

1                   A bill to be entitled  
2           An act relating to human trafficking; amending s.  
3           39.01, F.S.; revising the definition of the term  
4           "sexual abuse of a child" to delete a reference to a  
5           child being arrested or prosecuted for specified  
6           offenses; amending s. 782.04, F.S.; including human  
7           trafficking as a predicate offense for felony murder;  
8           amending s. 787.06, F.S.; creating an increased  
9           penalty for causing great bodily harm, permanent  
10          disability, or permanent disfigurement; prohibiting  
11          permanently branding, or directing the permanent  
12          branding, of a victim of human trafficking with  
13          specified intent; amending s. 456.074, F.S.; requiring  
14          the Department of Health to issue an emergency order  
15          suspending the license of a massage therapist or  
16          massage establishment if the therapist or a specified  
17          person connected to the establishment is convicted of  
18          owning, establishing, maintaining, or operating a  
19          place, structure, building, or conveyance for  
20          lewdness, assignation, or prostitution in conjunction  
21          with the establishment; correcting a cross-reference;  
22          amending s. 480.041, F.S.; providing that a licensed  
23          massage therapist may not receive a new or renewal  
24          license if the applicant is convicted of owning,  
25          establishing, maintaining, or operating a place,  
26          structure, building, or conveyance for lewdness,

27 |       assignment, or prostitution in conjunction with a  
28 |       massage establishment; correcting a cross-reference;  
29 |       amending s. 480.043, F.S.; providing that a licensed  
30 |       massage establishment may not receive a new or renewal  
31 |       license if specified persons connected to the  
32 |       establishment are convicted of owning, establishing,  
33 |       maintaining, or operating a place, structure,  
34 |       building, or conveyance for lewdness, assignation, or  
35 |       prostitution in conjunction with the establishment;  
36 |       correcting a cross-reference; amending s. 796.06,  
37 |       F.S.; increasing criminal penalties for the offense of  
38 |       renting space to be used for lewdness, assignation, or  
39 |       prostitution; amending s. 796.07, F.S.; providing that  
40 |       minors may not be charged with specified prostitution  
41 |       offenses; specifying that certain educational programs  
42 |       may be offered by faith-based providers; providing for  
43 |       the reclassification of the offense of owning,  
44 |       establishing, maintaining, or operating a place,  
45 |       structure, building, or conveyance for lewdness,  
46 |       assignation, or prostitution if the offense is  
47 |       committed in conjunction with a massage establishment;  
48 |       amending ss. 775.21 and 943.0435, F.S.; requiring a  
49 |       person convicted of specified racketeering offenses to  
50 |       register as a sexual predator or sexual offender under  
51 |       certain circumstances; amending ss. 944.606 and  
52 |       944.607, F.S.; revising the definition of the term

53 "sexual offender" for purposes of offender  
54 notification to include a person convicted of  
55 specified racketeering offenses if the court makes  
56 specified findings; reenacting s. 394.495(4)(p), F.S.,  
57 relating to the child and adolescent mental health  
58 system of care, s. 409.1678(1)(c) and (6)(a) and (b),  
59 F.S., relating to specialized residential options for  
60 children who are victims of sexual exploitation, and  
61 s. 960.065(5), F.S., relating to eligibility for  
62 awards, to incorporate the amendment made by the act  
63 to s. 39.01, F.S., in references thereto; reenacting  
64 s. 39.806(1)(d) and (n), F.S., relating to grounds for  
65 termination of parental rights, to incorporate the  
66 amendments made by the act to ss. 775.21 and 782.04,  
67 F.S., in references thereto; reenacting s.  
68 63.089(4)(b), F.S., relating to proceedings to  
69 terminate parental rights pending adoption, to  
70 incorporate the amendments made by the act to ss.  
71 775.21 and 782.04, F.S., in references thereto;  
72 reenacting s. 95.11(10), F.S., relating to limitations  
73 other than for the recovery of real property, s.  
74 775.082(1)(b) and (3)(a), (b), and (c), F.S., relating  
75 to penalties, s. 782.065, F.S., relating to murder of  
76 specified officers, s. 921.16(1), F.S., relating to  
77 when sentences should be concurrent and when they  
78 should be consecutive, s. 948.062(1)(a), F.S.,

