21, F.S., in a reference thereto;
152	reenacting s. 938.10(1), F.S., relating to additional
153	court cost imposed in cases of certain crimes, to
154	incorporate the amendment made to s. 775.21, F.S., in
155	a reference thereto; reenacting s. 943.0435(5), F.S.,
156	relating to sexual offenders required to register with
157	the department and penalties, to incorporate the
158	amendment made to s. 775.21, F.S., in a reference
159	thereto; reenacting s. 943.0584(2), F.S., relating to
160	criminal history records ineligible for court-ordered
161	expunction or court-ordered sealing, to incorporate
162	the amendment made to s. 775.21, F.S., in a reference
163	thereto; reenacting s. 944.609(4), F.S., relating to
164	career offenders and notification upon release, to
165	incorporate the amendment made to s. 775.21, F.S., in
166	a reference thereto; reenacting s. 947.1405(2)(c) and
167	(10), F.S., relating to conditional release program,
168	to incorporate the amendment made to s. 775.21, F.S.,
169	in references thereto; reenacting s. 948.013(2)(b),
170	F.S., relating to administrative probation, to
171	incorporate the amendment made to s. 775.21, F.S., in
172	a reference thereto; reenacting s. 948.05(2)(f), F.S.,
173	relating to court to admonish or commend probationer
174	or offender in community control and graduated

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175	incentives, to incorporate the amendment made to s.
176	775.21, F.S., in a reference thereto; reenacting s.
177	948.06(4) and (8)(b) and (d), F.S., relating to
178	violation of probation or community control,
179	revocation, modification, continuance, and failure to
180	pay restitution or cost of supervision, to incorporate
181	the amendment made to s. 775.21, F.S., in references
182	thereto; reenacting s. 948.063, F.S., relating to
183	violations of probation or community control by
184	designated sexual offenders and sexual predators, to
185	incorporate the amendment made to s. 775.21, F.S., in
186	a reference thereto; reenacting s. 948.064(4), F.S.,
187	relating to notification of status as a violent felony
188	offender of special concern, to incorporate the
189	amendment made to s. 775.21, F.S., in a reference
190	thereto; reenacting s. 948.12, F.S., relating to
191	intensive supervision for postprison release of
192	violent offenders, to incorporate the amendment made
193	to s. 775.21, F.S., in a reference thereto; reenacting
194	s. 948.30(3), F.S., relating to additional terms and
195	conditions of probation or community control for
196	certain sex offenses, to incorporate the amendment
197	made to s. 775.21, F.S., in a reference thereto;
198	reenacting s. 948.31, F.S., relating to evaluation and
199	treatment of sexual predators and offenders on
200	probation or community control, to incorporate the
201	amendment made to s. 775.21, F.S., in a reference
202	thereto; reenacting s. 985.04(6)(b), F.S., relating to
203	oaths, records, and confidential information, to

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204	incorporate the amendment made to s. 775.21, F.S., in
205	a reference thereto; reenacting s. 61.13(2)(c) and
206	(9)(c), F.S., relating to support of children,
207	parenting and time-sharing, and powers of the court,
208	to incorporate the amendment made to s. 943.0435,
209	F.S., in references thereto; reenacting s. 68.07(3)(i)
210	and (6), F.S., relating to change of name, to
211	incorporate the amendment made to s. 943.0435, F.S.,
212	in references thereto; reenacting s. 92.55(1)(b),
213	F.S., relating to special protections in proceedings
214	involving a victim or witness under 18, person with
215	intellectual disability, or sexual offense victim, to
216	incorporate the amendment made to s. 943.0435, F.S.,
217	in a reference thereto; reenacting s. 98.0751(2)(b),
218	F.S., relating to restoration of voting rights and
219	termination of ineligibility subsequent to a felony
220	conviction, to incorporate the amendment made to s.
221	943.0435, F.S., in a reference thereto; reenacting s.
222	322.141(3), F.S., relating to color or markings of
223	certain licenses or identification cards, to
224	incorporate the amendment made to s. 943.0435, F.S.,
225	in a reference thereto; reenacting s. 394.9125(2),
226	F.S., relating to state attorney authority to refer a
227	person for civil commitment, to incorporate the
228	amendment made to s. 943.0435, F.S., in a reference
229	thereto; reenacting s. 435.07(4)(b), F.S., relating to
230	exemptions from disqualification, to incorporate the
231	amendment made to s. 943.0435, F.S., in a reference
232	thereto; reenacting s. 775.0862(2), F.S., relating to

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233	sexual offenses against students by authority figures
234	and reclassification, to incorporate the amendment
235	made to s. 943.0435, F.S., in a reference thereto;
236	reenacting s. 775.13(4), F.S., relating to
237	registration of convicted felons, exemptions, and
238	penalties, to incorporate the amendment made to s.
239	943.0435, F.S., in a reference thereto; reenacting s.
240	775.24(2), F.S., relating to the duty of the court to
241	uphold laws governing sexual predators and sexual
242	offenders, to incorporate the amendment made to s.
243	943.0435, F.S., in a reference thereto; reenacting s.
244	775.25, F.S., relating to prosecutions for acts or
245	omissions, to incorporate the amendment made to s.
246	943.0435, F.S., in a reference thereto; reenacting s.
247	900.05(2)(cc), F.S., relating to criminal justice data
248	collection, to incorporate the amendment made to s.
249	943.0435, F.S., in a reference thereto; reenacting s.
250	903.046(2)(m), F.S., relating to purpose of and
251	criteria for bail determination, to incorporate the
252	amendment made to s. 943.0435, F.S., in a reference
253	thereto; reenacting s. 903.133, F.S., relating to bail
254	on appeal prohibited for certain felony convictions,
255	to incorporate the amendment made to s. 943.0435,
256	F.S., in a reference thereto; reenacting s.
257	907.043(4)(b), F.S., relating to pretrial release and
258	citizens' right to know, to incorporate the amendment
259	made to s. 943.0435, F.S., in a reference thereto;
260	reenacting s. 934.255(2)(a), F.S., relating to
261	subpoenas in investigations of sexual offenses, to

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262	incorporate the amendment made to s. 943.0435, F.S.,
263	in a reference thereto; reenacting s. 938.10(1), F.S.,
264	relating to additional court cost imposed in cases of
265	certain crimes, to incorporate the amendment made to
266	s. 943.0435, F.S., in a reference thereto; reenacting
267	s. 943.0436(2), F.S., relating to the duty of the
268	court to uphold laws governing sexual predators and
269	sexual offenders, to incorporate the amendment made to
270	s. 943.0435, F.S., in a reference thereto; reenacting
271	s. 943.0584(2), F.S., relating to criminal history
272	records ineligible for court-ordered expunction or
273	court-ordered sealing, to incorporate the amendment
274	made to s. 943.0435, F.S., in a reference thereto;
275	reenacting s. 943.0595(2)(a), F.S., relating to
276	automatic sealing of criminal history records and
277	confidentiality of related court records, to
278	incorporate the amendment made to s. 943.0435, F.S.,
279	in a reference thereto; reenacting s. 947.1405(12),
280	F.S., relating to the conditional release program, to
281	incorporate the amendment made to s. 943.0435, F.S.,
282	in a reference thereto; reenacting s. 948.013(2)(b),
283	F.S., relating to administrative probation, to
284	incorporate the amendment made to s. 943.0435, F.S.,
285	in a reference thereto; reenacting s. 948.05(2)(f),
286	F.S., relating to court to admonish or commend
287	probationer or offender in community control and
288	graduated incentives, to incorporate the amendment
289	made to s. 943.0435, F.S., in a reference thereto;
290	reenacting s. 948.06(4), F.S., relating to violation

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291	of probation or community control, revocation,
292	modification, continuance, and failure to pay
293	restitution or cost of supervision, to incorporate the
294	amendment made to s. 943.0435, F.S., in a reference
295	thereto; reenacting s. 948.063, F.S., relating to
296	violations of probation or community control by
297	designated sexual offenders and sexual predators, to
298	incorporate the amendment made to s. 943.0435, F.S.,
299	in a reference thereto; reenacting s. 948.30(4), F.S.,
300	relating to additional terms and conditions of
301	probation or community control for certain sex
302	offenses, to incorporate the amendment made to s.
303	943.0435, F.S., in a reference thereto; reenacting s.
304	948.31, F.S., relating to evaluation and treatment of
305	sexual predators and offenders on probation or
306	community control, to incorporate the amendment made
307	to s. 943.0435, F.S., in a reference thereto;
308	reenacting s. 985.04(6)(b), F.S., relating to oaths,
309	records, and confidential information, to incorporate
310	the amendment made to s. 943.0435, F.S., in a
311	reference thereto; reenacting s. 1012.467(2)(b), F.S.,
312	relating to noninstructional contractors who are
313	permitted access to school grounds when students are
314	present and background screening requirements, to
315	incorporate the amendment made to s. 943.0435, F.S.,
316	in a reference thereto; reenacting s. 775.24(2), F.S.,
317	relating to the duty of the court to uphold laws
318	governing sexual predators and sexual offenders, to
319	incorporate the amendment made to s. 944.606, F.S., in

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320	a reference thereto; reenacting s. 775.25, F.S.,
321	relating to prosecutions for acts or omissions, to
322	incorporate the amendment made to s. 944.606, F.S., in
323	a reference thereto; reenacting s. 943.0436(2), F.S.,
324	relating to the duty of the court to uphold laws
325	governing sexual predators and sexual offenders, to
326	incorporate the amendment made to s. 944.606, F.S., in
327	a reference thereto; reenacting s. 948.31, F.S.,
328	relating to evaluation and treatment of sexual
329	predators and offenders on probation or community
330	control, to incorporate the amendment made to s.
331	944.606, F.S., in a reference thereto; reenacting s.
332	985.04(6)(b), F.S., relating to oaths, records, and
333	confidential information, to incorporate the amendment
334	made to s. 944.606, F.S., in a reference thereto;
335	reenacting s. 322.141(3), F.S., relating to color or
336	markings of certain licenses or identification cards,
337	to incorporate the amendment made to s. 944.607, F.S.,
338	in a reference thereto; reenacting s. 775.13(4), F.S.,
339	relating to registration of convicted felons,
340	exemptions, and penalties, to incorporate the
341	amendment made to s. 944.607, F.S., in a reference
342	thereto; reenacting s. 775.24(2), F.S., relating to
343	the duty of the court to uphold laws governing sexual
344	predators and sexual offenders, to incorporate the
345	amendment made to s. 944.607, F.S., in a reference
346	thereto; reenacting s. 775.25, F.S., relating to
347	prosecutions for acts or omissions, to incorporate the
348	amendment made to s. 944.607, F.S., in a reference

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349	thereto; reenacting s. 943.0436(2), F.S., relating to
350	the duty of the court to uphold laws governing sexual
351	predators and sexual offenders, to incorporate the
352	amendment made to s. 944.607, F.S., in a reference
353	thereto; reenacting s. 948.06(4), F.S., relating to
354	violation of probation or community control,
355	revocation, modification, continuance, and failure to
356	pay restitution or cost of supervision, to incorporate
357	the amendment made to s. 944.607, F.S., in a reference
358	thereto; reenacting s. 948.063, F.S., relating to
359	violations of probation or community control by
360	designated sexual offenders and sexual predators, to
361	incorporate the amendment made to s. 944.607, F.S., in
362	a reference thereto; reenacting s. 948.31, F.S.,
363	relating to evaluation and treatment of sexual
364	predators and offenders on probation or community
365	control, to incorporate the amendment made to s.
366	944.607, F.S., in a reference thereto; reenacting s.
367	985.04(6)(b), F.S., relating to oaths, records, and
368	confidential information, to incorporate the amendment
369	made to s. 944.607, F.S., in a reference thereto;
370	providing an effective date.
371	
372	Be It Enacted by the Legislature of the State of Florida:
373	
374	Section 1. Subsection (2) of section 92.565, Florida
375	Statutes, is amended to read:
376	92.565 Admissibility of confession in sexual abuse cases
377	(2) In any criminal action in which the defendant is
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594-03826-25 20251804c2 378 charged with a crime against a victim under s. 787.06(3), 379 involving commercial sexual activity, or (5); s. 794.011; s. 794.05; s. 800.04; s. 826.04; s. 827.03, involving sexual abuse; 380 381 s. 827.04, involving sexual abuse; s. 827.071; or s. 382 847.0135(5), or any other crime involving sexual abuse of 383 another, or with any attempt, solicitation, or conspiracy to 384 commit any of these crimes, the defendant's memorialized 385 confession or admission is admissible during trial without the 386 state having to prove a corpus delicti of the crime if the court 387 finds in a hearing conducted outside the presence of the jury 388 that the state is unable to show the existence of each element 389 of the crime, and having so found, further finds that the 390 defendant's confession or admission is trustworthy. Factors 391 which may be relevant in determining whether the state is unable to show the existence of each element of the crime include, but 392 393 are not limited to, the fact that, at the time the crime was 394 committed, the victim was: 395 (a) Physically helpless, mentally incapacitated, or 396 mentally defective, as those terms are defined in s. 794.011; 397 (b) Physically incapacitated due to age, infirmity, or any 398 other cause; or 399 (c) Less than 12 years of age. 400 Section 2. Paragraph (e) of subsection (2) of section 456.51, Florida Statutes, is amended to read: 401 456.51 Consent for pelvic examinations.-402 403 (2) A health care practitioner, a medical student, or any 404 other student receiving training as a health care practitioner 405 may not perform a pelvic examination on an anesthetized or

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unconscious patient without the written consent of the patient

594-03826-25 20251804c2 407 or the patient's legal representative executed specific to, and 408 expressly identifying, the pelvic examination. If the patient is 409 conscious, informed verbal consent must be obtained for the 410 pelvic examination in addition to any written consent obtained. 411 Consent is not required if: 412 (e) The pelvic examination is administered pursuant to a 413 criminal investigation of an alleged violation related to child 414 abuse or neglect under s. 787.06(3)(a)1., (c)1., (f)1., or (g), or (5); chapter 794; chapter 796; chapter 800; chapter 827; or 415 416 chapter 847. 417 Section 3. Paragraph (o) of subsection (1) of section 418 775.0877, Florida Statutes, is amended to read: 419 775.0877 Criminal transmission of HIV; procedures; 420 penalties.-421 (1)In any case in which a person has been convicted of or has pled nolo contendere or guilty to, regardless of whether 422 423 adjudication is withheld, any of the following offenses, or the 424 attempt thereof, which offense or attempted offense involves the 425 transmission of body fluids from one person to another: 426 (o) Sections 787.06(3)(b), (d), (f), and (g) and (5), 427 relating to human trafficking, the court shall order the 428 offender to undergo HIV testing, to be performed under the 429 direction of the Department of Health in accordance with s. 430 381.004, unless the offender has undergone HIV testing voluntarily or pursuant to procedures established in s. 431 432 381.004(2)(h)6. or s. 951.27, or any other applicable law or 433 rule providing for HIV testing of criminal offenders or inmates, 434 subsequent to her or his arrest for an offense enumerated in 435 paragraphs (a) - (n) for which she or he was convicted or to which

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594-03826-25 20251804c2 436 she or he pled nolo contendere or quilty. The results of an HIV 437 test performed on an offender pursuant to this subsection are 438 not admissible in any criminal proceeding arising out of the 439 alleged offense. 440 Section 4. Paragraph (a) of subsection (4) of section 775.21, Florida Statutes, is amended to read: 441 442 775.21 The Florida Sexual Predators Act.-443 (4) SEXUAL PREDATOR CRITERIA.-444 (a) For a current offense committed on or after October 1, 1993, upon conviction, an offender shall be designated as a 445 "sexual predator" under subsection (5), and subject to 446 447 registration under subsection (6) and community and public 448 notification under subsection (7) if: 1. The felony is: 449 450 a. A capital, life, or first degree felony violation, or 451 any attempt thereof, of s. 787.01 or s. 787.02, where the victim 452 is a minor, or s. 787.06(3)(f) or (g), where the victim is a minor, or (5); s. 794.011, s. 800.04, or s. 847.0145, or a 453 454 violation of a similar law of another jurisdiction; or 455 b. Any felony violation, or any attempt thereof, of s. 456 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 457 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), 458 (d), (f), or (g), or (5); former s. 787.06(3)(h); s. 794.011, 459 excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 460 796.035; s. 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; 461 s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, 462 if the court makes a written finding that the racketeering 463 activity involved at least one sexual offense listed in this 464 sub-subparagraph or at least one offense listed in this sub-

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594-03826-25 20251804c2 465 subparagraph with sexual intent or motive; s. 916.1075(2); or s. 466 985.701(1); or a violation of a similar law of another 467 jurisdiction, and the offender has previously been convicted of 468 or found to have committed, or has pled nolo contendere or 469 quilty to, regardless of adjudication, any violation of s. 470 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 471 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), 472 (d), (f), or (g), or (5); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 473 474 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 475 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, if 476 the court makes a written finding that the racketeering activity 477 involved at least one sexual offense listed in this subsubparagraph or at least one offense listed in this sub-478 subparagraph with sexual intent or motive; s. 916.1075(2); or s. 479 480 985.701(1); or a violation of a similar law of another 481 jurisdiction; 482 2. The offender has not received a pardon for any felony or 483 similar law of another jurisdiction that is necessary for the 484 operation of this paragraph; and 485 3. A conviction of a felony or similar law of another 486 jurisdiction necessary to the operation of this paragraph has 487 not been set aside in any postconviction proceeding. 488 Section 5. Subsection (3) of section 787.01, Florida 489 Statutes, is amended to read: 490 787.01 Kidnapping; kidnapping of child under age 13, 491 aggravating circumstances.-492 (3) (a) A person who commits the offense of kidnapping upon a child under the age of 13 and who, in the course of committing 493

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594-03826-25 20251804c2 494 the offense, commits one or more of the following: 1. Aggravated child abuse, as defined in s. 827.03; 495 496 2. Sexual battery, as defined in chapter 794, against the 497 child; 498 3. Lewd or lascivious battery, lewd or lascivious 499 molestation, lewd or lascivious conduct, or lewd or lascivious 500 exhibition, in violation of s. 800.04 or s. 847.0135(5); 4. A violation of former s. 796.03 or s. 796.04, relating 501 502 to prostitution, upon the child; 503 5. Exploitation of the child or allowing the child to be 504 exploited, in violation of s. 450.151; or 505 6. A violation of s. 787.06(3)(g) or (5), relating to human trafficking, commits a life felony, punishable as provided in s. 506 775.082, s. 775.083, or s. 775.084. 507 (b) Pursuant to s. 775.021(4), nothing contained herein 508 509 shall be construed to prohibit the imposition of separate 510 judgments and sentences for the life felony described in 511 paragraph (a) and for each separate offense enumerated in 512 subparagraphs (a)1.-6. subparagraphs (a)1.-5. 513 Section 6. Subsection (3) of section 787.02, Florida 514 Statutes, is amended to read: 515 787.02 False imprisonment; false imprisonment of child 516 under age 13, aggravating circumstances.-517 (3) (a) A person who commits the offense of false imprisonment upon a child under the age of 13 and who, in the 518 519 course of committing the offense, commits any offense enumerated 520 in subparagraphs (a)1.-6. subparagraphs 1.-5., commits a felony of the first degree, punishable by imprisonment for a term of 521 522 years not exceeding life or as provided in s. 775.082, s.