79 relating to reviewing and reporting serious offenses  
80 committed by offenders placed on probation or  
81 community control, s. 985.265(3)(b), F.S., relating to  
82 detention transfer and release, and s. 1012.315(1)(d),  
83 F.S., relating to disqualification from employment, to  
84 incorporate the amendment made by the act to s.  
85 782.04, F.S., in references thereto; reenacting s.  
86 1012.467(2)(g), F.S., relating to noninstructional  
87 contractors who are permitted access to school grounds  
88 when students are present, to incorporate the  
89 amendments made by the act to ss. 782.04 and 943.0435,  
90 F.S., in references thereto; reenacting s. 775.0823(1)  
91 and (2), F.S., relating to violent offenses committed  
92 against certain officers, attorneys, and judges, s.  
93 921.0022(3)(i), F.S., relating to the offense severity  
94 ranking chart, s. 947.146(3)(i), F.S., relating to the  
95 Control Release Authority, and s. 394.912(9)(a), F.S.,  
96 relating to definitions relating to involuntary civil  
97 commitment of sexually violent predators, to  
98 incorporate the amendment made by the act to s.  
99 782.04, F.S., in references thereto; reenacting s.  
100 775.15(19), F.S., relating to time limitations, to  
101 incorporate the amendment made by the act to s.  
102 787.06, F.S., in a reference thereto; reenacting s.  
103 60.05(4), F.S., relating to abatement of nuisances, s.  
104 775.0877(1)(m), F.S., relating to criminal

105 transmission of HIV, s. 796.08(2) and (3), F.S.,  
106 relating to screening for HIV and sexually  
107 transmissible diseases, s. 796.09(2), F.S., relating  
108 to certain civil causes of action, s. 895.02(1)(a),  
109 F.S., relating to definitions for the Florida RICO  
110 Act, and s. 948.16(1)(a), F.S., relating to specified  
111 misdemeanor pretrial intervention programs, to  
112 incorporate the amendment made by the act to s.  
113 796.07, F.S., in references thereto; reenacting s.  
114 39.0139(3)(a), F.S., relating to visitation or other  
115 contact, s. 39.509(6)(b), F.S., relating to  
116 grandparents rights, s. 63.092(3), F.S., relating to a  
117 report to the court of intended placement by an  
118 adoption entity, to incorporate the amendment made by  
119 the act to s. 775.21, F.S., in references thereto;  
120 reenacting s. 68.07(3)(i) and (6), F.S., relating to  
121 change of name, to incorporate the amendments made by  
122 this act to ss. 775.21 and 943.0435, F.S., in  
123 references thereto; reenacting s. 322.141(3), F.S.,  
124 relating to color or markings of certain licenses or  
125 identification cards, to incorporate the amendments  
126 made by this act to ss. 775.21, 943.0435, and 944.607,  
127 F.S., in references thereto; reenacting s.  
128 397.4872(2)(a) and (c), F.S., relating to exemption  
129 from disqualification, to incorporate the amendments  
130 made by this act to ss. 775.21 and 943.0435, F.S., in