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523	775.083, or s. 775.084.
524	1. Aggravated child abuse, as defined in s. 827.03;
525	2. Sexual battery, as defined in chapter 794, against the
526	child;
527	3. Lewd or lascivious battery, lewd or lascivious
528	molestation, lewd or lascivious conduct, or lewd or lascivious
529	exhibition, in violation of s. 800.04 or s. 847.0135(5);
530	4. A violation of former s. 796.03 or s. 796.04, relating
531	to prostitution, upon the child;
532	5. Exploitation of the child or allowing the child to be
533	exploited, in violation of s. 450.151; or
534	6. A violation of s. 787.06(3)(g) or (5), relating to human
535	trafficking.
536	(b) Pursuant to s. 775.021(4), nothing contained herein
537	shall be construed to prohibit the imposition of separate
538	judgments and sentences for the first degree offense described
539	in paragraph (a) and for each separate offense enumerated in
540	subparagraphs <u>(a)16.</u> (a)15.
541	Section 7. Present paragraphs (i) through (k) of subsection
542	(2) of section 787.06, Florida Statutes, are redesignated as
543	paragraphs (j) through (l), respectively, present subsections
544	(5) through (13) of that section are redesignated as subsections
545	(6) through (14), respectively, a new paragraph (i) is added to
546	subsection (2) of that section, and a new subsection (5) is
547	added to that section, to read:
548	787.06 Human trafficking
549	(2) As used in this section, the term:
550	(i) "Sexual exploitation" means any violation of s.
551	794.011, excluding s. 794.011(10).

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552	(5)(a) Any person 18 years of age or older who knowingly
553	initiates, organizes, plans, finances, directs, manages, or
554	supervises a venture that has subjected a child younger than 12
555	years of age, or a person who is mentally defective or mentally
556	incapacitated as those terms are defined in s. 794.011(1), to
557	human trafficking for sexual exploitation commits capital human
558	trafficking of vulnerable persons for sexual exploitation, a
559	capital felony punishable as provided in ss. 775.082 and
560	<u>921.1427.</u>
561	(b) For each instance of human trafficking of any
562	individual under paragraph (a), a separate crime is committed
563	and a separate punishment is authorized.
564	(c) In all capital cases under this subsection, the
565	procedure in s. 921.1427 shall be followed to determine a
566	sentence of death or life imprisonment.
567	(d) If the prosecutor intends to seek the death penalty,
568	the prosecutor must give notice to the defendant and file the
569	notice with the court within 45 days after arraignment. The
570	notice must contain a list of the aggravating factors the state
571	intends to prove and has reason to believe it can prove beyond a
572	reasonable doubt. The court may allow the prosecutor to amend
573	the notice upon a showing of good cause.
574	Section 8. Section 921.1427, Florida Statutes, is created
575	to read:
576	921.1427 Sentence of death or life imprisonment for capital
577	human trafficking of vulnerable persons for sexual exploitation;
578	further proceedings to determine sentence
579	(1) INTENT.—
580	(a) The Legislature finds that a person who commits the
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581	offense of initiating, organizing, planning, financing,
582	directing, managing, or supervising a venture that has subjected
583	a child younger than 12 years of age, or a person who is
584	mentally defective or mentally incapacitated, to human
585	trafficking for sexual exploitation in violation of s. 787.06(5)
586	imposes a great risk of death and danger to vulnerable members
587	of this state. Such crimes exploit society's most vulnerable
588	citizens, destroy the innocence of young children, and violate
589	all standards of decency held by civilized society, and persons
590	who commit such acts against such vulnerable persons may be
591	determined by the trier of fact to have a culpable mental state
592	of reckless indifference or disregard for human life.
593	(b) It is the intent of the Legislature that the procedure
594	in this section shall be followed, and a prosecutor must file
595	notice as provided in s. 787.06(5) if he or she intends to seek
596	the death penalty.
597	(2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTYUpon
598	conviction or an adjudication of guilt of a defendant of a
599	capital felony under s. 787.06(5), the court shall conduct a
600	separate sentencing proceeding to determine whether the
601	defendant should be sentenced to death or life imprisonment as
602	authorized by s. 775.082. The proceeding shall be conducted by
603	the trial judge before the trial jury as soon as practicable.
604	If, through impossibility or inability, the trial jury is unable
605	to reconvene for a hearing on the issue of penalty, having
606	determined the guilt of the accused, the trial judge may summon
607	a special juror or jurors as provided in chapter 913 to
608	determine the issue of the imposition of the penalty. If the
609	trial jury has been waived, or if the defendant pleaded guilty,

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610	the sentencing proceeding shall be conducted before a jury
611	impaneled for that purpose, unless waived by the defendant. In
612	the proceeding, evidence may be presented as to any matter that
613	the court deems relevant to the nature of the crime and the
614	character of the defendant and shall include matters relating to
615	any of the aggravating factors enumerated in subsection (7) and
616	for which notice has been provided pursuant to s. 787.06(5) or
617	mitigating circumstances enumerated in subsection (8). Any such
618	evidence that the court deems to have probative value may be
619	received, regardless of its admissibility under the exclusionary
620	rules of evidence, provided the defendant is accorded a fair
621	opportunity to rebut any hearsay statements. However, this
622	subsection may not be construed to authorize the introduction of
623	any evidence secured in violation of the United States
624	Constitution or the State Constitution. The state and the
625	defendant or the defendant's counsel shall be permitted to
626	present argument for or against a sentence of death.
627	(3) FINDINGS AND RECOMMENDED SENTENCE BY THE JURYThis
628	subsection applies only if the defendant has not waived his or
629	her right to a sentencing proceeding by a jury.
630	(a) After hearing all of the evidence presented regarding
631	aggravating factors and mitigating circumstances, the jury shall
632	deliberate and determine if the state has proven, beyond a
633	reasonable doubt, the existence of at least two aggravating
634	factors set forth in subsection (7).
635	(b) The jury shall return findings identifying each
636	aggravating factor found to exist. A finding that at least two
637	aggravating factors exist must be unanimous. If the jury:
638	1. Does not unanimously find at least two aggravating

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639	factors, the defendant is ineligible for a sentence of death.
640	2. Unanimously finds at least two aggravating factors, the
641	defendant is eligible for a sentence of death and the jury shall
642	make a recommendation to the court as to whether the defendant
643	shall be sentenced to life imprisonment without the possibility
644	of parole or to death. The recommendation shall be based on a
645	weighing of all of the following:
646	a. Whether sufficient aggravating factors exist.
647	b. Whether aggravating factors exist which outweigh the
648	mitigating circumstances found to exist.
649	c. Based on the considerations in sub-subparagraphs a. and
650	b., whether the defendant should be sentenced to life
651	imprisonment without the possibility of parole or to death.
652	(c) If at least eight jurors determine that the defendant
653	should be sentenced to death, the jury's recommendation to the
654	court shall be a sentence of death. If fewer than eight jurors
655	determine that the defendant should be sentenced to death, the
656	jury's recommendation to the court shall be a sentence of life
657	imprisonment without the possibility of parole.
658	(4) IMPOSITION OF SENTENCE OF LIFE IMPRISONMENT OR DEATH
659	(a) If the jury has recommended a sentence of:
660	1. Life imprisonment without the possibility of parole, the
661	court shall impose the recommended sentence of life imprisonment
662	without the possibility of parole.
663	2. Death, the court, after considering each aggravating
664	factor found by the jury and all mitigating circumstances, may
665	impose a sentence of life imprisonment without the possibility
666	of parole or a sentence of death. The court may consider only an
667	aggravating factor that was unanimously found to exist by the

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594-03826-25 20251804c2 668 jury. The court may impose a sentence of death only if the jury 669 unanimously found at least two aggravating factors beyond a 670 reasonable doubt. 671 (b) If the defendant waived his or her right to a 672 sentencing proceeding by a jury, the court, after considering 673 all aggravating factors and mitigating circumstances, may impose 674 a sentence of life imprisonment without the possibility of parole or a sentence of death. The court may impose a sentence 675 676 of death only if the court finds that at least two aggravating 677 factors have been proven to exist beyond a reasonable doubt. (5) ORDER OF THE COURT IN SUPPORT OF SENTENCE OF LIFE 678 679 IMPRISONMENT OR DEATH.-In each case in which the court imposes a 680 sentence of life imprisonment without the possibility of parole 681 or a sentence of death, the court shall, considering the records of the trial and the sentencing proceedings, enter a written 682 683 order addressing the aggravating factors set forth in subsection 684 (7) found to exist, the mitigating circumstances in subsection 685 (8) reasonably established by the evidence, whether there are 686 sufficient aggravating factors to warrant the death penalty, and 687 whether the aggravating factors outweigh the mitigating 688 circumstances reasonably established by the evidence. The court 689 shall include in its written order the reasons for not accepting 690 the jury's recommended sentence, if applicable. If the court 691 does not issue its order requiring the death sentence within 30 692 days after the rendition of the judgment and sentence, the court 693 shall impose a sentence of life imprisonment without the 694 possibility of parole in accordance with s. 775.082. 695 (6) REVIEW OF JUDGMENT AND SENTENCE. - The judgment of 696 conviction and sentence of death shall be subject to automatic

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review by the Supreme Court and disposition rendered within 2
years after the filing of a notice of appeal. Such review by the
Supreme Court shall have priority over all other cases and shall
be heard in accordance with rules adopted by the Supreme Court.
(7) AGGRAVATING FACTORSAggravating factors shall be
limited to the following:
(a) The capital felony was committed by a person previously
convicted of a felony violation under s. 787.06 and under
sentence of imprisonment or placed on community control or on
felony probation.
(b) The defendant was previously convicted of another
capital felony or of a felony involving the use or threat of
violence to the person.
(c) The capital felony was committed by a person designated
as a sexual predator pursuant to s. 775.21 or a person
previously designated as a sexual predator who had the sexual
predator designation removed.
(d) The capital felony was committed by a sexual offender
who is required to register pursuant to s. 943.0435 or a person
previously required to register as a sexual offender who had
such requirement removed.
(e) The defendant knowingly created a great risk of death
to one or more persons such that participation in the offense
constituted reckless indifference or disregard for human life.
(f) The defendant used a firearm or knowingly directed,
advised, authorized, or assisted another to use a firearm to
threaten, intimidate, assault, or injure a person in committing
the offense or in furtherance of the offense.
(g) The capital felony was especially heinous, atrocious,

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594-03826-25 20251804c2 726 or cruel. 727 (h) The victim of the capital felony was particularly 728 vulnerable due to age or disability, or because the defendant 729 stood in a position of familial or custodial authority over the 730 victim. 731 (i) The capital felony was committed by a person subject to 732 an injunction issued pursuant to s. 741.30 or s. 784.046, or a 733 foreign protection order accorded full faith and credit pursuant 734 to s. 741.315, and was committed against the petitioner who obtained the injunction or protection order or any spouse, 735 736 child, sibling, or parent of the petitioner. 737 (j) The victim of the capital felony sustained serious 738 bodily injury. 739 (8) MITIGATING CIRCUMSTANCES.-Mitigating circumstances 740 shall include the following: (a) The defendant has no significant history of prior 741 742 criminal activity. 743 (b) The capital felony was committed while the defendant 744 was under the influence of extreme mental or emotional 745 disturbance. 746 (c) The defendant was an accomplice in the capital felony 747 committed by another person, and the defendant's participation 748 was relatively minor. 749 (d) The defendant was under extreme duress or under the 750 substantial domination of another person. 751 (e) The capacity of the defendant to appreciate the 752 criminality of her or his conduct or to conform his or her 753 conduct to the requirements of law was substantially impaired. 754 (f) The age of the defendant at the time of the offense.

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755	(g) The defendant could not have reasonably foreseen that
756	his or her conduct in the course of the commission of the
757	offense would cause or would create a grave risk of death to one
758	or more persons.
759	(h) The existence of any other factors in the defendant's
760	background that would mitigate against imposition of the death
761	penalty.
762	(9) VICTIM IMPACT EVIDENCEOnce the prosecution has
763	provided evidence of the existence of two or more aggravating
764	factors as described in subsection (7), the prosecution may
765	introduce and subsequently argue victim impact evidence to the
766	jury. Such evidence shall be designed to demonstrate the
767	victim's uniqueness as an individual human being and the
768	physical and psychological harm to the victim. Characterizations
769	and opinions about the crime, the defendant, and the appropriate
770	sentence may not be permitted as a part of victim impact
771	evidence.
772	(10) CONSTITUTIONALITYNotwithstanding s. 775.082(2) or s.
773	775.15, or any other provision of law, a sentence of death shall
774	be imposed under this section notwithstanding existing case law
775	which holds that such a sentence is unconstitutional under the
776	State Constitution and the United States Constitution. In any
777	case for which the Florida Supreme Court or the United States
778	Supreme Court reviews a sentence of death imposed pursuant to
779	this section, and in making such a review reconsiders the prior
780	holdings in Buford v. State of Florida, 403 So. 2d 943 (Fla.
781	1981), and Kennedy v. Louisiana, 554 U.S. 407 (2008), and
782	determines that a sentence of death remains unconstitutional,
783	the court having jurisdiction over the person previously

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784	sentenced to death shall cause such person to be brought before
785	the court, and the court shall sentence such person to life
786	imprisonment as provided in s. 775.082(1).
787	(11) APPLICABILITYThis section applies to any capital
788	felony under s. 787.06(5) which is committed on or after October
789	<u>1, 2025.</u>
790	Section 9. Paragraph (o) is added to subsection (1) of
791	section 924.07, Florida Statutes, to read:
792	924.07 Appeal by state
793	(1) The state may appeal from:
794	(o) The sentence in a case of capital human trafficking of
795	vulnerable persons for sexual exploitation on the ground that it
796	resulted from the circuit court's failure to comply with
797	sentencing procedures under s. 921.1427, including by striking a
798	notice of intent to seek the death penalty, refusing to impanel
799	a capital jury, or otherwise granting relief that prevents the
800	state from seeking a sentence of death.
801	Section 10. Paragraph (h) of subsection (1) of section
802	943.0435, Florida Statutes, is amended to read:
803	943.0435 Sexual offenders required to register with the
804	department; penalty
805	(1) As used in this section, the term:
806	(h)1. "Sexual offender" means a person who meets the
807	criteria in sub-subparagraph a., sub-subparagraph b., sub-
808	subparagraph c., or sub-subparagraph d., as follows:
809	a.(I) Has been convicted of committing, or attempting,
810	soliciting, or conspiring to commit, any of the criminal
811	offenses proscribed in the following statutes in this state or
812	similar offenses in another jurisdiction: s. 393.135(2); s.
I	

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594-03826-25 20251804c2 813 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g), or 814 815 (5); former s. 787.06(3)(h); s. 794.011, excluding s. 816 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 817 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 818 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 819 847.0145; s. 895.03, if the court makes a written finding that 820 the racketeering activity involved at least one sexual offense 821 listed in this sub-sub-subparagraph or at least one offense 822 listed in this sub-sub-subparagraph with sexual intent or 823 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense 824 committed in this state which has been redesignated from a 825 former statute number to one of those listed in this sub-sub-826 subparagraph; and

827 (II) Has been released on or after October 1, 1997, from a 828 sanction imposed for any conviction of an offense described in 829 sub-sub-subparagraph (I) and does not otherwise meet the 830 criteria for registration as a sexual offender under chapter 944 831 or chapter 985. For purposes of this sub-subparagraph, a 832 sanction imposed in this state or in any other jurisdiction 833 means probation, community control, parole, conditional release, 834 control release, or incarceration in a state prison, federal 835 prison, contractor-operated correctional facility, or local 836 detention facility. If no sanction is imposed, the person is 837 deemed to be released upon conviction;

b. Establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or any other sexual offender

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842	designation in another state or jurisdiction and was, as a
843	result of such designation, subjected to registration or
844	community or public notification, or both, or would be if the
845	person were a resident of that state or jurisdiction, without
846	regard to whether the person otherwise meets the criteria for
847	registration as a sexual offender;
848	c. Establishes or maintains a residence in this state who
849	is in the custody or control of, or under the supervision of,
850	any other state or jurisdiction as a result of a conviction for
851	committing, or attempting, soliciting, or conspiring to commit,
852	any of the criminal offenses proscribed in the following
853	statutes or similar offense in another jurisdiction: s.
854	393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
855	787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
856	(d), (f), or (g) <u>, or (5)</u> ; former s. 787.06(3)(h); s. 794.011,
857	excluding s. 794.011(10); s. 794.05; former s. 796.03; former s.
858	796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s.
859	847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
860	847.0138; s. 847.0145; s. 895.03, if the court makes a written
861	finding that the racketeering activity involved at least one
862	sexual offense listed in this sub-subparagraph or at least one
863	offense listed in this sub-subparagraph with sexual intent or
864	motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
865	committed in this state which has been redesignated from a
866	former statute number to one of those listed in this sub-
867	subparagraph; or
868	d. On or after July 1, 2007, has been adjudicated

d. On or after July 1, 2007, has been adjudicated
delinquent for committing, or attempting, soliciting, or
conspiring to commit, any of the criminal offenses proscribed in

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594-03826-25 20251804c2 871 the following statutes in this state or similar offenses in 872 another jurisdiction when the juvenile was 14 years of age or 873 older at the time of the offense: 874 Section 794.011, excluding s. 794.011(10); (I) 875 (II) Section 800.04(4)(a)2. where the victim is under 12 876 years of age or where the court finds sexual activity by the use 877 of force or coercion; (III) Section 800.04(5)(c)1. where the court finds 878 879 molestation involving unclothed genitals; 880 (IV) Section 800.04(5)(d) where the court finds the use of 881 force or coercion and unclothed genitals; or 882 (V) Any similar offense committed in this state which has 883 been redesignated from a former statute number to one of those 884 listed in this sub-subparagraph. 885 2. For all qualifying offenses listed in sub-subparagraph 886 1.d., the court shall make a written finding of the age of the 887 offender at the time of the offense. 888 889 For each violation of a qualifying offense listed in this 890 subsection, except for a violation of s. 794.011, the court 891 shall make a written finding of the age of the victim at the 892 time of the offense. For a violation of s. 800.04(4), the court 893 shall also make a written finding indicating whether the offense 894 involved sexual activity and indicating whether the offense 895 involved force or coercion. For a violation of s. 800.04(5), the 896 court shall also make a written finding that the offense did or 897 did not involve unclothed genitals or genital area and that the 898 offense did or did not involve the use of force or coercion. Section 11. Paragraph (f) of subsection (1) of section 899

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594-03826-25 20251804c2 900 944.606, Florida Statutes, is amended to read: 901 944.606 Sexual offenders; notification upon release.-902 (1) As used in this section, the term: 903 (f) "Sexual offender" means a person who has been convicted of committing, or attempting, soliciting, or conspiring to 904 905 commit, any of the criminal offenses proscribed in the following 906 statutes in this state or similar offenses in another 907 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 908 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 909 787.06(3)(b), (d), (f), or (g), or (5); former s. 787.06(3)(h); 910 s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 911 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 912 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, 913 if the court makes a written finding that the racketeering 914 915 activity involved at least one sexual offense listed in this 916 paragraph or at least one offense listed in this paragraph with 917 sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or 918 any similar offense committed in this state which has been 919 redesignated from a former statute number to one of those listed 920 in this subsection, when the department has received verified 921 information regarding such conviction; an offender's 922 computerized criminal history record is not, in and of itself, 923 verified information. 924 Section 12. Paragraph (f) of subsection (1) of section 925 944.607, Florida Statutes, is amended to read:

926 944.607 Notification to Department of Law Enforcement of 927 information on sexual offenders.-

928

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

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594-03826-25 20251804c2 929 (f) "Sexual offender" means a person who is in the custody 930 or control of, or under the supervision of, the department or is 931 in the custody of a contractor-operated correctional facility: 932 1. On or after October 1, 1997, as a result of a conviction 933 for committing, or attempting, soliciting, or conspiring to 934 commit, any of the criminal offenses proscribed in the following 935 statutes in this state or similar offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 936 937 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g), or (5); former s. 787.06(3)(h); 938 939 s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 940 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 941 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, 942 if the court makes a written finding that the racketeering 943 944 activity involved at least one sexual offense listed in this 945 subparagraph or at least one offense listed in this subparagraph 946 with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); 947 or any similar offense committed in this state which has been 948 redesignated from a former statute number to one of those listed 949 in this paragraph; or 950 2. Who establishes or maintains a residence in this state

and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without

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594-03826-25 20251804c2 958 regard as to whether the person otherwise meets the criteria for 959 registration as a sexual offender. 960 Section 13. Subsection (1) of section 948.32, Florida 961 Statutes, is amended to read: 962 948.32 Requirements of law enforcement agency upon arrest 963 of persons for certain sex offenses.-964 (1) When any state or local law enforcement agency 965 investigates or arrests a person for committing, or attempting, 966 soliciting, or conspiring to commit, a violation of s. 967 787.025(2)(c), s. 787.06(3)(g) or (5), chapter 794, former s. 968 796.03, s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, or s. 969 847.0145, the law enforcement agency shall contact the 970 Department of Corrections to verify whether the person under 971 investigation or under arrest is on probation, community 972 control, parole, conditional release, or control release. 973 Section 14. Subsection (2) of section 960.065, Florida 974 Statutes, is amended to read: 975 960.065 Eligibility for awards.-976 (2) Any claim filed by or on behalf of a person who: 977 (a) Committed or aided in the commission of the crime upon 978 which the claim for compensation was based; 979 (b) Was engaged in an unlawful activity at the time of the 980 crime upon which the claim for compensation is based, unless the 981 victim was engaged in prostitution as a result of being a victim 982 of human trafficking as described in s. 787.06(3)(b), (d), (f), 983 or (g) or (5); 984 (c) Was in custody or confined, regardless of conviction, 985 in a county or municipal detention facility, a state or federal 986 correctional facility, or a juvenile detention or commitment

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594-03826-25 20251804c2 987 facility at the time of the crime upon which the claim for 988 compensation is based; 989 (d) Has been adjudicated as a habitual felony offender, 990 habitual violent offender, or violent career criminal under s. 991 775.084; or 992 (e) Has been adjudicated guilty of a forcible felony 993 offense as described in s. 776.08, is ineligible for an award. 994 Section 15. Subsection (4) of section 921.137, Florida 995 Statutes, is amended to read: 996 921.137 Imposition of the death sentence upon an 997 intellectually disabled defendant prohibited.-998 (4) After a defendant who has given notice of his or her 999 intention to raise intellectual disability as a bar to the death 1000 sentence is convicted of a capital felony and an advisory jury 1001 has returned a recommended sentence of death, the defendant may 1002 file a motion to determine whether the defendant is 1003 intellectually disabled. Upon receipt of the motion, the court 1004 shall appoint two experts in the field of intellectual 1005 disabilities who shall evaluate the defendant and report their 1006 findings to the court and all interested parties prior to the 1007 final sentencing hearing. Notwithstanding s. 921.141, s. 1008 921.142, or s. 921.1425, or s. 921.1427, the final sentencing 1009 hearing shall be held without a jury. At the final sentencing 1010 hearing, the court shall consider the findings of the courtappointed experts and consider the findings of any other expert 1011 1012 which is offered by the state or the defense on the issue of 1013 whether the defendant has an intellectual disability. If the 1014 court finds, by clear and convincing evidence, that the 1015 defendant has an intellectual disability as defined in

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594-03826-25 20251804c2 1016 subsection (1), the court may not impose a sentence of death and 1017 shall enter a written order that sets forth with specificity the 1018 findings in support of the determination. 1019 Section 16. Subsection (9) of section 921.141, Florida 1020 Statutes, is amended to read: 1021 921.141 Sentence of death or life imprisonment for capital 1022 felonies; further proceedings to determine sentence.-1023 (9) APPLICABILITY.-This section does not apply to a person convicted or adjudicated guilty of a capital sexual battery 1024 under s. 794.011, capital human trafficking of vulnerable 1025 1026 persons for sexual exploitation under s. 787.06(5), or a capital 1027 drug trafficking felony under s. 893.135. Section 17. For the purpose of incorporating the amendment 1028 1029 made by this act to section 775.21, Florida Statutes, in a 1030 reference thereto, paragraph (c) of subsection (1) of section 1031 16.713, Florida Statutes, is reenacted to read: 1032 16.713 Florida Gaming Control Commission; appointment and 1033 employment restrictions.-1034 (1) PERSONS INELIGIBLE FOR APPOINTMENT TO THE COMMISSION.-1035 The following persons are ineligible for appointment to the 1036 commission: 1037 (c) A person who has been convicted of or found guilty of 1038 or pled nolo contendere to, regardless of adjudication, in any 1039 jurisdiction, a crime listed in s. 775.21(4)(a)1. or s. 776.08. 1040 Section 18. For the purpose of incorporating the amendment 1041

1041 made by this act to section 775.21, Florida Statutes, in a 1042 reference thereto, paragraph (a) of subsection (3) of section 1043 39.0139, Florida Statutes, is reenacted to read:

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39.0139 Visitation or other contact; restrictions.-

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594-03826-25 20251804c2 1045 (3) PRESUMPTION OF DETRIMENT.-1046 (a) A rebuttable presumption of detriment to a child is 1047 created when: 1. A court of competent jurisdiction has found probable 1048 1049 cause exists that a parent or caregiver has sexually abused a child as defined in s. 39.01; 1050 1051 2. A parent or caregiver has been found guilty of, 1052 regardless of adjudication, or has entered a plea of guilty or nolo contendere to, charges under the following statutes or 1053 1054 substantially similar statutes of other jurisdictions: 1055 a. Section 787.04, relating to removing minors from the 1056 state or concealing minors contrary to court order; b. Section 794.011, relating to sexual battery; 1057 1058 Section 798.02, relating to lewd and lascivious с. 1059 behavior; 1060 d. Chapter 800, relating to lewdness and indecent exposure; 1061 e. Section 826.04, relating to incest; or 1062 f. Chapter 827, relating to the abuse of children; or 1063 3. A court of competent jurisdiction has determined a 1064 parent or caregiver to be a sexual predator as defined in s. 1065 775.21 or a parent or caregiver has received a substantially 1066 similar designation under laws of another jurisdiction. 1067 Section 19. For the purpose of incorporating the amendment 1068 made by this act to section 775.21, Florida Statutes, in a 1069 reference thereto, paragraph (b) of subsection (6) of section 1070 39.509, Florida Statutes, is reenacted to read: 1071 39.509 Grandparents rights.-Notwithstanding any other 1072 provision of law, a maternal or paternal grandparent as well as 1073 a stepgrandparent is entitled to reasonable visitation with his

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1074	or her grandchild who has been adjudicated a dependent child and
1075	taken from the physical custody of the parent unless the court
1076	finds that such visitation is not in the best interest of the
1077	child or that such visitation would interfere with the goals of
1078	the case plan. Reasonable visitation may be unsupervised and,
1079	where appropriate and feasible, may be frequent and continuing.
1080	Any order for visitation or other contact must conform to the
1081	provisions of s. 39.0139.
1082	(6) In determining whether grandparental visitation is not
1083	in the child's best interest, consideration may be given to the
1084	following:
1085	(b) The designation by a court as a sexual predator as
1086	defined in s. 775.21 or a substantially similar designation
1087	under laws of another jurisdiction.
1088	Section 20. For the purpose of incorporating the amendment
1089	made by this act to section 775.21, Florida Statutes, in
1090	references thereto, paragraphs (d) and (n) of subsection (1) of
1091	section 39.806, Florida Statutes, are reenacted to read:
1092	39.806 Grounds for termination of parental rights
1093	(1) Grounds for the termination of parental rights may be
1094	established under any of the following circumstances:
1095	(d) When the parent of a child is incarcerated and either:
1096	1. The period of time for which the parent is expected to
1097	be incarcerated will constitute a significant portion of the
1098	child's minority. When determining whether the period of time is
1099	significant, the court shall consider the child's age and the
1100	child's need for a permanent and stable home. The period of time
1101	begins on the date that the parent enters into incarceration;
1102	2. The incarcerated parent has been determined by the court

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594-03826-25 20251804c2 1103 to be a violent career criminal as defined in s. 775.084, a 1104 habitual violent felony offender as defined in s. 775.084, or a sexual predator as defined in s. 775.21; has been convicted of 1105 first degree or second degree murder in violation of s. 782.04 1106 1107 or a sexual battery that constitutes a capital, life, or first degree felony violation of s. 794.011; or has been convicted of 1108 1109 an offense in another jurisdiction which is substantially 1110 similar to one of the offenses listed in this paragraph. As used 1111 in this section, the term "substantially similar offense" means 1112 any offense that is substantially similar in elements and 1113 penalties to one of those listed in this subparagraph, and that 1114 is in violation of a law of any other jurisdiction, whether that of another state, the District of Columbia, the United States or 1115 1116 any possession or territory thereof, or any foreign 1117 jurisdiction; or

1118 3. The court determines by clear and convincing evidence 1119 that continuing the parental relationship with the incarcerated 1120 parent would be harmful to the child and, for this reason, that 1121 termination of the parental rights of the incarcerated parent is 1122 in the best interest of the child. When determining harm, the 1123 court shall consider the following factors:

1124

a. The age of the child.

b. The relationship between the child and the parent. C. The nature of the parent's current and past provision for the child's developmental, cognitive, psychological, and physical needs.

1129 d. The parent's history of criminal behavior, which may 1130 include the frequency of incarceration and the unavailability of 1131 the parent to the child due to incarceration.

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594-03826-25 20251804c2 1132 e. Any other factor the court deems relevant. 1133 (n) The parent is convicted of an offense that requires the 1134 parent to register as a sexual predator under s. 775.21. Section 21. For the purpose of incorporating the amendment 1135 1136 made by this act to section 775.21, Florida Statutes, in a 1137 reference thereto, paragraph (c) of subsection (9) of section 1138 61.13, Florida Statutes, is reenacted to read: 1139 61.13 Support of children; parenting and time-sharing; 1140 powers of court.-(9) 1141 1142 (c) A court may not order visitation at a recovery 1143 residence if any resident of the recovery residence is currently required to register as a sexual predator under s. 775.21 or as 1144 a sexual offender under s. 943.0435. 1145 1146 Section 22. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a 1147 1148 reference thereto, paragraph (b) of subsection (4) of section 1149 63.089, Florida Statutes, is reenacted to read: 1150 63.089 Proceeding to terminate parental rights pending 1151 adoption; hearing; grounds; dismissal of petition; judgment.-(4) FINDING OF ABANDONMENT.-A finding of abandonment 1152 1153 resulting in a termination of parental rights must be based upon 1154 clear and convincing evidence that a parent or person having 1155 legal custody has abandoned the child in accordance with the 1156 definition contained in s. 63.032. A finding of abandonment may 1157 also be based upon emotional abuse or a refusal to provide 1158 reasonable financial support, when able, to a birth mother 1159 during her pregnancy or on whether the person alleged to have 1160 abandoned the child, while being able, failed to establish

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1161 contact with the child or accept responsibility for the child's 1162 welfare. 1163 (b) The child has been abandoned when the parent of a child is incarcerated on or after October 1, 2001, in a federal, 1164 1165 state, or county correctional institution and: 1166 1. The period of time for which the parent has been or is 1167 expected to be incarcerated will constitute a significant portion of the child's minority. In determining whether the 1168 1169 period of time is significant, the court shall consider the 1170 child's age and the child's need for a permanent and stable 1171 home. The period of time begins on the date that the parent 1172 enters into incarceration; 1173 2. The incarcerated parent has been determined by a court 1174 of competent jurisdiction to be a violent career criminal as 1175 defined in s. 775.084, a habitual violent felony offender as 1176 defined in s. 775.084, convicted of child abuse as defined in s. 1177 827.03, or a sexual predator as defined in s. 775.21; has been 1178 convicted of first degree or second degree murder in violation 1179 of s. 782.04 or a sexual battery that constitutes a capital, 1180 life, or first degree felony violation of s. 794.011; or has been convicted of a substantially similar offense in another 1181 1182 jurisdiction. As used in this section, the term "substantially 1183 similar offense" means any offense that is substantially similar 1184 in elements and penalties to one of those listed in this 1185 subparagraph, and that is in violation of a law of any other 1186 jurisdiction, whether that of another state, the District of 1187 Columbia, the United States or any possession or territory

1188 1189

3. The court determines by clear and convincing evidence

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thereof, or any foreign jurisdiction; or

594-03826-25 20251804c2 1190 that continuing the parental relationship with the incarcerated 1191 parent would be harmful to the child and, for this reason, 1192 termination of the parental rights of the incarcerated parent is in the best interests of the child. 1193 1194 Section 23. For the purpose of incorporating the amendment 1195 made by this act to section 775.21, Florida Statutes, in a 1196 reference thereto, subsection (3) of section 63.092, Florida 1197 Statutes, is reenacted to read: 63.092 Report to the court of intended placement by an 1198 1199 adoption entity; at-risk placement; preliminary study.-1200 PRELIMINARY HOME STUDY .- Before placing the minor in the (3) 1201 intended adoptive home, a preliminary home study must be 1202 performed by a licensed child-placing agency, a child-caring 1203 agency registered under s. 409.176, a licensed professional, or 1204 an agency described in s. 61.20(2), unless the adoptee is an 1205 adult or the petitioner is a stepparent or a relative. If the 1206 adoptee is an adult or the petitioner is a stepparent or a 1207 relative, a preliminary home study may be required by the court 1208 for good cause shown. The department is required to perform the 1209 preliminary home study only if there is no licensed child-1210 placing agency, child-caring agency registered under s. 409.176, 1211 licensed professional, or agency described in s. 61.20(2), in 1212 the county where the prospective adoptive parents reside. The 1213 preliminary home study must be made to determine the suitability 1214 of the intended adoptive parents and may be completed before 1215 identification of a prospective adoptive minor. If the identified prospective adoptive minor is in the custody of the 1216 1217 department, a preliminary home study must be completed within 30 1218 days after it is initiated. A favorable preliminary home study

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1219	is valid for 1 year after the date of its completion. Upon its
1220	completion, a signed copy of the home study must be provided to
1221	the intended adoptive parents who were the subject of the home
1222	study. A minor may not be placed in an intended adoptive home
1223	before a favorable preliminary home study is completed unless
1224	the adoptive home is also a licensed foster home under s.
1225	409.175. The preliminary home study must include, at a minimum:
1226	(a) An interview with the intended adoptive parents.
1227	(b) Records checks of the department's central abuse
1228	registry, which the department shall provide to the entity
1229	conducting the preliminary home study, and criminal records
1230	correspondence checks under s. 39.0138 through the Department of
1231	Law Enforcement on the intended adoptive parents.
1232	(c) An assessment of the physical environment of the home.
1233	(d) A determination of the financial security of the
1234	intended adoptive parents.
1235	(e) Documentation of counseling and education of the
1236	intended adoptive parents on adoptive parenting, as determined
1237	by the entity conducting the preliminary home study. The
1238	training specified in s. 409.175(14) shall only be required for
1239	persons who adopt children from the department.
1240	(f) Documentation that information on adoption and the
1241	adoption process has been provided to the intended adoptive
1242	parents.
1243	(g) Documentation that information on support services
1244	available in the community has been provided to the intended
1245	adoptive parents.
1246	(h) A copy of each signed acknowledgment of receipt of
1247	disclosure required by s. 63.085.
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1249 If the preliminary home study is favorable, a minor may be 1250 placed in the home pending entry of the judgment of adoption. A 1251 minor may not be placed in the home if the preliminary home 1252 study is unfavorable. If the preliminary home study is 1253 unfavorable, the adoption entity may, within 20 days after 1254 receipt of a copy of the written recommendation, petition the 1255 court to determine the suitability of the intended adoptive 1256 home. A determination as to suitability under this subsection 1257 does not act as a presumption of suitability at the final 1258 hearing. In determining the suitability of the intended adoptive 1259 home, the court must consider the totality of the circumstances 1260 in the home. A minor may not be placed in a home in which there 1261 resides any person determined by the court to be a sexual 1262 predator as defined in s. 775.21 or to have been convicted of an 1263 offense listed in s. 63.089(4)(b)2.

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

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68.07 Change of name.-

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(3) Each petition shall be verified and show:

1271 (i) Whether the petitioner has ever been required to
1272 register as a sexual predator under s. 775.21 or as a sexual
1273 offender under s. 943.0435.

(6) The clerk of the court must, within 5 business days after the filing of the final judgment, send a report of the judgment to the Department of Law Enforcement on a form to be

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1277	furnished by that department. If the petitioner is required to
1278	register as a sexual predator or a sexual offender pursuant to
1279	s. 775.21 or s. 943.0435, the clerk of court shall
1280	electronically notify the Department of Law Enforcement of the
1281	name change, in a manner prescribed by that department, within 2
1282	business days after the filing of the final judgment. The
1283	Department of Law Enforcement must send a copy of the report to
1284	the Department of Highway Safety and Motor Vehicles, which may
1285	be delivered by electronic transmission. The report must contain
1286	sufficient information to identify the petitioner, including the
1287	results of the criminal history records check if applicable, the
1288	new name of the petitioner, and the file number of the judgment.
1289	The Department of Highway Safety and Motor Vehicles shall
1290	monitor the records of any sexual predator or sexual offender
1291	whose name has been provided to it by the Department of Law
1292	Enforcement. If the sexual predator or sexual offender does not
1293	obtain a replacement driver license or identification card
1294	within the required time as specified in s. 775.21 or s.
1295	943.0435, the Department of Highway Safety and Motor Vehicles
1296	shall notify the Department of Law Enforcement. The Department
1297	of Law Enforcement shall notify applicable law enforcement
1298	agencies of the predator's or offender's failure to comply with
1299	registration requirements. Any information retained by the
1300	Department of Law Enforcement and the Department of Highway
1301	Safety and Motor Vehicles may be revised or supplemented by said
1302	departments to reflect changes made by the final judgment. With
1303	respect to a person convicted of a felony in another state or of
1304	a federal offense, the Department of Law Enforcement must send
1305	the report to the respective state's office of law enforcement

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594-03826-25 20251804c2 1306 records or to the office of the Federal Bureau of Investigation. 1307 The Department of Law Enforcement may forward the report to any 1308 other law enforcement agency it believes may retain information 1309 related to the petitioner. 1310 Section 25. For the purpose of incorporating the amendment 1311 made by this act to section 775.21, Florida Statutes, in a 1312 reference thereto, paragraph (b) of subsection (1) of section 92.55, Florida Statutes, is reenacted to read: 1313 1314 92.55 Special protections in proceedings involving victim 1315 or witness under 18, person with intellectual disability, or 1316 sexual offense victim.-1317 For purposes of this section, the term: (1)1318 "Sexual offense" means any offense specified in s. (b) 1319 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I). 1320 Section 26. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a 1321 1322 reference thereto, subsection (3) of section 322.141, Florida 1323 Statutes, is reenacted to read: 1324 322.141 Color or markings of certain licenses or 1325 identification cards.-(3) All licenses for the operation of motor vehicles or 1326 1327 identification cards originally issued or reissued by the 1328 department to persons who are designated as sexual predators 1329 under s. 775.21 or subject to registration as sexual offenders under s. 943.0435 or s. 944.607, or who have a similar 1330 1331 designation or are subject to a similar registration under the 1332 laws of another jurisdiction, shall have on the front of the 1333 license or identification card the following: 1334 (a) For a person designated as a sexual predator under s.