131 references thereto; reenacting s. 775.13(4) (e) and  
132 (f), F.S., relating to registration of convicted  
133 felons, to incorporate the amendments made by this act  
134 to ss. 775.21, 943.0435, and 944.607, F.S., in  
135 references thereto; reenacting s. 775.25, F.S.,  
136 relating to prosecutions for acts or omissions, to  
137 incorporate the amendments made to this act by ss.  
138 775.21, 943.0435, 944.606, and 944.607, F.S., in  
139 references thereto; reenacting s. 775.261(3) (b), F.S.,  
140 relating to The Florida Career Offender Registration  
141 Act, to incorporate the amendments made by this act to  
142 ss. 775.21, 943.0435, and 944.607, F.S., in references  
143 thereto; reenacting s. 794.075(1), F.S., relating to  
144 sexual predators and erectile dysfunction drugs, and  
145 s. 903.0351(1) (c), F.S., relating to restrictions on  
146 pretrial release pending probation-violation hearing  
147 or community-control-violation hearing, to incorporate  
148 the amendment made by the act to s. 775.21, F.S., in  
149 references thereto; reenacting s. 903.046(2) (m), F.S.,  
150 relating to purpose of and criteria for bail  
151 determination, to incorporate the amendments made by  
152 this act to ss. 775.21 and 943.0435, F.S., in  
153 references thereto; reenacting s. 921.141(5) (o), F.S.,  
154 relating to sentence of death or life imprisonment for  
155 capital felonies, to incorporate the amendment made by  
156 the act to s. 775.21, F.S., in a reference thereto;

157 | reenacting s. 938.10(1), F.S., relating to additional  
158 | court cost imposed in cases of certain crimes, to  
159 | incorporate the amendments made by this act to ss.  
160 | 775.21 and 943.0435, F.S., in references thereto;  
161 | reenacting s. 943.0435(3), (4), and (5), F.S.,  
162 | relating to sexual offenders required to register with  
163 | the department, to incorporate the amendments made by  
164 | this act to ss. 775.21, 944.606, and 944.607, F.S., in  
165 | references thereto; reenacting s. 944.607(4)(a) and  
166 | (9), F.S., relating to notification to the Department  
167 | of Law Enforcement of information on sexual offenders,  
168 | to incorporate the amendments made by this act to ss.  
169 | 775.21 and 943.0435, F.S., in references thereto;  
170 | reenacting s. 944.608(7), F.S., relating to  
171 | notification to the Department of Law Enforcement of  
172 | information on career offenders, to incorporate the  
173 | amendments made by this act to ss. 775.21 and 944.607,  
174 | F.S., in references thereto; reenacting s. 944.609(4),  
175 | F.S., relating to career offenders and notification  
176 | upon release, to incorporate the amendment made by the  
177 | act to s. 775.21, F.S., in references thereto;  
178 | reenacting s. 947.1405(2)(c), (10), and (12), F.S.,  
179 | relating to the conditional release program, to  
180 | incorporate the amendments made by this act to ss.  
181 | 775.21 and 943.0435, F.S., in references thereto;  
182 | reenacting s. 948.06(4) and (8)(b), (c), and (d),

183 F.S., relating to violation of probation or community  
184 control, to incorporate the amendments made by this  
185 act to ss. 782.04, 775.21, 943.0435, and 944.607,  
186 F.S., in references thereto; reenacting s. 948.063,  
187 F.S., relating to violations of probation or community  
188 control by designated sexual offenders and sexual  
189 predators, to incorporate the amendments made by this  
190 act to ss. 775.21, 943.0435, and 944.607, F.S., in  
191 references thereto; reenacting s. 948.064(4), F.S.,  
192 relating to notification of status as a violent felony  
193 offender of special concern, and s. 948.12(3), F.S.,  
194 relating to intensive supervision for postprison  
195 release of violent offenders, to incorporate the  
196 amendment made by the act to s. 775.21, F.S., in  
197 references thereto; reenacting s. 948.30(3)(b) and  
198 (4), F.S., relating to additional terms and conditions  
199 of probation or community control for certain sex  
200 offenses, to incorporate the amendments made by this  
201 act to ss. 775.21 and 943.0435, F.S., in references  
202 thereto; reenacting s. 948.31, F.S., relating to  
203 evaluation and treatment of sexual predators and  
204 offenders on probation or community control, and s.  
205 985.04(6)(b), F.S., relating to oaths, records, and  
206 confidential information, to incorporate the  
207 amendments made by the act to ss. 775.21, 943.0435,  
208 944.606, and 944.607, F.S., in references thereto;