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594-03826-25 20251804c2 1335 775.21 or who has a similar designation under the laws of 1336 another jurisdiction, the marking "SEXUAL PREDATOR." 1337 (b) For a person subject to registration as a sexual 1338 offender under s. 943.0435 or s. 944.607, or subject to a 1339 similar registration under the laws of another jurisdiction, the marking "943.0435, F.S." 1340 1341 Section 27. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a 1342 1343 reference thereto, paragraph (b) of subsection (10) of section 1344 397.487, Florida Statutes, is reenacted to read: 1345 397.487 Voluntary certification of recovery residences.-1346 (10)1347 (b) A certified recovery residence may not allow a minor 1348 child to visit a parent who is a resident of the recovery 1349 residence at any time if any resident of the recovery residence 1350 is currently required to register as a sexual predator under s. 1351 775.21 or as a sexual offender under s. 943.0435. 1352 Section 28. For the purpose of incorporating the amendment 1353 made by this act to section 775.21, Florida Statutes, in a 1354 reference thereto, paragraph (b) of subsection (4) of section 1355 435.07, Florida Statutes, is reenacted to read: 1356 435.07 Exemptions from disgualification.-Unless otherwise 1357 provided by law, the provisions of this section apply to 1358 exemptions from disqualification for disqualifying offenses 1359 revealed pursuant to background screenings required under this 1360 chapter, regardless of whether those disqualifying offenses are 1361 listed in this chapter or other laws. 1362 (4)

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(b) Disqualification from employment or affiliation under

594-03826-25 20251804c2 1364 this chapter may not be removed from, nor may an exemption be 1365 granted to, any person who is a: 1366 1. Sexual predator as designated pursuant to s. 775.21; 1367 2. Career offender pursuant to s. 775.261; or 1368 Sexual offender pursuant to s. 943.0435, unless the 3. 1369 requirement to register as a sexual offender has been removed 1370 pursuant to s. 943.04354. 1371 Section 29. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a 1372 1373 reference thereto, paragraph (b) of subsection (3) of section 1374 455.213, Florida Statutes, is reenacted to read: 1375 455.213 General licensing provisions.-1376 (3)1377 (b)1. A conviction, or any other adjudication, for a crime 1378 more than 5 years before the date the application is received by 1379 the applicable board may not be grounds for denial of a license 1380 specified in paragraph (a). For purposes of this paragraph, the 1381 term "conviction" means a determination of guilt that is the 1382 result of a plea or trial, regardless of whether adjudication is 1383 withheld. This paragraph does not limit the applicable board 1384 from considering an applicant's criminal history that includes a 1385 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but 1386 only if such criminal history has been found to relate to the 1387 practice of the applicable profession. 1388 2. The applicable board may consider the criminal history 1389 of an applicant for licensure under subparagraph (a)3. if such 1390 criminal history has been found to relate to good moral

1391 character.

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Section 30. For the purpose of incorporating the amendment

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594-03826-25 20251804c2 1393 made by this act to section 775.21, Florida Statutes, in a 1394 reference thereto, subsection (7) of section 489.553, Florida 1395 Statutes, is reenacted to read: 1396 489.553 Administration of part; registration 1397 qualifications; examination.-1398 (7) Notwithstanding any other law, a conviction, or any 1399 other adjudication, for a crime more than 5 years before the 1400 date the application is received by the department or other applicable authority may not be grounds for denial of 1401 1402 registration. For purposes of this subsection, the term 1403 "conviction" means a determination of guilt that is the result

of a plea or trial, regardless of whether adjudication is

considering an applicant's criminal history that includes any

only if such criminal history has been found to relate to the

crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but

withheld. This subsection does not limit a board from

1409 practice of the applicable profession, or any crime if it has 1410 been found to relate to good moral character. 1411 Section 31. For the purpose of incorporating the amendment 1412 made by this act to section 775.21, Florida Statutes, in a 1413 reference thereto, subsection (10) of section 507.07, Florida 1414 Statutes, is reenacted to read:

1415 507.07 Violations.-It is a violation of this chapter: 1416 (10) For a mover or a moving broker to knowingly refuse or 1417 fail to disclose in writing to a customer before a household 1418 move that the mover, or an employee or subcontractor of the 1419 mover or moving broker, who has access to the dwelling or 1420 property of the customer, including access to give a quote for 1421 the move, has been convicted of a felony listed in s.

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594-03826-25 20251804c2 1422 775.21(4)(a)1. or convicted of a similar offense of another 1423 jurisdiction, regardless of when such felony offense was 1424 committed. 1425 Section 32. For the purpose of incorporating the amendment 1426 made by this act to section 775.21, Florida Statutes, in a 1427 reference thereto, subsection (4) of section 775.13, Florida 1428 Statutes, is reenacted to read: 1429 775.13 Registration of convicted felons, exemptions; 1430 penalties.-1431 (4) This section does not apply to an offender: 1432 (a) Who has had his or her civil rights restored; 1433 (b) Who has received a full pardon for the offense for 1434 which convicted; 1435 (c) Who has been lawfully released from incarceration or 1436 other sentence or supervision for a felony conviction for more 1437 than 5 years prior to such time for registration, unless the 1438 offender is a fugitive from justice on a felony charge or has 1439 been convicted of any offense since release from such 1440 incarceration or other sentence or supervision; 1441 (d) Who is a parolee or probationer under the supervision of the United States Parole Commission if the commission knows 1442 1443 of and consents to the presence of the offender in Florida or is 1444 a probationer under the supervision of any federal probation 1445 officer in the state or who has been lawfully discharged from 1446 such parole or probation; 1447 (e) Who is a sexual predator and has registered as required 1448 under s. 775.21; 1449 (f) Who is a sexual offender and has registered as required 1450 in s. 943.0435 or s. 944.607; or

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594-03826-25 20251804c2 1451 (q) Who is a career offender who has registered as required 1452 in s. 775.261 or s. 944.609. 1453 Section 33. For the purpose of incorporating the amendment 1454 made by this act to section 775.21, Florida Statutes, in a 1455 reference thereto, section 775.25, Florida Statutes, is 1456 reenacted to read: 1457 775.25 Prosecutions for acts or omissions.-A sexual predator or sexual offender who commits any act or omission in 1458 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s. 1459 1460 944.607, or former s. 947.177 may be prosecuted for the act or 1461 omission in the county in which the act or omission was 1462 committed, in the county of the last registered address of the 1463 sexual predator or sexual offender, in the county in which the 1464 conviction occurred for the offense or offenses that meet the 1465 criteria for designating a person as a sexual predator or sexual 1466 offender, in the county where the sexual predator or sexual 1467 offender was released from incarceration, or in the county of 1468 the intended address of the sexual predator or sexual offender 1469 as reported by the predator or offender prior to his or her 1470 release from incarceration. In addition, a sexual predator may 1471 be prosecuted for any such act or omission in the county in 1472 which he or she was designated a sexual predator.

1473 Section 34. For the purpose of incorporating the amendment 1474 made by this act to section 775.21, Florida Statutes, in a 1475 reference thereto, subsection (1) of section 794.075, Florida 1476 Statutes, is reenacted to read:

1477794.075 Sexual predators; erectile dysfunction drugs.-1478(1) A person may not possess a prescription drug, as1479defined in s. 499.003(40), for the purpose of treating erectile

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594-03826-25 20251804c2 1480 dysfunction if the person is designated as a sexual predator 1481 under s. 775.21. 1482 Section 35. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a 1483 1484 reference thereto, paragraph (cc) of subsection (2) of section 900.05, Florida Statutes, is reenacted to read: 1485 1486 900.05 Criminal justice data collection.-1487 (2) DEFINITIONS.-As used in this section, the term: 1488 (cc) "Sexual offender flag" means an indication that a 1489 defendant was required to register as a sexual predator as defined in s. 775.21 or as a sexual offender as defined in s. 1490 1491 943.0435. 1492 Section 36. For the purpose of incorporating the amendment 1493 made by this act to section 775.21, Florida Statutes, in a 1494 reference thereto, paragraph (c) of subsection (1) of section 1495 903.0351, Florida Statutes, is reenacted to read: 1496 903.0351 Restrictions on pretrial release pending 1497 probation-violation hearing or community-control-violation 1498 hearing.-1499 (1) In the instance of an alleged violation of felony 1500 probation or community control, bail or any other form of 1501 pretrial release shall not be granted prior to the resolution of 1502 the probation-violation hearing or the community-control-1503 violation hearing to: 1504 (c) A person who is on felony probation or community 1505 control and has previously been found by a court to be a 1506 habitual violent felony offender as defined in s. 775.084(1)(b), 1507 a three-time violent felony offender as defined in s. 1508 775.084(1)(c), or a sexual predator under s. 775.21, and who is

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594-03826-25 20251804c2 1509 arrested for committing a qualifying offense as defined in s. 1510 948.06(8)(c) on or after the effective date of this act. 1511 Section 37. For the purpose of incorporating the amendment 1512 made by this act to section 775.21, Florida Statutes, in a 1513 reference thereto, paragraph (m) of subsection (2) of section 1514 903.046, Florida Statutes, is reenacted to read: 1515 903.046 Purpose of and criteria for bail determination.-(2) When determining whether to release a defendant on bail 1516 1517 or other conditions, and what that bail or those conditions may 1518 be, the court shall consider: 1519 (m) Whether the defendant, other than a defendant whose 1520 only criminal charge is a misdemeanor offense under chapter 316, 1521 is required to register as a sexual offender under s. 943.0435 1522 or a sexual predator under s. 775.21; and, if so, he or she is 1523 not eligible for release on bail or surety bond until the first 1524 appearance on the case in order to ensure the full participation 1525 of the prosecutor and the protection of the public. 1526 Section 38. For the purpose of incorporating the amendment 1527 made by this act to section 775.21, Florida Statutes, in a 1528 reference thereto, subsection (3) of section 903.133, Florida 1529 Statutes, is reenacted to read: 1530 903.133 Bail on appeal; prohibited for certain felony 1531 convictions.-Notwithstanding s. 903.132, no person shall be 1532 admitted to bail pending review either by posttrial motion or 1533 appeal if he or she was adjudged guilty of: 1534 (3) Any other offense requiring sexual offender

1535 registration under s. 943.0435(1)(h) or sexual predator 1536 registration under s. 775.21(4) when, at the time of the 1537 offense, the offender was 18 years of age or older and the

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594-03826-25 20251804c2 1538 victim was a minor. 1539 Section 39. For the purpose of incorporating the amendment 1540 made by this act to section 775.21, Florida Statutes, in a 1541 reference thereto, paragraph (b) of subsection (4) of section 1542 907.043, Florida Statutes, is reenacted to read: 1543 907.043 Pretrial release; citizens' right to know.-1544 (4) (b) The annual report must contain, but need not be limited 1545 1546 to: 1547 1. The name, location, and funding sources of the pretrial 1548 release program, including the amount of public funds, if any, 1549 received by the pretrial release program. 1550 2. The operating and capital budget of each pretrial release program receiving public funds. 1551 1552 3.a. The percentage of the pretrial release program's total 1553 budget representing receipt of public funds. 1554 b. The percentage of the total budget which is allocated to 1555 assisting defendants obtain release through a nonpublicly funded 1556 program. 1557 c. The amount of fees paid by defendants to the pretrial 1558 release program. 1559 4. The number of persons employed by the pretrial release 1560 program. 1561 5. The number of defendants assessed and interviewed for 1562 pretrial release. 1563 6. The number of defendants recommended for pretrial 1564 release. 1565 7. The number of defendants for whom the pretrial release 1566 program recommended against nonsecured release.

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594-03826-25 20251804c2 8. The number of defendants granted nonsecured release after the pretrial release program recommended nonsecured release. 9. The number of defendants assessed and interviewed for pretrial release who were declared indigent by the court. 10. The number of defendants accepted into a pretrial release program who paid a surety or cash bail or bond. 11. The number of defendants for whom a risk assessment tool was used in determining whether the defendant should be released pending the disposition of the case and the number of defendants for whom a risk assessment tool was not used. 12. The specific statutory citation for each criminal charge related to a defendant whose case is accepted into a pretrial release program, including, at a minimum, the number of defendants charged with dangerous crimes as defined in s. 907.041; nonviolent felonies; or misdemeanors only. A "nonviolent felony" for purposes of this subparagraph excludes the commission of, an attempt to commit, or a conspiracy to commit any of the following: a. An offense enumerated in s. 775.084(1)(c); b. An offense that requires a person to register as a sexual predator in accordance with s. 775.21 or as a sexual offender in accordance with s. 943.0435; c. Failure to register as a sexual predator in violation of s. 775.21 or as a sexual offender in violation of s. 943.0435; d. Facilitating or furthering terrorism in violation of s. 775.31; e. A forcible felony as described in s. 776.08;

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f. False imprisonment in violation of s. 787.02;

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1596	g. Burglary of a dwelling or residence in violation of s.
1597	810.02(3);
1598	h. Abuse, aggravated abuse, and neglect of an elderly
1599	person or disabled adult in violation of s. 825.102;
1600	i. Abuse, aggravated abuse, and neglect of a child in
1601	violation of s. 827.03;
1602	j. Poisoning of food or water in violation of s. 859.01;
1603	k. Abuse of a dead human body in violation of s. 872.06;
1604	l. A capital offense in violation of chapter 893;
1605	m. An offense that results in serious bodily injury or
1606	death to another human; or
1607	n. A felony offense in which the defendant used a weapon or
1608	firearm in the commission of the offense.
1609	13. The number of defendants accepted into a pretrial
1610	release program with no prior criminal conviction.
1611	14. The name and case number of each person granted
1612	nonsecured release who:
1613	a. Failed to attend a scheduled court appearance.
1614	b. Was issued a warrant for failing to appear.
1615	c. Was arrested for any offense while on release through
1616	the pretrial release program.
1617	15. Any additional information deemed necessary by the
1618	governing body to assess the performance and cost efficiency of
1619	the pretrial release program.
1620	Section 40. For the purpose of incorporating the amendment
1621	made by this act to section 775.21, Florida Statutes, in a
1622	reference thereto, subsection (1) of section 938.10, Florida
1623	Statutes, is reenacted to read:
1624	938.10 Additional court cost imposed in cases of certain

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1625 crimes.-

1626 (1)If a person pleads guilty or nolo contendere to, or is 1627 found guilty of, regardless of adjudication, any offense against 1628 a minor in violation of s. 784.085, chapter 787, chapter 794, 1629 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s. 1630 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145, 1631 s. 893.147(3), or s. 985.701, or any offense in violation of s. 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the 1632 court shall impose a court cost of \$151 against the offender in 1633 1634 addition to any other cost or penalty required by law.

1635 Section 41. For the purpose of incorporating the amendment 1636 made by this act to section 775.21, Florida Statutes, in a 1637 reference thereto, subsection (5) of section 943.0435, Florida 1638 Statutes, is reenacted to read:

1639 943.0435 Sexual offenders required to register with the 1640 department; penalty.-

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

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

1648 943.0584 Criminal history records ineligible for court-1649 ordered expunction or court-ordered sealing.-

(2) A criminal history record is ineligible for a certificate of eligibility for expunction or a court-ordered expunction pursuant to s. 943.0585 or a certificate of eligibility for sealing or a court-ordered sealing pursuant to

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594-03826-25 20251804c2 1654 s. 943.059 if the record is a conviction for any of the 1655 following offenses: (a) Sexual misconduct, as defined in s. 393.135, s. 1656 394.4593, or s. 916.1075; 1657 1658 (b) Illegal use of explosives, as defined in chapter 552; 1659 (c) Terrorism, as defined in s. 775.30; 1660 (d) Murder, as defined in s. 782.04, s. 782.065, or s. 782.09; 1661 1662 (e) Manslaughter or homicide, as defined in s. 782.07, s. 1663 782.071, or s. 782.072; 1664 (f) Assault or battery, as defined in ss. 784.011 and 1665 784.03, respectively, of one family or household member by 1666 another family or household member, as defined in s. 741.28(3); 1667 (g) Aggravated assault, as defined in s. 784.021; 1668 (h) Felony battery, domestic battery by strangulation, or 1669 aggravated battery, as defined in ss. 784.03, 784.041, and 1670 784.045, respectively; 1671 (i) Stalking or aggravated stalking, as defined in s. 1672 784.048; 1673 (j) Luring or enticing a child, as defined in s. 787.025; 1674 (k) Human trafficking, as defined in s. 787.06; 1675 (1) Kidnapping or false imprisonment, as defined in s. 787.01 or s. 787.02; 1676 1677 (m) Any offense defined in chapter 794; 1678 Procuring a person less than 18 years of age for (n) prostitution, as defined in former s. 796.03; 1679 1680 (o) Lewd or lascivious offenses committed upon or in the 1681 presence of persons less than 16 years of age, as defined in s. 1682 800.04;

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594-03826-25 20251804c2 1683 (p) Arson, as defined in s. 806.01; 1684 (q) Burglary of a dwelling, as defined in s. 810.02; 1685 (r) Voyeurism or digital voyeurism, as defined in ss. 1686 810.14 and 810.145, respectively; 1687 (s) Robbery or robbery by sudden snatching, as defined in ss. 812.13 and 812.131, respectively; 1688 1689 (t) Carjacking, as defined in s. 812.133; 1690 (u) Home-invasion robbery, as defined in s. 812.135; 1691 (v) A violation of the Florida Communications Fraud Act, as 1692 provided in s. 817.034; 1693 (w) Abuse of an elderly person or disabled adult, or 1694 aggravated abuse of an elderly person or disabled adult, as defined in s. 825.102; 1695 1696 (x) Lewd or lascivious offenses committed upon or in the 1697 presence of an elderly person or disabled person, as defined in 1698 s. 825.1025; 1699 (y) Child abuse or aggravated child abuse, as defined in s. 827.03; 1700 1701 Sexual performance by a child, as defined in s. (z) 1702 827.071; 1703 (aa) Any offense defined in chapter 839; 1704 (bb) Certain acts in connection with obscenity, as defined 1705 in s. 847.0133; 1706 (cc) Any offense defined in s. 847.0135; 1707 Selling or buying of minors, as defined in s. (dd) 1708 847.0145; 1709 Aircraft piracy, as defined in s. 860.16; (ee) 1710 (ff) Manufacturing a controlled substance in violation of 1711 chapter 893;

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594-03826-25 20251804c2 1712 (qq) Drug trafficking, as defined in s. 893.135; or 1713 (hh) Any violation specified as a predicate offense for 1714 registration as a sexual predator pursuant to s. 775.21, or 1715 sexual offender pursuant to s. 943.0435, without regard to 1716 whether that offense alone is sufficient to require such 1717 registration. 1718 Section 43. For the purpose of incorporating the amendment 1719 made by this act to section 775.21, Florida Statutes, in a 1720 reference thereto, subsection (4) of section 944.609, Florida 1721 Statutes, is reenacted to read: 1722 944.609 Career offenders; notification upon release.-1723 The department or any law enforcement agency may notify (4) 1724 the community and the public of a career offender's presence in 1725 the community. However, with respect to a career offender who 1726 has been found to be a sexual predator under s. 775.21, the 1727 Department of Law Enforcement or any other law enforcement 1728 agency must inform the community and the public of the career 1729 offender's presence in the community, as provided in s. 775.21. 1730 Section 44. For the purpose of incorporating the amendment 1731 made by this act to section 775.21, Florida Statutes, in 1732 references thereto, paragraph (c) of subsection (2) and 1733 subsection (10) of section 947.1405, Florida Statutes, are 1734 reenacted to read: 1735 947.1405 Conditional release program.-1736 (2) Any inmate who: 1737 (c) Is found to be a sexual predator under s. 775.21 or 1738 former s. 775.23, 1739 1740 shall, upon reaching the tentative release date or provisional

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1741 release date, whichever is earlier, as established by the 1742 Department of Corrections, be released under supervision subject 1743 to specified terms and conditions, including payment of the cost 1744 of supervision pursuant to s. 948.09. Such supervision shall be 1745 applicable to all sentences within the overall term of sentences 1746 if an inmate's overall term of sentences includes one or more 1747 sentences that are eligible for conditional release supervision 1748 as provided herein. Effective July 1, 1994, and applicable for 1749 offenses committed on or after that date, the commission may 1750 require, as a condition of conditional release, that the 1751 releasee make payment of the debt due and owing to a county or 1752 municipal detention facility under s. 951.032 for medical care, 1753 treatment, hospitalization, or transportation received by the 1754 releasee while in that detention facility. The commission, in 1755 determining whether to order such repayment and the amount of 1756 such repayment, shall consider the amount of the debt, whether 1757 there was any fault of the institution for the medical expenses 1758 incurred, the financial resources of the releasee, the present 1759 and potential future financial needs and earning ability of the 1760 releasee, and dependents, and other appropriate factors. If any 1761 inmate placed on conditional release supervision is also subject 1762 to probation or community control, resulting from a probationary 1763 or community control split sentence within the overall term of 1764 sentences, the Department of Corrections shall supervise such 1765 person according to the conditions imposed by the court and the 1766 commission shall defer to such supervision. If the court revokes 1767 probation or community control and resentences the offender to a term of incarceration, such revocation also constitutes a 1768 1769 sufficient basis for the revocation of the conditional release

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1770 supervision on any nonprobationary or noncommunity control 1771 sentence without further hearing by the commission. If any such 1772 supervision on any nonprobationary or noncommunity control 1773 sentence is revoked, such revocation may result in a forfeiture 1774 of all gain-time, and the commission may revoke the resulting 1775 deferred conditional release supervision or take other action it 1776 considers appropriate. If the term of conditional release 1777 supervision exceeds that of the probation or community control, 1778 then, upon expiration of the probation or community control, 1779 authority for the supervision shall revert to the commission and 1780 the supervision shall be subject to the conditions imposed by 1781 the commission. A panel of no fewer than two commissioners shall 1782 establish the terms and conditions of any such release. If the 1783 offense was a controlled substance violation, the conditions 1784 shall include a requirement that the offender submit to random 1785 substance abuse testing intermittently throughout the term of 1786 conditional release supervision, upon the direction of the 1787 correctional probation officer as defined in s. 943.10(3). The 1788 commission shall also determine whether the terms and conditions 1789 of such release have been violated and whether such violation 1790 warrants revocation of the conditional release.

1791 (10) Effective for a releasee whose crime was committed on 1792 or after September 1, 2005, in violation of chapter 794, s. 1793 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the 1794 unlawful activity involved a victim who was 15 years of age or 1795 younger and the offender is 18 years of age or older or for a 1796 releasee who is designated as a sexual predator pursuant to s. 1797 775.21, in addition to any other provision of this section, the 1798 commission must order electronic monitoring for the duration of

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594-03826-25 20251804c2 1799 the releasee's supervision. 1800 Section 45. For the purpose of incorporating the amendment 1801 made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 1802 1803 948.013, Florida Statutes, is reenacted to read: 1804 948.013 Administrative probation.-1805 (2) 1806 (b) Effective for an offense committed on or after October 1, 2017, a person is ineligible for placement on administrative 1807 1808 probation if the person is sentenced to or is serving a term of 1809 probation or community control, regardless of the conviction or 1810 adjudication, for committing, or attempting, conspiring, or 1811 soliciting to commit, any of the felony offenses described in s. 1812 775.21(4)(a)1.a. or b. or s. 943.0435(1)(h)1.a. 1813 Section 46. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a 1814 1815 reference thereto, paragraph (f) of subsection (2) of section 948.05, Florida Statutes, is reenacted to read: 1816 1817 948.05 Court to admonish or commend probationer or offender 1818 in community control; graduated incentives.-1819 (2) The department shall implement a system of graduated 1820 incentives to promote compliance with the terms of supervision, 1821 encourage educational achievement and stable employment, and 1822 prioritize the highest levels of supervision for probationers or 1823 offenders presenting the greatest risk of recidivism. 1824 (f) A probationer or offender in community control who is 1825 placed under supervision for committing or attempting, 1826 soliciting, or conspiring to commit a violation of any felony 1827 offense described in s. 775.21(4)(a)1.a. or b. or s.

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594-03826-25 20251804c2 1828 943.0435(1)(h)1.a., or who qualifies as a violent felony 1829 offender of special concern under s. 948.06(8)(b) is not eligible for any reduction of his or her term of supervision 1830 1831 under this section. 1832 Section 47. For the purpose of incorporating the amendment 1833 made by this act to section 775.21, Florida Statutes, in 1834 references thereto, subsection (4) and paragraphs (b) and (d) of 1835 subsection (8) of section 948.06, Florida Statutes, are 1836 reenacted to read: 1837 948.06 Violation of probation or community control; 1838 revocation; modification; continuance; failure to pay 1839 restitution or cost of supervision.-1840 (4) Notwithstanding any other provision of this section, a 1841 felony probationer or an offender in community control who is 1842 arrested for violating his or her probation or community control 1843 in a material respect may be taken before the court in the 1844 county or circuit in which the probationer or offender was 1845 arrested. That court shall advise him or her of the charge of a 1846 violation and, if such charge is admitted, shall cause him or 1847 her to be brought before the court that granted the probation or 1848 community control. If the violation is not admitted by the probationer or offender, the court may commit him or her or 1849 1850 release him or her with or without bail to await further 1851 hearing. However, if the probationer or offender is under 1852 supervision for any criminal offense proscribed in chapter 794, 1853 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a 1854 registered sexual predator or a registered sexual offender, or 1855 is under supervision for a criminal offense for which he or she 1856 would meet the registration criteria in s. 775.21, s. 943.0435,

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<pre>1857 or s. 944.607 but for the effective date of those sections, the 1858 court must make a finding that the probationer or offender is 1859 not a danger to the public prior to release with or without 1860 bail. In determining the danger posed by the offender's or</pre>	ne
1859 not a danger to the public prior to release with or without	1
	1
1860 bail. In determining the danger posed by the offender's or	1
	1
1861 probationer's release, the court may consider the nature and	1
1862 circumstances of the violation and any new offenses charged; the	
1863 offender's or probationer's past and present conduct, including	
1864 convictions of crimes; any record of arrests without conviction	1
1865 for crimes involving violence or sexual crimes; any other	
1866 evidence of allegations of unlawful sexual conduct or the use of)f
1867 violence by the offender or probationer; the offender's or	
1868 probationer's family ties, length of residence in the community	7,
1869 employment history, and mental condition; his or her history and	ıd
1870 conduct during the probation or community control supervision	
1871 from which the violation arises and any other previous	
1872 supervisions, including disciplinary records of previous	
1873 incarcerations; the likelihood that the offender or probationer	2
1874 will engage again in a criminal course of conduct; the weight of	of
1875 the evidence against the offender or probationer; and any other	2
1876 facts the court considers relevant. The court, as soon as is	
1877 practicable, shall give the probationer or offender an	
1878 opportunity to be fully heard on his or her behalf in person or	
1879 by counsel. After the hearing, the court shall make findings of	-
1880 fact and forward the findings to the court that granted the	
1881 probation or community control and to the probationer or	
1882 offender or his or her attorney. The findings of fact by the	
1883 hearing court are binding on the court that granted the	
1884 probation or community control. Upon the probationer or offende	er
1885 being brought before it, the court that granted the probation of	r

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1886	community control may revoke, modify, or continue the probation
1887	or community control or may place the probationer into community
1888	control as provided in this section. However, the probationer or
1889	offender shall not be released and shall not be admitted to
1890	bail, but shall be brought before the court that granted the
1891	probation or community control if any violation of felony
1892	probation or community control other than a failure to pay costs
1893	or fines or make restitution payments is alleged to have been
1894	committed by:
1895	(a) A violent felony offender of special concern, as
1896	defined in this section;
1897	(b) A person who is on felony probation or community
1898	control for any offense committed on or after the effective date
1899	of this act and who is arrested for a qualifying offense as
1900	defined in this section; or
1901	(c) A person who is on felony probation or community
1902	control and has previously been found by a court to be a
1903	habitual violent felony offender as defined in s. 775.084(1)(b),
1904	a three-time violent felony offender as defined in s.
1905	775.084(1)(c), or a sexual predator under s. 775.21, and who is
1906	arrested for committing a qualifying offense as defined in this
1907	section on or after the effective date of this act.
1908	(8)
1909	(b) For purposes of this section and ss. 903.0351, 948.064,
1910	and 921.0024, the term "violent felony offender of special
1911	concern" means a person who is on:
1912	1. Felony probation or community control related to the
1913	commission of a qualifying offense committed on or after the
1914	effective date of this act;

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594-03826-25 20251804c2 1915 2. Felony probation or community control for any offense 1916 committed on or after the effective date of this act, and has 1917 previously been convicted of a qualifying offense; 1918 3. Felony probation or community control for any offense 1919 committed on or after the effective date of this act, and is 1920 found to have violated that probation or community control by 1921 committing a qualifying offense; 1922 4. Felony probation or community control and has previously been found by a court to be a habitual violent felony offender 1923 1924 as defined in s. 775.084(1)(b) and has committed a qualifying 1925 offense on or after the effective date of this act; 1926 5. Felony probation or community control and has previously 1927 been found by a court to be a three-time violent felony offender 1928 as defined in s. 775.084(1)(c) and has committed a qualifying offense on or after the effective date of this act; or 1929 1930 6. Felony probation or community control and has previously 1931 been found by a court to be a sexual predator under s. 775.21 1932 and has committed a qualifying offense on or after the effective 1933 date of this act. 1934 (d) In the case of an alleged violation of probation or 1935 community control other than a failure to pay costs, fines, or 1936 restitution, the following individuals shall remain in custody 1937 pending the resolution of the probation or community control violation: 1938 1939 1. A violent felony offender of special concern, as defined 1940 in this section;

1941 2. A person who is on felony probation or community control 1942 for any offense committed on or after the effective date of this 1943 act and who is arrested for a qualifying offense as defined in

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594-03826-25 20251804c2 1944 this section; or 1945 3. A person who is on felony probation or community control 1946 and has previously been found by a court to be a habitual 1947 violent felony offender as defined in s. 775.084(1)(b), a three-1948 time violent felony offender as defined in s. 775.084(1)(c), or a sexual predator under s. 775.21, and who is arrested for 1949 1950 committing a qualifying offense as defined in this section on or after the effective date of this act. 1951 1952 1953 The court shall not dismiss the probation or community control 1954 violation warrant pending against an offender enumerated in this 1955 paragraph without holding a recorded violation-of-probation 1956 hearing at which both the state and the offender are 1957 represented. 1958 Section 48. For the purpose of incorporating the amendment 1959 made by this act to section 775.21, Florida Statutes, in a 1960 reference thereto, section 948.063, Florida Statutes, is 1961 reenacted to read: 1962 948.063 Violations of probation or community control by 1963 designated sexual offenders and sexual predators.-1964 (1) If probation or community control for any felony 1965 offense is revoked by the court pursuant to s. 948.06(2)(e) and 1966 the offender is designated as a sexual offender pursuant to s. 1967 943.0435 or s. 944.607 or as a sexual predator pursuant to s. 1968 775.21 for unlawful sexual activity involving a victim 15 years 1969 of age or younger and the offender is 18 years of age or older, 1970 and if the court imposes a subsequent term of supervision 1971 following the revocation of probation or community control, the 1972 court must order electronic monitoring as a condition of the

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1973 subsequent term of probation or community control.

1974 (2) If the probationer or offender is required to register 1975 as a sexual predator under s. 775.21 or as a sexual offender 1976 under s. 943.0435 or s. 944.607 for unlawful sexual activity 1977 involving a victim 15 years of age or younger and the 1978 probationer or offender is 18 years of age or older and has 1979 violated the conditions of his or her probation or community 1980 control, but the court does not revoke the probation or 1981 community control, the court shall nevertheless modify the 1982 probation or community control to include electronic monitoring 1983 for any probationer or offender not then subject to electronic 1984 monitoring.

1985 Section 49. For the purpose of incorporating the amendment 1986 made by this act to section 775.21, Florida Statutes, in a 1987 reference thereto, subsection (4) of section 948.064, Florida 1988 Statutes, is reenacted to read:

1989 948.064 Notification of status as a violent felony offender 1990 of special concern.-

1991 (4) The state attorney, or the statewide prosecutor if 1992 applicable, shall advise the court at each critical stage in the 1993 judicial process, at which the state attorney or statewide 1994 prosecutor is represented, whether an alleged or convicted 1995 offender is a violent felony offender of special concern; a 1996 person who is on felony probation or community control for any 1997 offense committed on or after the effective date of this act and 1998 who is arrested for a qualifying offense; or a person who is on 1999 felony probation or community control and has previously been 2000 found by a court to be a habitual violent felony offender as 2001 defined in s. 775.084(1)(b), a three-time violent felony

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594-03826-25 20251804c2 2002 offender as defined in s. 775.084(1)(c), or a sexual predator under s. 775.21, and who is arrested for committing a qualifying 2003 offense on or after the effective date of this act. 2004 2005 Section 50. For the purpose of incorporating the amendment 2006 made by this act to section 775.21, Florida Statutes, in a 2007 reference thereto, section 948.12, Florida Statutes, is 2008 reenacted to read: 2009 948.12 Intensive supervision for postprison release of violent offenders.-It is the finding of the Legislature that the 2010 2011 population of violent offenders released from state prison into 2012 the community poses the greatest threat to the public safety of 2013 the groups of offenders under community supervision. Therefore, 2014 for the purpose of enhanced public safety, any offender released 2015 from state prison who: 2016 (1) Was most recently incarcerated for an offense that is 2017 or was contained in category 1 (murder, manslaughter), category 2018 2 (sexual offenses), category 3 (robbery), or category 4 2019 (violent personal crimes) of Rules 3.701 and 3.988, Florida 2020 Rules of Criminal Procedure (1993), and who has served at least 2021 one prior felony commitment at a state or federal correctional 2022 institution: 2023 (2) Was sentenced as a habitual offender, violent habitual 2024 offender, or violent career criminal pursuant to s. 775.084; or 2025 (3) Has been found to be a sexual predator pursuant to s. 775.21, 2026 2027 2028 and who has a term of probation to follow the period of

2029 incarceration shall be provided intensive supervision by 2030 experienced correctional probation officers. Subject to specific

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594-03826-25 20251804c2 2031 appropriation by the Legislature, caseloads may be restricted to 2032 a maximum of 40 offenders per officer to provide for enhanced 2033 public safety as well as to effectively monitor conditions of 2034 electronic monitoring or curfews, if such was ordered by the 2035 court. 2036 Section 51. For the purpose of incorporating the amendment 2037 made by this act to section 775.21, Florida Statutes, in a reference thereto, subsection (3) of section 948.30, Florida 2038 2039 Statutes, is reenacted to read: 2040 948.30 Additional terms and conditions of probation or 2041 community control for certain sex offenses.-Conditions imposed 2042 pursuant to this section do not require oral pronouncement at 2043 the time of sentencing and shall be considered standard conditions of probation or community control for offenders 2044 2045 specified in this section. 2046 (3) Effective for a probationer or community controllee 2047 whose crime was committed on or after September 1, 2005, and 2048 who: 2049 Is placed on probation or community control for a (a) 2050 violation of chapter 794; s. 800.04(4), (5), or (6); s. 827.071; 2051 or s. 847.0145, or is placed on probation or community control 2052 on or after July 1, 2023, for attempting, soliciting, or 2053 conspiring to commit a violation of chapter 794; s. 800.04(4), 2054 (5), or (6); s. 827.071; or s. 847.0145, and the unlawful sexual 2055 activity involved a victim 15 years of age or younger and the 2056 offender is 18 years of age or older; 2057 (b) Is designated a sexual predator pursuant to s. 775.21;

2058 or 2059 (c) Has previously been convicted of a violation of chapter

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2060 794; s. 800.04(4), (5), or (6); s. 827.071; or s. 847.0145 and 2061 the unlawful sexual activity involved a victim 15 years of age 2062 or younger and the offender is 18 years of age or older, 2063 2064 the court must order, in addition to any other provision of this 2065 section, mandatory electronic monitoring as a condition of the 2066 probation or community control supervision. 2067 Section 52. For the purpose of incorporating the amendment 2068 made by this act to section 775.21, Florida Statutes, in a 2069 reference thereto, section 948.31, Florida Statutes, is 2070 reenacted to read: 2071 948.31 Evaluation and treatment of sexual predators and 2072 offenders on probation or community control.-The court may 2073 require any probationer or community controllee who is required 2074 to register as a sexual predator under s. 775.21 or sexual 2075 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo 2076 an evaluation, at the probationer or community controllee's 2077 expense, by a qualified practitioner to determine whether such 2078 probationer or community controllee needs sexual offender 2079 treatment. If the qualified practitioner determines that sexual 2080 offender treatment is needed and recommends treatment, the 2081 probationer or community controllee must successfully complete 2082 and pay for the treatment. Such treatment must be obtained from 2083 a qualified practitioner as defined in s. 948.001. Treatment may 2084 not be administered by a qualified practitioner who has been 2085 convicted or adjudicated delinquent of committing, or 2086 attempting, soliciting, or conspiring to commit, any offense 2087 that is listed in s. 943.0435(1)(h)1.a.(I). 2088 Section 53. For the purpose of incorporating the amendment

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594-03826-25 20251804c2 2089 made by this act to section 775.21, Florida Statutes, in a 2090 reference thereto, paragraph (b) of subsection (6) of section 2091 985.04, Florida Statutes, is reenacted to read: 2092 985.04 Oaths; records; confidential information.-2093 (6) 2094 (b) Sexual offender and predator registration information 2095 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481, 2096 and 985.4815 is a public record pursuant to s. 119.07(1) and as 2097 otherwise provided by law. 2098 Section 54. For the purpose of incorporating the amendment 2099 made by this act to section 943.0435, Florida Statutes, in 2100 references thereto, paragraph (c) of subsection (2) and 2101 paragraph (c) of subsection (9) of section 61.13, Florida 2102 Statutes, are reenacted to read: 2103 61.13 Support of children; parenting and time-sharing; 2104 powers of court.-2105 (2) 2106 (C) The court shall determine all matters relating to 2107 parenting and time-sharing of each minor child of the parties in 2108 accordance with the best interests of the child and in 2109 accordance with the Uniform Child Custody Jurisdiction and 2110 Enforcement Act, except that modification of a parenting plan 2111 and time-sharing schedule requires a showing of a substantial 2112 and material change of circumstances.

1. It is the public policy of this state that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. Unless otherwise

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594-03826-25 20251804c2 2118 provided in this section or agreed to by the parties, there is a 2119 rebuttable presumption that equal time-sharing of a minor child is in the best interests of the minor child. To rebut this 2120 presumption, a party must prove by a preponderance of the 2121 2122 evidence that equal time-sharing is not in the best interests of 2123 the minor child. Except when a time-sharing schedule is agreed 2124 to by the parties and approved by the court, the court must 2125 evaluate all of the factors set forth in subsection (3) and make 2126 specific written findings of fact when creating or modifying a 2127 time-sharing schedule.