209 | reenacting s. 985.4815(9), F.S., relating to  
210 | notification to the Department of Law Enforcement of  
211 | information on juvenile sexual offenders, to  
212 | incorporate the amendments made by this act to ss.  
213 | 775.21 and 943.0435, F.S., in references thereto;  
214 | reenacting s. 92.55(1)(b), F.S., relating to judicial  
215 | or other proceedings involving certain victims,  
216 | witnesses, and persons, to incorporate the amendments  
217 | made by this act to ss. 775.21 and 943.0435, F.S., in  
218 | references thereto; reenacting s. 394.9125(2)(a),  
219 | F.S., relating to state attorney authority to refer a  
220 | person for civil commitment, to incorporate the  
221 | amendment made by the act to s. 943.0435, F.S., in a  
222 | reference thereto; reenacting s. 775.21(5)(d) and  
223 | (10)(c), F.S., relating to the Florida Sexual  
224 | Predators Act, to incorporate the amendments made by  
225 | this act to ss. 943.0435 and 944.607, F.S., in  
226 | references thereto; reenacting s. 775.24(2), F.S.,  
227 | relating to the duty of the court to uphold laws  
228 | governing sexual predators and sexual offenders, to  
229 | incorporate the amendments made by this act to ss.  
230 | 943.0435, 944.606, and 944.607, F.S., in references  
231 | thereto; reenacting s. 943.0436(2), F.S., relating to  
232 | the duty of the court to uphold laws governing sexual  
233 | predators and sexual offenders, to incorporate the  
234 | amendments made by this act to ss. 775.21, 943.0435,

235 944.606, and 944.607, F.S., in references thereto;  
 236 reenacting s. 775.0862(2), F.S., relating to  
 237 reclassification of sexual offenses against students  
 238 by authority figures, to incorporate the amendment  
 239 made by the act to s. 943.0435, F.S., in a reference  
 240 thereto; providing an effective date.

241

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

243

244 Section 1. Paragraph (g) of subsection (69) of section  
 245 39.01, Florida Statutes, is amended to read:

246 39.01 Definitions.—When used in this chapter, unless the  
 247 context otherwise requires:

248 (69) "Sexual abuse of a child" for purposes of finding a  
 249 child to be dependent means one or more of the following acts:

250 (g) The sexual exploitation of a child, which includes the  
 251 act of a child offering to engage in or engaging in  
 252 prostitution, ~~provided that the child is not under arrest or is~~  
 253 ~~not being prosecuted in a delinquency or criminal proceeding for~~  
 254 ~~a violation of any offense in chapter 796 based on such~~  
 255 ~~behavior;~~ or the act of allowing, encouraging, or forcing a  
 256 child to:

- 257 1. Solicit for or engage in prostitution;
- 258 2. Engage in a sexual performance, as defined by chapter
- 259 827; or
- 260 3. Participate in the trade of human trafficking as

261 provided in s. 787.06(3)(g).

262 Section 2. Paragraph (a) of subsection (1) of section  
 263 782.04, Florida Statutes, is amended to read:

264 782.04 Murder.—

265 (1)(a) The unlawful killing of a human being:

266 1. When perpetrated from a premeditated design to effect  
 267 the death of the person killed or any human being;

268 2. When committed by a person engaged in the perpetration  
 269 of, or in the attempt to perpetrate, any:

270 a. Trafficking offense prohibited by s. 893.135(1),

271 b. Arson,

272 c. Sexual battery,

273 d. Robbery,

274 e. Burglary,

275 f. Kidnapping,

276 g. Escape,

277 h. Aggravated child abuse,

278 i. Aggravated abuse of an elderly person or disabled  
 279 adult,

280 j. Aircraft piracy,

281 k. Unlawful throwing, placing, or discharging of a  
 282 destructive device or bomb,