2128 2. The court shall order that the parental responsibility 2129 for a minor child be shared by both parents unless the court 2130 finds that shared parental responsibility would be detrimental 2131 to the child. In determining detriment to the child, the court 2132 shall consider:

2133

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

2134 Whether either parent has or has had reasonable cause to b. 2135 believe that he or she or his or her minor child or children are 2136 or have been in imminent danger of becoming victims of an act of 2137 domestic violence as defined in s. 741.28 or sexual violence as 2138 defined in s. 784.046(1)(c) by the other parent against the 2139 parent or against the child or children whom the parents share 2140 in common regardless of whether a cause of action has been 2141 brought or is currently pending in the court;

c. Whether either parent has or has had reasonable cause to believe that his or her minor child or children are or have been in imminent danger of becoming victims of an act of abuse, abandonment, or neglect, as those terms are defined in s. 39.01, by the other parent against the child or children whom the

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594-03826-25 20251804c2 2147 parents share in common regardless of whether a cause of action 2148 has been brought or is currently pending in the court; and 2149 d. Any other relevant factors. 2150 The following evidence creates a rebuttable presumption 3. 2151 that shared parental responsibility is detrimental to the child: 2152 a. A parent has been convicted of a misdemeanor of the 2153 first degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775; 2154 2155 b. A parent meets the criteria of s. 39.806(1)(d); or 2156 c. A parent has been convicted of or had adjudication 2157 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and 2158 at the time of the offense: 2159 (I) The parent was 18 years of age or older. 2160 (II) The victim was under 18 years of age or the parent 2161 believed the victim to be under 18 years of age. 2162 2163 If the presumption is not rebutted after the convicted parent is 2164 advised by the court that the presumption exists, shared 2165 parental responsibility, including time-sharing with the child, 2166 and decisions made regarding the child, may not be granted to 2167 the convicted parent. However, the convicted parent is not 2168 relieved of any obligation to provide financial support. If the 2169 court determines that shared parental responsibility would be 2170 detrimental to the child, it may order sole parental 2171 responsibility and make such arrangements for time-sharing as 2172 specified in the parenting plan as will best protect the child or abused spouse from further harm. Whether or not there is a 2173 2174 conviction of any offense of domestic violence or child abuse or 2175 the existence of an injunction for protection against domestic

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594-03826-25 20251804c2 2176 violence, the court shall consider evidence of domestic violence 2177 or child abuse as evidence of detriment to the child. 2178 In ordering shared parental responsibility, the court 4. 2179 may consider the expressed desires of the parents and may grant 2180 to one party the ultimate responsibility over specific aspects 2181 of the child's welfare or may divide those responsibilities 2182 between the parties based on the best interests of the child. 2183 Areas of responsibility may include education, health care, and 2184 any other responsibilities that the court finds unique to a 2185 particular family. 2186 5. The court shall order sole parental responsibility for a 2187 minor child to one parent, with or without time-sharing with the 2188 other parent if it is in the best interests of the minor child. 2189 6. There is a rebuttable presumption against granting time-2190 sharing with a minor child if a parent has been convicted of or 2191 had adjudication withheld for an offense enumerated in s. 2192 943.0435(1)(h) 1.a., and at the time of the offense: 2193 a. The parent was 18 years of age or older.

b. The victim was under 18 years of age or the parentbelieved the victim to be under 18 years of age.

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

2203 7. Access to records and information pertaining to a minor 2204 child, including, but not limited to, medical, dental, and

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594-03826-25 20251804c2 2205 school records, may not be denied to either parent. Full rights 2206 under this subparagraph apply to either parent unless a court 2207 order specifically revokes these rights, including any 2208 restrictions on these rights as provided in a domestic violence 2209 injunction. A parent having rights under this subparagraph has 2210 the same rights upon request as to form, substance, and manner 2211 of access as are available to the other parent of a child, 2212 including, without limitation, the right to in-person 2213 communication with medical, dental, and education providers. 2214 (9) 2215 (c) A court may not order visitation at a recovery 2216 residence if any resident of the recovery residence is currently 2217 required to register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435. 2218 2219 Section 55. For the purpose of incorporating the amendment 2220 made by this act to section 943.0435, Florida Statutes, in 2221 references thereto, paragraph (i) of subsection (3) and 2222 subsection (6) of section 68.07, Florida Statutes, are reenacted 2223 to read: 2224 68.07 Change of name.-2225 (3) Each petition shall be verified and show: 2226 (i) Whether the petitioner has ever been required to 2227 register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435. 2228 2229 The clerk of the court must, within 5 business days (6) 2230 after the filing of the final judgment, send a report of the 2231 judgment to the Department of Law Enforcement on a form to be 2232 furnished by that department. If the petitioner is required to 2233 register as a sexual predator or a sexual offender pursuant to

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594-03826-25 20251804c2 2234 s. 775.21 or s. 943.0435, the clerk of court shall 2235 electronically notify the Department of Law Enforcement of the 2236 name change, in a manner prescribed by that department, within 2 2237 business days after the filing of the final judgment. The 2238 Department of Law Enforcement must send a copy of the report to 2239 the Department of Highway Safety and Motor Vehicles, which may 2240 be delivered by electronic transmission. The report must contain sufficient information to identify the petitioner, including the 2241 2242 results of the criminal history records check if applicable, the 2243 new name of the petitioner, and the file number of the judgment. The Department of Highway Safety and Motor Vehicles shall 2244 2245 monitor the records of any sexual predator or sexual offender 2246 whose name has been provided to it by the Department of Law 2247 Enforcement. If the sexual predator or sexual offender does not 2248 obtain a replacement driver license or identification card 2249 within the required time as specified in s. 775.21 or s. 2250 943.0435, the Department of Highway Safety and Motor Vehicles 2251 shall notify the Department of Law Enforcement. The Department 2252 of Law Enforcement shall notify applicable law enforcement 2253 agencies of the predator's or offender's failure to comply with 2254 registration requirements. Any information retained by the 2255 Department of Law Enforcement and the Department of Highway 2256 Safety and Motor Vehicles may be revised or supplemented by said 2257 departments to reflect changes made by the final judgment. With 2258 respect to a person convicted of a felony in another state or of 2259 a federal offense, the Department of Law Enforcement must send 2260 the report to the respective state's office of law enforcement 2261 records or to the office of the Federal Bureau of Investigation. 2262 The Department of Law Enforcement may forward the report to any

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594-03826-25 20251804c2 2263 other law enforcement agency it believes may retain information 2264 related to the petitioner. 2265 Section 56. For the purpose of incorporating the amendment 2266 made by this act to section 943.0435, Florida Statutes, in a 2267 reference thereto, paragraph (b) of subsection (1) of section 2268 92.55, Florida Statutes, is reenacted to read: 2269 92.55 Special protections in proceedings involving victim 2270 or witness under 18, person with intellectual disability, or 2271 sexual offense victim.-2272 (1) For purposes of this section, the term: 2273 (b) "Sexual offense" means any offense specified in s. 2274 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I). 2275 Section 57. For the purpose of incorporating the amendment 2276 made by this act to section 943.0435, Florida Statutes, in a 2277 reference thereto, paragraph (b) of subsection (2) of section 2278 98.0751, Florida Statutes, is reenacted to read: 2279 98.0751 Restoration of voting rights; termination of 2280 ineligibility subsequent to a felony conviction.-2281 (2) For purposes of this section, the term: 2282 (b) "Felony sexual offense" means any of the following: 2283 1. Any felony offense that serves as a predicate to 2284 registration as a sexual offender in accordance with s. 2285 943.0435; 2. Section 491.0112; 2286 2287 3. Section 784.049(3)(b); 2288 4. Section 794.08; 2289 5. Section 796.08; 2290 6. Section 800.101; 2291 7. Section 826.04;

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594-03826-25 20251804c2 2292 8. Section 847.012; 2293 9. Section 872.06(2); 2294 10. Section 944.35(3)(b)2.; 2295 11. Section 951.221(1); or 2296 12. Any similar offense committed in another jurisdiction 2297 which would be an offense listed in this paragraph if it had 2298 been committed in violation of the laws of this state. 2299 Section 58. For the purpose of incorporating the amendment 2300 made by this act to section 943.0435, Florida Statutes, in a 2301 reference thereto, subsection (3) of section 322.141, Florida 2302 Statutes, is reenacted to read: 2303 322.141 Color or markings of certain licenses or 2304 identification cards.-2305 (3) All licenses for the operation of motor vehicles or 2306 identification cards originally issued or reissued by the 2307 department to persons who are designated as sexual predators 2308 under s. 775.21 or subject to registration as sexual offenders 2309 under s. 943.0435 or s. 944.607, or who have a similar 2310 designation or are subject to a similar registration under the 2311 laws of another jurisdiction, shall have on the front of the 2312 license or identification card the following: 2313 (a) For a person designated as a sexual predator under s. 2314 775.21 or who has a similar designation under the laws of 2315 another jurisdiction, the marking "SEXUAL PREDATOR." 2316 (b) For a person subject to registration as a sexual 2317 offender under s. 943.0435 or s. 944.607, or subject to a 2318 similar registration under the laws of another jurisdiction, the marking "943.0435, F.S." 2319

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Section 59. For the purpose of incorporating the amendment

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594-03826-25 20251804c2 2321 made by this act to section 943.0435, Florida Statutes, in a reference thereto, subsection (2) of section 394.9125, Florida 2322 2323 Statutes, is reenacted to read: 2324 394.9125 State attorney; authority to refer a person for 2325 civil commitment.-2326 (2) A state attorney may refer a person to the department 2327 for civil commitment proceedings if the person: 2328 (a) Is required to register as a sexual offender pursuant 2329 to s. 943.0435; 2330 (b) Has previously been convicted of a sexually violent 2331 offense as defined in s. 394.912(9)(a) - (h); and 2332 (c) Has been sentenced to a term of imprisonment in a 2333 county or municipal jail for any criminal offense. 2334 Section 60. For the purpose of incorporating the amendment 2335 made by this act to section 943.0435, Florida Statutes, in a 2336 reference thereto, paragraph (b) of subsection (4) of section 2337 435.07, Florida Statutes, is reenacted to read: 2338 435.07 Exemptions from disgualification.-Unless otherwise 2339 provided by law, the provisions of this section apply to 2340 exemptions from disqualification for disqualifying offenses 2341 revealed pursuant to background screenings required under this 2342 chapter, regardless of whether those disqualifying offenses are 2343 listed in this chapter or other laws. 2344 (4)Disqualification from employment or affiliation under 2345 (b) this chapter may not be removed from, nor may an exemption be 2346 2347 granted to, any person who is a: 2348 1. Sexual predator as designated pursuant to s. 775.21; 2349 2. Career offender pursuant to s. 775.261; or

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594-03826-25 20251804c2 2350 3. Sexual offender pursuant to s. 943.0435, unless the 2351 requirement to register as a sexual offender has been removed 2352 pursuant to s. 943.04354. 2353 Section 61. For the purpose of incorporating the amendment 2354 made by this act to section 943.0435, Florida Statutes, in a 2355 reference thereto, subsection (2) of section 775.0862, Florida 2356 Statutes, is reenacted to read: 2357 775.0862 Sexual offenses against students by authority 2358 figures; reclassification.-2359 (2) The felony degree of a violation of an offense listed 2360 in s. 943.0435(1)(h)1.a., unless the offense is a violation of 2361 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified 2362 as provided in this section if the offense is committed by an 2363 authority figure of a school against a student of the school. 2364 Section 62. For the purpose of incorporating the amendment 2365 made by this act to section 943.0435, Florida Statutes, in a 2366 reference thereto, subsection (4) of section 775.13, Florida 2367 Statutes, is reenacted to read: 2368 775.13 Registration of convicted felons, exemptions; 2369 penalties.-2370 (4) This section does not apply to an offender: 2371 (a) Who has had his or her civil rights restored; 2372 (b) Who has received a full pardon for the offense for 2373 which convicted; 2374 (c) Who has been lawfully released from incarceration or 2375 other sentence or supervision for a felony conviction for more 2376 than 5 years prior to such time for registration, unless the 2377 offender is a fugitive from justice on a felony charge or has 2378 been convicted of any offense since release from such

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2379	incarceration or other sentence or supervision;
2380	(d) Who is a parolee or probationer under the supervision
2381	of the United States Parole Commission if the commission knows
2382	of and consents to the presence of the offender in Florida or is
2383	a probationer under the supervision of any federal probation
2384	officer in the state or who has been lawfully discharged from
2385	such parole or probation;
2386	(e) Who is a sexual predator and has registered as required
2387	under s. 775.21;
2388	(f) Who is a sexual offender and has registered as required
2389	in s. 943.0435 or s. 944.607; or
2390	(g) Who is a career offender who has registered as required
2391	in s. 775.261 or s. 944.609.
2392	Section 63. For the purpose of incorporating the amendment
2393	made by this act to section 943.0435, Florida Statutes, in a
2394	reference thereto, subsection (2) of section 775.24, Florida
2395	Statutes, is reenacted to read:
2396	775.24 Duty of the court to uphold laws governing sexual
2397	predators and sexual offenders
2398	(2) If a person meets the criteria in this chapter for
2399	designation as a sexual predator or meets the criteria in s.
2400	943.0435, s. 944.606, s. 944.607, or any other law for
2401	classification as a sexual offender, the court may not enter an
2402	order, for the purpose of approving a plea agreement or for any
2403	other reason, which:
2404	(a) Exempts a person who meets the criteria for designation
2405	as a sexual predator or classification as a sexual offender from
2406	such designation or classification, or exempts such person from
2407	the requirements for registration or community and public

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594-03826-25 20251804c2 2408 notification imposed upon sexual predators and sexual offenders; 2409 (b) Restricts the compiling, reporting, or release of 2410 public records information that relates to sexual predators or 2411 sexual offenders; or 2412 (c) Prevents any person or entity from performing its 2413 duties or operating within its statutorily conferred authority 2414 as such duty or authority relates to sexual predators or sexual 2415 offenders. 2416 Section 64. For the purpose of incorporating the amendment 2417 made by this act to section 943.0435, Florida Statutes, in a 2418 reference thereto, section 775.25, Florida Statutes, is 2419 reenacted to read: 775.25 Prosecutions for acts or omissions.-A sexual 2420 predator or sexual offender who commits any act or omission in 2421 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s. 2422 2423 944.607, or former s. 947.177 may be prosecuted for the act or 2424 omission in the county in which the act or omission was 2425 committed, in the county of the last registered address of the 2426 sexual predator or sexual offender, in the county in which the 2427 conviction occurred for the offense or offenses that meet the 2428 criteria for designating a person as a sexual predator or sexual 2429 offender, in the county where the sexual predator or sexual 2430 offender was released from incarceration, or in the county of 2431 the intended address of the sexual predator or sexual offender 2432 as reported by the predator or offender prior to his or her 2433 release from incarceration. In addition, a sexual predator may 2434 be prosecuted for any such act or omission in the county in 2435 which he or she was designated a sexual predator. 2436 Section 65. For the purpose of incorporating the amendment

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594-03826-25 20251804c2 2437 made by this act to section 943.0435, Florida Statutes, in a 2438 reference thereto, paragraph (cc) of subsection (2) of section 2439 900.05, Florida Statutes, is reenacted to read: 2440 900.05 Criminal justice data collection.-2441 (2) DEFINITIONS.-As used in this section, the term: (cc) "Sexual offender flag" means an indication that a 2442 2443 defendant was required to register as a sexual predator as 2444 defined in s. 775.21 or as a sexual offender as defined in s. 2445 943.0435. 2446 Section 66. For the purpose of incorporating the amendment 2447 made by this act to section 943.0435, Florida Statutes, in a 2448 reference thereto, paragraph (m) of subsection (2) of section 2449 903.046, Florida Statutes, is reenacted to read: 2450 903.046 Purpose of and criteria for bail determination.-2451 (2) When determining whether to release a defendant on bail 2452 or other conditions, and what that bail or those conditions may 2453 be, the court shall consider: 2454 (m) Whether the defendant, other than a defendant whose 2455 only criminal charge is a misdemeanor offense under chapter 316, 2456 is required to register as a sexual offender under s. 943.0435 2457 or a sexual predator under s. 775.21; and, if so, he or she is 2458 not eligible for release on bail or surety bond until the first 2459 appearance on the case in order to ensure the full participation of the prosecutor and the protection of the public. 2460 2461 Section 67. For the purpose of incorporating the amendment

2462 made by this act to section 943.0435, Florida Statutes, in a 2463 reference thereto, section 903.133, Florida Statutes, is 2464 reenacted to read:

2465

903.133 Bail on appeal; prohibited for certain felony

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594-03826-25 20251804c2 2466 convictions.-Notwithstanding s. 903.132, no person shall be 2467 admitted to bail pending review either by posttrial motion or 2468 appeal if he or she was adjudged guilty of: 2469 (1) A felony of the first degree for a violation of s. 2470 782.04(2) or (3), s. 787.01, s. 794.011(4), s. 806.01, s. 2471 893.13, or s. 893.135; 2472 (2) A violation of s. 794.011(2) or (3); or 2473 (3) Any other offense requiring sexual offender 2474 registration under s. 943.0435(1)(h) or sexual predator 2475 registration under s. 775.21(4) when, at the time of the offense, the offender was 18 years of age or older and the 2476 2477 victim was a minor. 2478 Section 68. For the purpose of incorporating the amendment 2479 made by this act to section 943.0435, Florida Statutes, in a 2480 reference thereto, paragraph (b) of subsection (4) of section 2481 907.043, Florida Statutes, is reenacted to read: 2482 907.043 Pretrial release; citizens' right to know.-2483 (4) 2484 (b) The annual report must contain, but need not be limited 2485 to: 2486 The name, location, and funding sources of the pretrial 1. 2487 release program, including the amount of public funds, if any, 2488 received by the pretrial release program. 2489 2. The operating and capital budget of each pretrial 2490 release program receiving public funds. 2491 3.a. The percentage of the pretrial release program's total 2492 budget representing receipt of public funds. 2493 b. The percentage of the total budget which is allocated to 2494 assisting defendants obtain release through a nonpublicly funded

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594-03826-25 20251804c2 2495 program. 2496 c. The amount of fees paid by defendants to the pretrial 2497 release program. 2498 4. The number of persons employed by the pretrial release 2499 program. 2500 The number of defendants assessed and interviewed for 5. 2501 pretrial release. 2502 6. The number of defendants recommended for pretrial 2503 release. 2504 7. The number of defendants for whom the pretrial release 2505 program recommended against nonsecured release. 2506 8. The number of defendants granted nonsecured release 2507 after the pretrial release program recommended nonsecured 2508 release. 2509 The number of defendants assessed and interviewed for 9. 2510 pretrial release who were declared indigent by the court. 2511 10. The number of defendants accepted into a pretrial 2512 release program who paid a surety or cash bail or bond. 2513 11. The number of defendants for whom a risk assessment 2514 tool was used in determining whether the defendant should be 2515 released pending the disposition of the case and the number of 2516 defendants for whom a risk assessment tool was not used. 2517 12. The specific statutory citation for each criminal 2518 charge related to a defendant whose case is accepted into a 2519 pretrial release program, including, at a minimum, the number of 2520 defendants charged with dangerous crimes as defined in s. 2521 907.041; nonviolent felonies; or misdemeanors only. A 2522 "nonviolent felony" for purposes of this subparagraph excludes the commission of, an attempt to commit, or a conspiracy to 2523

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594-03826-25 20251804c2 2524 commit any of the following: 2525 a. An offense enumerated in s. 775.084(1)(c); 2526 b. An offense that requires a person to register as a 2527 sexual predator in accordance with s. 775.21 or as a sexual offender in accordance with s. 943.0435; 2528 2529 c. Failure to register as a sexual predator in violation of 2530 s. 775.21 or as a sexual offender in violation of s. 943.0435; 2531 d. Facilitating or furthering terrorism in violation of s. 2532 775.31; 2533 e. A forcible felony as described in s. 776.08; 2534 f. False imprisonment in violation of s. 787.02; 2535 q. Burglary of a dwelling or residence in violation of s. 2536 810.02(3); 2537 h. Abuse, aggravated abuse, and neglect of an elderly 2538 person or disabled adult in violation of s. 825.102; 2539 i. Abuse, aggravated abuse, and neglect of a child in 2540 violation of s. 827.03; 2541 j. Poisoning of food or water in violation of s. 859.01; 2542 k. Abuse of a dead human body in violation of s. 872.06; 2543 1. A capital offense in violation of chapter 893; 2544 m. An offense that results in serious bodily injury or 2545 death to another human; or 2546 n. A felony offense in which the defendant used a weapon or 2547 firearm in the commission of the offense. 2548 13. The number of defendants accepted into a pretrial 2549 release program with no prior criminal conviction. 2550 14. The name and case number of each person granted 2551 nonsecured release who: 2552 a. Failed to attend a scheduled court appearance.

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594-03826-25 20251804c2 2553 b. Was issued a warrant for failing to appear. 2554 c. Was arrested for any offense while on release through 2555 the pretrial release program. 2556 15. Any additional information deemed necessary by the 2557 governing body to assess the performance and cost efficiency of 2558 the pretrial release program. 2559 Section 69. For the purpose of incorporating the amendment 2560 made by this act to section 943.0435, Florida Statutes, in a 2561 reference thereto, paragraph (a) of subsection (2) of section 2562 934.255, Florida Statutes, is reenacted to read: 2563 934.255 Subpoenas in investigations of sexual offenses.-2564 (2) An investigative or law enforcement officer who is 2565 conducting an investigation into: 2566 (a) Allegations of the sexual abuse of a child or an 2567 individual's suspected commission of a crime listed in s. 2568 943.0435(1)(h)1.a.(I) may use a subpoena to compel the 2569 production of records, documents, or other tangible objects and 2570 the testimony of the subpoena recipient concerning the 2571 production and authenticity of such records, documents, or 2572 objects, except as provided in paragraphs (b) and (c). 2573 2574 A subpoena issued under this subsection must describe the 2575 records, documents, or other tangible objects required to be 2576 produced, and must prescribe a date by which such records, 2577 documents, or other tangible objects must be produced. 2578 Section 70. For the purpose of incorporating the amendment 2579 made by this act to section 943.0435, Florida Statutes, in a 2580 reference thereto, subsection (1) of section 938.10, Florida

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Statutes, is reenacted to read:

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2582
           938.10 Additional court cost imposed in cases of certain
2583
      crimes.-
2584
            (1)
                If a person pleads guilty or nolo contendere to, or is
2585
      found quilty of, regardless of adjudication, any offense against
2586
      a minor in violation of s. 784.085, chapter 787, chapter 794,
      former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.
2587
2588
      847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,
2589
      s. 893.147(3), or s. 985.701, or any offense in violation of s.
2590
      775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
2591
      court shall impose a court cost of $151 against the offender in
2592
      addition to any other cost or penalty required by law.
2593
           Section 71. For the purpose of incorporating the amendment
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      made by this act to section 943.0435, Florida Statutes, in a
2595
      reference thereto, subsection (2) of section 943.0436, Florida
2596
      Statutes, is reenacted to read:
2597
           943.0436 Duty of the court to uphold laws governing sexual
2598
      predators and sexual offenders.-
2599
            (2) If a person meets the criteria in chapter 775 for
2600
      designation as a sexual predator or meets the criteria in s.
2601
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2601 943.0435, s. 944.606, s. 944.607, or any other law for 2602 classification as a sexual offender, the court may not enter an 2603 order, for the purpose of approving a plea agreement or for any 2604 other reason, which:

(a) Exempts a person who meets the criteria for designation
as a sexual predator or classification as a sexual offender from
such designation or classification, or exempts such person from
the requirements for registration or community and public
notification imposed upon sexual predators and sexual offenders;
(b) Restricts the compiling, reporting, or release of

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594-03826-25 20251804c2 2611 public records information that relates to sexual predators or 2612 sexual offenders; or 2613 (c) Prevents any person or entity from performing its 2614 duties or operating within its statutorily conferred authority 2615 as such duty or authority relates to sexual predators or sexual 2616 offenders. 2617 Section 72. For the purpose of incorporating the amendment 2618 made by this act to section 943.0435, Florida Statutes, in a 2619 reference thereto, subsection (2) of section 943.0584, Florida 2620 Statutes, is reenacted to read: 2621 943.0584 Criminal history records ineligible for court-2622 ordered expunction or court-ordered sealing.-2623 (2) A criminal history record is ineligible for a 2624 certificate of eligibility for expunction or a court-ordered expunction pursuant to s. 943.0585 or a certificate of 2625 2626 eligibility for sealing or a court-ordered sealing pursuant to 2627 s. 943.059 if the record is a conviction for any of the 2628 following offenses: 2629 (a) Sexual misconduct, as defined in s. 393.135, s. 2630 394.4593, or s. 916.1075; 2631 (b) Illegal use of explosives, as defined in chapter 552; 2632 (c) Terrorism, as defined in s. 775.30; 2633 (d) Murder, as defined in s. 782.04, s. 782.065, or s. 782.09; 2634 2635 (e) Manslaughter or homicide, as defined in s. 782.07, s. 2636 782.071, or s. 782.072; 2637 (f) Assault or battery, as defined in ss. 784.011 and 2638 784.03, respectively, of one family or household member by 2639 another family or household member, as defined in s. 741.28(3);

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594-03826-25 20251804c2 2640 (g) Aggravated assault, as defined in s. 784.021; 2641 (h) Felony battery, domestic battery by strangulation, or 2642 aggravated battery, as defined in ss. 784.03, 784.041, and 2643 784.045, respectively; 2644 Stalking or aggravated stalking, as defined in s. (i) 2645 784.048; 2646 (j) Luring or enticing a child, as defined in s. 787.025; 2647 (k) Human trafficking, as defined in s. 787.06; 2648 (1) Kidnapping or false imprisonment, as defined in s. 787.01 or s. 787.02; 2649 2650 (m) Any offense defined in chapter 794; 2651 (n) Procuring a person less than 18 years of age for 2652 prostitution, as defined in former s. 796.03; 2653 (o) Lewd or lascivious offenses committed upon or in the 2654 presence of persons less than 16 years of age, as defined in s. 2655 800.04; 2656 (p) Arson, as defined in s. 806.01; 2657 (q) Burglary of a dwelling, as defined in s. 810.02; 2658 (r) Voyeurism or digital voyeurism, as defined in ss. 2659 810.14 and 810.145, respectively; 2660 (s) Robbery or robbery by sudden snatching, as defined in 2661 ss. 812.13 and 812.131, respectively; 2662 (t) Carjacking, as defined in s. 812.133; 2663 (u) Home-invasion robbery, as defined in s. 812.135; 2664 (v) A violation of the Florida Communications Fraud Act, as 2665 provided in s. 817.034; 2666 (w) Abuse of an elderly person or disabled adult, or 2667 aggravated abuse of an elderly person or disabled adult, as 2668 defined in s. 825.102;

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594-03826-25 20251804c2 2669 (x) Lewd or lascivious offenses committed upon or in the 2670 presence of an elderly person or disabled person, as defined in 2671 s. 825.1025; 2672 (y) Child abuse or aggravated child abuse, as defined in s. 827.03; 2673 2674 (z) Sexual performance by a child, as defined in s. 2675 827.071; (aa) Any offense defined in chapter 839; 2676 2677 (bb) Certain acts in connection with obscenity, as defined in s. 847.0133; 2678 2679 (cc) Any offense defined in s. 847.0135; 2680 (dd) Selling or buying of minors, as defined in s. 847.0145; 2681 2682 (ee) Aircraft piracy, as defined in s. 860.16; 2683 (ff) Manufacturing a controlled substance in violation of 2684 chapter 893; 2685 (gg) Drug trafficking, as defined in s. 893.135; or 2686 (hh) Any violation specified as a predicate offense for 2687 registration as a sexual predator pursuant to s. 775.21, or 2688 sexual offender pursuant to s. 943.0435, without regard to 2689 whether that offense alone is sufficient to require such 2690 registration. 2691 Section 73. For the purpose of incorporating the amendment 2692 made by this act to section 943.0435, Florida Statutes, in a 2693 reference thereto, paragraph (a) of subsection (2) of section 2694 943.0595, Florida Statutes, is reenacted to read: 2695 943.0595 Automatic sealing of criminal history records; 2696 confidentiality of related court records.-2697 (2) ELIGIBILITY.-

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594-03826-25 20251804c2 2698 (a) The department shall automatically seal a criminal 2699 history record that does not result from an indictment, 2700 information, or other charging document for a forcible felony as 2701 defined in s. 776.08 or for an offense enumerated in s. 2702 943.0435(1)(h)1.a.(I), if: 2703 1. An indictment, information, or other charging document 2704 was not filed or issued in the case giving rise to the criminal 2705 history record. 2706 2. An indictment, information, or other charging document 2707 was filed in the case giving rise to the criminal history 2708 record, but was dismissed or nolle prosequi by the state 2709 attorney or statewide prosecutor or was dismissed by a court of 2710 competent jurisdiction as to all counts. However, a person is 2711 not eligible for automatic sealing under this section if the 2712 dismissal was pursuant to s. 916.145 or s. 985.19. 2713 3. A not guilty verdict was rendered by a judge or jury as 2714 to all counts. However, a person is not eligible for automatic sealing under this section if the defendant was found not guilty 2715 2716 by reason of insanity. 2717 4. A judgment of acquittal was rendered by a judge as to 2718 all counts. 2719 Section 74. For the purpose of incorporating the amendment 2720 made by this act to section 943.0435, Florida Statutes, in a 2721 reference thereto, subsection (12) of section 947.1405, Florida Statutes, is reenacted to read: 2722 2723 947.1405 Conditional release program.-2724 (12) In addition to all other conditions imposed, for a 2725 releasee who is subject to conditional release for a crime that 2726 was committed on or after May 26, 2010, and who has been

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2727 convicted at any time of committing, or attempting, soliciting, 2728 or conspiring to commit, any of the criminal offenses listed in 2729 s. 943.0435(1)(h)1.a.(I), or a similar offense in another 2730 jurisdiction against a victim who was under 18 years of age at 2731 the time of the offense, if the releasee has not received a 2732 pardon for any felony or similar law of another jurisdiction 2733 necessary for the operation of this subsection, if a conviction 2734 of a felony or similar law of another jurisdiction necessary for 2735 the operation of this subsection has not been set aside in any 2736 postconviction proceeding, or if the releasee has not been 2737 removed from the requirement to register as a sexual offender or 2738 sexual predator pursuant to s. 943.04354, the commission must 2739 impose the following conditions:

2740 (a) A prohibition on visiting schools, child care 2741 facilities, parks, and playgrounds without prior approval from 2742 the releasee's supervising officer. The commission may also 2743 designate additional prohibited locations to protect a victim. 2744 The prohibition ordered under this paragraph does not prohibit 2745 the release from visiting a school, child care facility, park, 2746 or playground for the sole purpose of attending a religious 2747 service as defined in s. 775.0861 or picking up or dropping off 2748 the releasee's child or grandchild at a child care facility or 2749 school.

(b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume without prior approval from

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1	594-03826-25 20251804c2
2756	the commission.
2757	Section 75. For the purpose of incorporating the amendment
2758	made by this act to section 943.0435, Florida Statutes, in a
2759	reference thereto, paragraph (b) of subsection (2) of section
2760	948.013, Florida Statutes, is reenacted to read:
2761	948.013 Administrative probation
2762	(2)
2763	(b) Effective for an offense committed on or after October
2764	1, 2017, a person is ineligible for placement on administrative
2765	probation if the person is sentenced to or is serving a term of
2766	probation or community control, regardless of the conviction or
2767	adjudication, for committing, or attempting, conspiring, or
2768	soliciting to commit, any of the felony offenses described in s.
2769	775.21(4)(a)1.a. or b. or s. 943.0435(1)(h)1.a.
2770	Section 76. For the purpose of incorporating the amendment
2771	made by this act to section 943.0435, Florida Statutes, in a
2772	reference thereto, paragraph (f) of subsection (2) of section
2773	948.05, Florida Statutes, is reenacted to read:
2774	948.05 Court to admonish or commend probationer or offender
2775	in community control; graduated incentives
2776	(2) The department shall implement a system of graduated
2777	incentives to promote compliance with the terms of supervision,
2778	encourage educational achievement and stable employment, and
2779	prioritize the highest levels of supervision for probationers or
2780	offenders presenting the greatest risk of recidivism.
2781	(f) A probationer or offender in community control who is
2782	placed under supervision for committing or attempting,
2783	soliciting, or conspiring to commit a violation of any felony
2784	offense described in s. 775.21(4)(a)1.a. or b. or s.
I	

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594-03826-25 20251804c2 2785 943.0435(1)(h)1.a., or who qualifies as a violent felony 2786 offender of special concern under s. 948.06(8)(b) is not 2787 eligible for any reduction of his or her term of supervision 2788 under this section. 2789 Section 77. For the purpose of incorporating the amendment 2790 made by this act to section 943.0435, Florida Statutes, in a 2791 reference thereto, subsection (4) of section 948.06, Florida 2792 Statutes, is reenacted to read: 2793 948.06 Violation of probation or community control; 2794 revocation; modification; continuance; failure to pay 2795 restitution or cost of supervision.-2796 (4) Notwithstanding any other provision of this section, a 2797 felony probationer or an offender in community control who is 2798 arrested for violating his or her probation or community control 2799 in a material respect may be taken before the court in the 2800 county or circuit in which the probationer or offender was 2801 arrested. That court shall advise him or her of the charge of a 2802 violation and, if such charge is admitted, shall cause him or 2803 her to be brought before the court that granted the probation or 2804 community control. If the violation is not admitted by the 2805 probationer or offender, the court may commit him or her or 2806 release him or her with or without bail to await further 2807 hearing. However, if the probationer or offender is under supervision for any criminal offense proscribed in chapter 794, 2808 2809 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a registered sexual predator or a registered sexual offender, or 2810 2811 is under supervision for a criminal offense for which he or she 2812 would meet the registration criteria in s. 775.21, s. 943.0435, 2813 or s. 944.607 but for the effective date of those sections, the

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594-03826-25 20251804c2 2814 court must make a finding that the probationer or offender is 2815 not a danger to the public prior to release with or without 2816 bail. In determining the danger posed by the offender's or 2817 probationer's release, the court may consider the nature and 2818 circumstances of the violation and any new offenses charged; the 2819 offender's or probationer's past and present conduct, including 2820 convictions of crimes; any record of arrests without conviction 2821 for crimes involving violence or sexual crimes; any other evidence of allegations of unlawful sexual conduct or the use of 2822 2823 violence by the offender or probationer; the offender's or 2824 probationer's family ties, length of residence in the community, 2825 employment history, and mental condition; his or her history and 2826 conduct during the probation or community control supervision 2827 from which the violation arises and any other previous 2828 supervisions, including disciplinary records of previous 2829 incarcerations; the likelihood that the offender or probationer 2830 will engage again in a criminal course of conduct; the weight of 2831 the evidence against the offender or probationer; and any other 2832 facts the court considers relevant. The court, as soon as is 2833 practicable, shall give the probationer or offender an 2834 opportunity to be fully heard on his or her behalf in person or 2835 by counsel. After the hearing, the court shall make findings of fact and forward the findings to the court that granted the 2836 2837 probation or community control and to the probationer or 2838 offender or his or her attorney. The findings of fact by the hearing court are binding on the court that granted the 2839 2840 probation or community control. Upon the probationer or offender 2841 being brought before it, the court that granted the probation or 2842 community control may revoke, modify, or continue the probation

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594-03826-25 20251804c2 2843 or community control or may place the probationer into community 2844 control as provided in this section. However, the probationer or 2845 offender shall not be released and shall not be admitted to 2846 bail, but shall be brought before the court that granted the 2847 probation or community control if any violation of felony 2848 probation or community control other than a failure to pay costs 2849 or fines or make restitution payments is alleged to have been 2850 committed by: 2851 (a) A violent felony offender of special concern, as 2852 defined in this section; 2853 (b) A person who is on felony probation or community 2854 control for any offense committed on or after the effective date 2855 of this act and who is arrested for a qualifying offense as 2856 defined in this section; or 2857 (c) A person who is on felony probation or community 2858 control and has previously been found by a court to be a 2859 habitual violent felony offender as defined in s. 775.084(1)(b), 2860 a three-time violent felony offender as defined in s. 2861 775.084(1)(c), or a sexual predator under s. 775.21, and who is 2862 arrested for committing a qualifying offense as defined in this 2863 section on or after the effective date of this act. Section 78. For the purpose of incorporating the amendment 2864 2865 made by this act to section 943.0435, Florida Statutes, in a 2866 reference thereto, section 948.063, Florida Statutes, is 2867 reenacted to read: 2868 948.063 Violations of probation or community control by 2869 designated sexual offenders and sexual predators.-2870 (1) If probation or community control for any felony 2871 offense is revoked by the court pursuant to s. 948.06(2)(e) and

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594-03826-25 20251804c2 2872 the offender is designated as a sexual offender pursuant to s. 2873 943.0435 or s. 944.607 or as a sexual predator pursuant to s. 2874 775.21 for unlawful sexual activity involving a victim 15 years 2875 of age or younger and the offender is 18 years of age or older, 2876 and if the court imposes a subsequent term of supervision 2877 following the revocation of probation or community control, the 2878 court must order electronic monitoring as a condition of the 2879 subsequent term of probation or community control. 2880 (2) If the probationer or offender is required to register

2881 as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435 or s. 944.607 for unlawful sexual activity 2882 2883 involving a victim 15 years of age or younger and the 2884 probationer or offender is 18 years of age or older and has 2885 violated the conditions of his or her probation or community 2886 control, but the court does not revoke the probation or 2887 community control, the court shall nevertheless modify the 2888 probation or community control to include electronic monitoring 2889 for any probationer or offender not then subject to electronic 2890 monitoring.

2891 Section 79. For the purpose of incorporating the amendment 2892 made by this act to section 943.0435, Florida Statutes, in a 2893 reference thereto, subsection (4) of section 948.30, Florida 2894 Statutes, is reenacted to read:

2895 948.30 Additional terms and conditions of probation or 2896 community control for certain sex offenses.—Conditions imposed 2897 pursuant to this section do not require oral pronouncement at 2898 the time of sentencing and shall be considered standard 2899 conditions of probation or community control for offenders 2900 specified in this section.

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594-03826-25 20251804c2 2901 (4) In addition to all other conditions imposed, for a 2902 probationer or community controllee who is subject to 2903 supervision for a crime that was committed on or after May 26, 2904 2010, and who has been convicted at any time of committing, or 2905 attempting, soliciting, or conspiring to commit, any of the 2906 criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a 2907 similar offense in another jurisdiction, against a victim who 2908 was under the age of 18 at the time of the offense; if the 2909 offender has not received a pardon for any felony or similar law 2910 of another jurisdiction necessary for the operation of this 2911 subsection, if a conviction of a felony or similar law of 2912 another jurisdiction necessary for the operation of this 2913 subsection has not been set aside in any postconviction 2914 proceeding, or if the offender has not been removed from the 2915 requirement to register as a sexual offender or sexual predator 2916 pursuant to s. 943.04354, the court must impose the following 2917 conditions:

2918 (a) A prohibition on visiting schools, child care 2919 facilities, parks, and playgrounds, without prior approval from 2920 the offender's supervising officer. The court may also designate 2921 additional locations to protect a victim. The prohibition 2922 ordered under this paragraph does not prohibit the offender from 2923 visiting a school, child care facility, park, or playground for 2924 the sole purpose of attending a religious service as defined in 2925 s. 775.0861 or picking up or dropping off the offender's 2926 children or grandchildren at a child care facility or school.

(b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas;

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594-03826-25 20251804c2 2930 wearing an Easter Bunny costume, or other costume to appeal to 2931 children, on or preceding Easter; entertaining at children's 2932 parties; or wearing a clown costume; without prior approval from 2933 the court. 2934 Section 80. For the purpose of incorporating the amendment 2935 made by this act to section 943.0435, Florida Statutes, in a 2936 reference thereto, section 948.31, Florida Statutes, is 2937 reenacted to read: 2938 948.31 Evaluation and treatment of sexual predators and 2939 offenders on probation or community control.-The court may 2940 require any probationer or community controllee who is required 2941 to register as a sexual predator under s. 775.21 or sexual offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo 2942 2943 an evaluation, at the probationer or community controllee's 2944 expense, by a qualified practitioner to determine whether such 2945 probationer or community controllee needs sexual offender 2946 treatment. If the qualified practitioner determines that sexual 2947 offender treatment is needed and recommends treatment, the 2948 probationer or community controllee must successfully complete 2949 and pay for the treatment. Such treatment must be obtained from 2950 a qualified practitioner as defined in s. 948.001. Treatment may 2951 not be administered by a qualified practitioner who has been 2952 convicted or adjudicated delinquent of committing, or 2953 attempting, soliciting, or conspiring to commit, any offense that is listed in s. 943.0435(1)(h)1.a.(I). 2954

2955 Section 81. For the purpose of incorporating the amendment 2956 made by this act to section 943.0435, Florida Statutes, in a 2957 reference thereto, paragraph (b) of subsection (6) of section 2958 985.04, Florida Statutes, is reenacted to read:

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594-03826-25 20251804c2 2959 985.04 Oaths; records; confidential information.-2960 (6) 2961 Sexual offender and predator registration information (b) as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481, 2962 2963 and 985.4815 is a public record pursuant to s. 119.07(1) and as 2964 otherwise provided by law. 2965 Section 82. For the purpose of incorporating the amendment 2966 made by this act to section 943.0435, Florida Statutes, in a 2967 reference thereto, paragraph (b) of subsection (2) of section 2968 1012.467, Florida Statutes, is reenacted to read: 2969 1012.467 Noninstructional contractors who are permitted 2970 access to school grounds when students are present; background 2971 screening requirements.-2972 (2) 2973 (b) A noninstructional contractor for whom a criminal history check is required under this section may not have been 2974 2975 convicted of any of the following offenses designated in the 2976 Florida Statutes, any similar offense in another jurisdiction, 2977 or any similar offense committed in this state which has been 2978 redesignated from a former provision of the Florida Statutes to 2979 one of the following offenses: 2980 1. Any offense listed in s. 943.0435(1)(h)1., relating to 2981 the registration of an individual as a sexual offender. 2982 2. Section 393.135, relating to sexual misconduct with 2983 certain developmentally disabled clients and the reporting of 2984 such sexual misconduct. 2985 Section 394.4593, relating to sexual misconduct with 3. 2986 certain mental health patients and the reporting of such sexual 2987 misconduct.

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594-03826-25 20251804c2 2988 4. Section 775.30, relating to terrorism. 2989 5. Section 782.04, relating to murder. 2990 6. Section 787.01, relating to kidnapping. 2991 Any offense under chapter 800, relating to lewdness and 7. 2992 indecent exposure. 2993 8. Section 826.04, relating to incest. 2994 9. Section 827.03, relating to child abuse, aggravated 2995 child abuse, or neglect of a child. 2996 Section 83. For the purpose of incorporating the amendment 2997 made by this act to section 944.606, Florida Statutes, in a 2998 reference thereto, subsection (2) of section 775.24, Florida 2999 Statutes, is reenacted to read: 775.24 Duty of the court to uphold laws governing sexual 3000 3001 predators and sexual offenders.-3002 (2) If a person meets the criteria in this chapter for 3003 designation as a sexual predator or meets the criteria in s. 3004 943.0435, s. 944.606, s. 944.607, or any other law for classification as a sexual offender, the court may not enter an 3005 3006 order, for the purpose of approving a plea agreement or for any 3007 other reason, which: 3008 (a) Exempts a person who meets the criteria for designation 3009 as a sexual predator or classification as a sexual offender from 3010 such designation or classification, or exempts such person from 3011 the requirements for registration or community and public 3012 notification imposed upon sexual predators and sexual offenders; 3013 (b) Restricts the compiling, reporting, or release of 3014 public records information that relates to sexual predators or 3015 sexual offenders; or 3016 (c) Prevents any person or entity from performing its

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594-03826-25 20251804c2 3017 duties or operating within its statutorily conferred authority 3018 as such duty or authority relates to sexual predators or sexual 3019 offenders. 3020 Section 84. For the purpose of incorporating the amendment 3021 made by this act to section 944.606, Florida Statutes, in a 3022 reference thereto, section 775.25, Florida Statutes, is 3023 reenacted to read: 3024 775.25 Prosecutions for acts or omissions.-A sexual 3025 predator or sexual offender who commits any act or omission in violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s. 3026 3027 944.607, or former s. 947.177 may be prosecuted for the act or 3028 omission in the county in which the act or omission was 3029 committed, in the county of the last registered address of the 3030 sexual predator or sexual offender, in the county in which the 3031 conviction occurred for the offense or offenses that meet the 3032 criteria for designating a person as a sexual predator or sexual 3033 offender, in the county where the sexual predator or sexual 3034 offender was released from incarceration, or in the county of 3035 the intended address of the sexual predator or sexual offender 3036 as reported by the predator or offender prior to his or her 3037 release from incarceration. In addition, a sexual predator may 3038 be prosecuted for any such act or omission in the county in 3039 which he or she was designated a sexual predator.

3040 Section 85. For the purpose of incorporating the amendment 3041 made by this act to section 944.606, Florida Statutes, in a 3042 reference thereto, subsection (2) of section 943.0436, Florida 3043 Statutes, is reenacted to read:

3044 943.0436 Duty of the court to uphold laws governing sexual 3045 predators and sexual offenders.-

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594-03826-25 20251804c2 3046 (2) If a person meets the criteria in chapter 775 for 3047 designation as a sexual predator or meets the criteria in s. 3048 943.0435, s. 944.606, s. 944.607, or any other law for 3049 classification as a sexual offender, the court may not enter an 3050 order, for the purpose of approving a plea agreement or for any 3051 other reason, which: 3052 (a) Exempts a person who meets the criteria for designation 3053 as a sexual predator or classification as a sexual offender from 3054 such designation or classification, or exempts such person from 3055 the requirements for registration or community and public 3056 notification imposed upon sexual predators and sexual offenders; 3057 (b) Restricts the compiling, reporting, or release of 3058 public records information that relates to sexual predators or sexual offenders; or 3059 3060 (c) Prevents any person or entity from performing its 3061 duties or operating within its statutorily conferred authority 3062 as such duty or authority relates to sexual predators or sexual 3063 offenders. 3064 Section 86. For the purpose of incorporating the amendment 3065 made by this act to section 944.606, Florida Statutes, in a 3066 reference thereto, section 948.31, Florida Statutes, is 3067 reenacted to read: 3068 948.31 Evaluation and treatment of sexual predators and 3069 offenders on probation or community control.-The court may 3070 require any probationer or community controllee who is required 3071 to register as a sexual predator under s. 775.21 or sexual 3072 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo 3073 an evaluation, at the probationer or community controllee's 3074 expense, by a qualified practitioner to determine whether such

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594-03826-25 20251804c2 3075 probationer or community controllee needs sexual offender 3076 treatment. If the qualified practitioner determines that sexual 3077 offender treatment is needed and recommends treatment, the 3078 probationer or community controllee must successfully complete 3079 and pay for the treatment. Such treatment must be obtained from 3080 a qualified practitioner as defined in s. 948.001. Treatment may 3081 not be administered by a qualified practitioner who has been 3082 convicted or adjudicated delinquent of committing, or 3083 attempting, soliciting, or conspiring to commit, any offense that is listed in s. 943.0435(1)(h)1.a.(I). 3084 3085 Section 87. For the purpose of incorporating the amendment 3086 made by this act to section 944.606, Florida Statutes, in a 3087 reference thereto, paragraph (b) of subsection (6) of section 3088 985.04, Florida Statutes, is reenacted to read: 3089 985.04 Oaths; records; confidential information.-3090 (6) 3091 (b) Sexual offender and predator registration information 3092 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481, 3093 and 985.4815 is a public record pursuant to s. 119.07(1) and as 3094 otherwise provided by law. 3095 Section 88. For the purpose of incorporating the amendment 3096 made by this act to section 944.607, Florida Statutes, in a 3097 reference thereto, subsection (3) of section 322.141, Florida 3098 Statutes, is reenacted to read: 322.141 Color or markings of certain licenses or 3099 3100 identification cards.-3101 (3) All licenses for the operation of motor vehicles or

3102 identification cards originally issued or reissued by the 3103 department to persons who are designated as sexual predators

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3104	under s. 775.21 or subject to registration as sexual offenders
3105	under s. 943.0435 or s. 944.607, or who have a similar
3106	designation or are subject to a similar registration under the
3107	laws of another jurisdiction, shall have on the front of the
3108	license or identification card the following:
3109	(a) For a person designated as a sexual predator under s.
3110	775.21 or who has a similar designation under the laws of
3111	another jurisdiction, the marking "SEXUAL PREDATOR."
3112	(b) For a person subject to registration as a sexual
3113	offender under s. 943.0435 or s. 944.607, or subject to a
3114	similar registration under the laws of another jurisdiction, the
3115	marking "943.0435, F.S."
3116	Section 89. For the purpose of incorporating the amendment
3117	made by this act to section 944.607, Florida Statutes, in a
3118	reference thereto, subsection (4) of section 775.13, Florida
3119	Statutes, is reenacted to read:
3120	775.13 Registration of convicted felons, exemptions;
3121	penalties
3122	(4) This section does not apply to an offender:
3123	(a) Who has had his or her civil rights restored;
3124	(b) Who has received a full pardon for the offense for
3125	which convicted;
3126	(c) Who has been lawfully released from incarceration or
3127	other sentence or supervision for a felony conviction for more
3128	than 5 years prior to such time for registration, unless the
3129	offender is a fugitive from justice on a felony charge or has
3130	been convicted of any offense since release from such
3131	incarceration or other sentence or supervision;
3132	(d) Who is a parolee or probationer under the supervision

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3133	of the United States Parole Commission if the commission knows
3134	of and consents to the presence of the offender in Florida or is
3135	a probationer under the supervision of any federal probation
3136	officer in the state or who has been lawfully discharged from
3137	such parole or probation;
3138	(e) Who is a sexual predator and has registered as required
3139	under s. 775.21;
3140	(f) Who is a sexual offender and has registered as required
3141	in s. 943.0435 or s. 944.607; or
3142	(g) Who is a career offender who has registered as required
3143	in s. 775.261 or s. 944.609.
3144	Section 90. For the purpose of incorporating the amendment
3145	made by this act to section 944.607, Florida Statutes, in a
3146	reference thereto, subsection (2) of section 775.24, Florida
3147	Statutes, is reenacted to read:
3148	775.24 Duty of the court to uphold laws governing sexual
3149	predators and sexual offenders
3150	(2) If a person meets the criteria in this chapter for
3151	designation as a sexual predator or meets the criteria in s.
3152	943.0435, s. 944.606, s. 944.607, or any other law for
3153	classification as a sexual offender, the court may not enter an
3154	order, for the purpose of approving a plea agreement or for any
3155	other reason, which:
3156	(a) Exempts a person who meets the criteria for designation
3157	as a sexual predator or classification as a sexual offender from
3158	such designation or classification, or exempts such person from
3159	the requirements for registration or community and public
3160	notification imposed upon sexual predators and sexual offenders;
3161	(b) Restricts the compiling, reporting, or release of
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594-03826-25 20251804c2 3162 public records information that relates to sexual predators or 3163 sexual offenders; or 3164 (c) Prevents any person or entity from performing its duties or operating within its statutorily conferred authority 3165 3166 as such duty or authority relates to sexual predators or sexual 3167 offenders. 3168 Section 91. For the purpose of incorporating the amendment 3169 made by this act to section 944.607, Florida Statutes, in a 3170 reference thereto, section 775.25, Florida Statutes, is 3171 reenacted to read: 3172 775.25 Prosecutions for acts or omissions.-A sexual 3173 predator or sexual offender who commits any act or omission in 3174 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s. 3175 944.607, or former s. 947.177 may be prosecuted for the act or 3176 omission in the county in which the act or omission was 3177 committed, in the county of the last registered address of the 3178 sexual predator or sexual offender, in the county in which the 3179 conviction occurred for the offense or offenses that meet the 3180 criteria for designating a person as a sexual predator or sexual 3181 offender, in the county where the sexual predator or sexual 3182 offender was released from incarceration, or in the county of 3183 the intended address of the sexual predator or sexual offender 3184 as reported by the predator or offender prior to his or her 3185 release from incarceration. In addition, a sexual predator may 3186 be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator. 3187

3188 Section 92. For the purpose of incorporating the amendment 3189 made by this act to section 944.607, Florida Statutes, in a 3190 reference thereto, subsection (2) of section 943.0436, Florida

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594-03826-25 20251804c2 3191 Statutes, is reenacted to read: 3192 943.0436 Duty of the court to uphold laws governing sexual 3193 predators and sexual offenders.-3194 (2) If a person meets the criteria in chapter 775 for 3195 designation as a sexual predator or meets the criteria in s. 3196 943.0435, s. 944.606, s. 944.607, or any other law for 3197 classification as a sexual offender, the court may not enter an 3198 order, for the purpose of approving a plea agreement or for any 3199 other reason, which: 3200 (a) Exempts a person who meets the criteria for designation 3201 as a sexual predator or classification as a sexual offender from 3202 such designation or classification, or exempts such person from 3203 the requirements for registration or community and public 3204 notification imposed upon sexual predators and sexual offenders; 3205 (b) Restricts the compiling, reporting, or release of 3206 public records information that relates to sexual predators or 3207 sexual offenders; or 3208 (c) Prevents any person or entity from performing its 3209 duties or operating within its statutorily conferred authority 3210 as such duty or authority relates to sexual predators or sexual 3211 offenders. 3212 Section 93. For the purpose of incorporating the amendment 3213 made by this act to section 944.607, Florida Statutes, in a 3214 reference thereto, subsection (4) of section 948.06, Florida 3215 Statutes, is reenacted to read: 3216 948.06 Violation of probation or community control; 3217 revocation; modification; continuance; failure to pay 3218 restitution or cost of supervision.-3219 (4) Notwithstanding any other provision of this section, a

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594-03826-25 20251804c2 3220 felony probationer or an offender in community control who is 3221 arrested for violating his or her probation or community control 3222 in a material respect may be taken before the court in the 3223 county or circuit in which the probationer or offender was 3224 arrested. That court shall advise him or her of the charge of a 3225 violation and, if such charge is admitted, shall cause him or 3226 her to be brought before the court that granted the probation or 3227 community control. If the violation is not admitted by the 3228 probationer or offender, the court may commit him or her or 3229 release him or her with or without bail to await further 3230 hearing. However, if the probationer or offender is under 3231 supervision for any criminal offense proscribed in chapter 794, 3232 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a 3233 registered sexual predator or a registered sexual offender, or 3234 is under supervision for a criminal offense for which he or she 3235 would meet the registration criteria in s. 775.21, s. 943.0435, 3236 or s. 944.607 but for the effective date of those sections, the 3237 court must make a finding that the probationer or offender is 3238 not a danger to the public prior to release with or without 3239 bail. In determining the danger posed by the offender's or 3240 probationer's release, the court may consider the nature and 3241 circumstances of the violation and any new offenses charged; the 3242 offender's or probationer's past and present conduct, including 3243 convictions of crimes; any record of arrests without conviction 3244 for crimes involving violence or sexual crimes; any other 3245 evidence of allegations of unlawful sexual conduct or the use of 3246 violence by the offender or probationer; the offender's or 3247 probationer's family ties, length of residence in the community, 3248 employment history, and mental condition; his or her history and

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594-03826-25 20251804c2 3249 conduct during the probation or community control supervision 3250 from which the violation arises and any other previous 3251 supervisions, including disciplinary records of previous 3252 incarcerations; the likelihood that the offender or probationer 3253 will engage again in a criminal course of conduct; the weight of 3254 the evidence against the offender or probationer; and any other 3255 facts the court considers relevant. The court, as soon as is 3256 practicable, shall give the probationer or offender an 3257 opportunity to be fully heard on his or her behalf in person or 3258 by counsel. After the hearing, the court shall make findings of 3259 fact and forward the findings to the court that granted the 3260 probation or community control and to the probationer or 3261 offender or his or her attorney. The findings of fact by the 3262 hearing court are binding on the court that granted the 3263 probation or community control. Upon the probationer or offender 3264 being brought before it, the court that granted the probation or 3265 community control may revoke, modify, or continue the probation 3266 or community control or may place the probationer into community 3267 control as provided in this section. However, the probationer or 3268 offender shall not be released and shall not be admitted to 3269 bail, but shall be brought before the court that granted the 3270 probation or community control if any violation of felony 3271 probation or community control other than a failure to pay costs 3272 or fines or make restitution payments is alleged to have been 3273 committed by:

3274 (a) A violent felony offender of special concern, as3275 defined in this section;

3276 (b) A person who is on felony probation or community3277 control for any offense committed on or after the effective date

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594-03826-25 20251804c2 3278 of this act and who is arrested for a qualifying offense as 3279 defined in this section; or 3280 (c) A person who is on felony probation or community 3281 control and has previously been found by a court to be a 3282 habitual violent felony offender as defined in s. 775.084(1)(b), 3283 a three-time violent felony offender as defined in s. 3284 775.084(1)(c), or a sexual predator under s. 775.21, and who is 3285 arrested for committing a qualifying offense as defined in this 3286 section on or after the effective date of this act. 3287 Section 94. For the purpose of incorporating the amendment 3288 made by this act to section 944.607, Florida Statutes, in a 3289 reference thereto, section 948.063, Florida Statutes, is 3290 reenacted to read: 3291 948.063 Violations of probation or community control by 3292 designated sexual offenders and sexual predators.-(1) If probation or community control for any felony 3293 3294 offense is revoked by the court pursuant to s. 948.06(2)(e) and 3295 the offender is designated as a sexual offender pursuant to s. 3296 943.0435 or s. 944.607 or as a sexual predator pursuant to s. 3297 775.21 for unlawful sexual activity involving a victim 15 years 3298 of age or younger and the offender is 18 years of age or older, 3299 and if the court imposes a subsequent term of supervision 3300 following the revocation of probation or community control, the 3301 court must order electronic monitoring as a condition of the 3302 subsequent term of probation or community control.

(2) If the probationer or offender is required to register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435 or s. 944.607 for unlawful sexual activity involving a victim 15 years of age or younger and the

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3307 probationer or offender is 18 years of age or older and has 3308 violated the conditions of his or her probation or community 3309 control, but the court does not revoke the probation or 3310 community control, the court shall nevertheless modify the 3311 probation or community control to include electronic monitoring 3312 for any probationer or offender not then subject to electronic 3313 monitoring.

3314 Section 95. For the purpose of incorporating the amendment 3315 made by this act to section 944.607, Florida Statutes, in a 3316 reference thereto, section 948.31, Florida Statutes, is 3317 reenacted to read:

3318 948.31 Evaluation and treatment of sexual predators and 3319 offenders on probation or community control.-The court may require any probationer or community controllee who is required 3320 3321 to register as a sexual predator under s. 775.21 or sexual 3322 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo 3323 an evaluation, at the probationer or community controllee's 3324 expense, by a qualified practitioner to determine whether such 3325 probationer or community controllee needs sexual offender 3326 treatment. If the qualified practitioner determines that sexual 3327 offender treatment is needed and recommends treatment, the 3328 probationer or community controllee must successfully complete 3329 and pay for the treatment. Such treatment must be obtained from 3330 a qualified practitioner as defined in s. 948.001. Treatment may 3331 not be administered by a qualified practitioner who has been 3332 convicted or adjudicated delinquent of committing, or 3333 attempting, soliciting, or conspiring to commit, any offense that is listed in s. 943.0435(1)(h)1.a.(I). 3334

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Section 96. For the purpose of incorporating the amendment

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3336	made by this act to section 944.607, Florida Statutes, in a
3337	reference thereto, paragraph (b) of subsection (6) of section
3338	985.04, Florida Statutes, is reenacted to read:
3339	985.04 Oaths; records; confidential information
3340	(6)
3341	(b) Sexual offender and predator registration information
3342	as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
3343	and 985.4815 is a public record pursuant to s. 119.07(1) and as
3344	otherwise provided by law.
3345	Section 97. This act shall take effect October 1, 2025.