283 l. Carjacking,

284 m. Home-invasion robbery,

285 n. Aggravated stalking,

286 o. Murder of another human being,

287 p. Resisting an officer with violence to his or her  
 288 person,  
 289 q. Aggravated fleeing or eluding with serious bodily  
 290 injury or death,  
 291 r. Felony that is an act of terrorism or is in furtherance  
 292 of an act of terrorism,  
 293 s. Human trafficking; or  
 294 3. Which resulted from the unlawful distribution of any  
 295 substance controlled under s. 893.03(1), cocaine as described in  
 296 s. 893.03(2)(a)4., opium or any synthetic or natural salt,  
 297 compound, derivative, or preparation of opium, or methadone by a  
 298 person 18 years of age or older, when such drug is proven to be  
 299 the proximate cause of the death of the user,  
 300  
 301 is murder in the first degree and constitutes a capital felony,  
 302 punishable as provided in s. 775.082.  
 303 Section 3. Subsections (8) and (9) of section 787.06,  
 304 Florida Statutes, are renumbered as subsections (9) and (10),  
 305 respectively, paragraph (b) of subsection (4) is amended, and a  
 306 new subsection (8) is added to that section, to read:  
 307 787.06 Human trafficking.—  
 308 (4)  
 309 (b) Any person who, for the purpose of committing or  
 310 facilitating an offense under this section, permanently brands,  
 311 or directs to be branded, a victim of an offense under this  
 312 section commits a second degree felony, punishable as provided

313 in s. 775.082, s. 775.083, or s. 775.084. For purposes of this  
314 subsection, the term "permanently branded" means a mark on the  
315 individual's body that, if it can be removed or repaired at all,  
316 can only be removed or repaired by surgical means, laser  
317 treatment, or other medical procedure.

318 (8) The degree of an offense shall be reclassified as  
319 follows if a person causes great bodily harm, permanent  
320 disability, or permanent disfigurement to another person during  
321 the commission of an offense under this section:

322 (a) A felony of the second degree shall be reclassified as  
323 a felony of the first degree.

324 (b) A felony of the first degree shall be reclassified as  
325 a life felony.

326 Section 4. Subsection (5) of section 456.074, Florida  
327 Statutes, is amended to read:

328 456.074 Certain health care practitioners; immediate  
329 suspension of license.—

330 (5) The department shall issue an emergency order  
331 suspending the license of a massage therapist or establishment  
332 as defined in chapter 480 upon receipt of information that the  
333 massage therapist, a person with an ownership interest in the  
334 establishment, or, for a corporation that has more than \$250,000  
335 of business assets in this state, the owner, officer, or  
336 individual directly involved in the management of the  
337 establishment has been convicted or found guilty of, or has  
338 entered a plea of guilty or nolo contendere to, regardless of

339 adjudication, a violation of s. 796.07(2)(a) which is  
 340 reclassified under s. 796.07(7) or a felony offense under any of  
 341 the following provisions of state law or a similar provision in  
 342 another jurisdiction:

- 343 (a) Section 787.01, relating to kidnapping.
- 344 (b) Section 787.02, relating to false imprisonment.
- 345 (c) Section 787.025, relating to luring or enticing a  
 346 child.
- 347 (d) Section 787.06, relating to human trafficking.
- 348 (e) Section 787.07, relating to human smuggling.
- 349 (f) Section 794.011, relating to sexual battery.
- 350 (g) Section 794.08, relating to female genital mutilation.
- 351 (h) Former s. 796.03, relating to procuring a person under  
 352 the age of 18 for prostitution.
- 353 (i) Former s. 796.035, relating to the selling or buying  
 354 of minors into prostitution.
- 355 (j) Section 796.04, relating to forcing, compelling, or  
 356 coercing another to become a prostitute.
- 357 (k) Section 796.05, relating to deriving support from the  
 358 proceeds of prostitution.
- 359 (l) Section 796.07(4)(a)3. ~~796.07(4)(e)~~, relating to a  
 360 felony of the third degree for a third or subsequent violation  
 361 of s. 796.07, relating to prohibiting prostitution and related  
 362 acts.
- 363 (m) Section 800.04, relating to lewd or lascivious  
 364 offenses committed upon or in the presence of persons less than

365 16 years of age.

366 (n) Section 825.1025(2)(b), relating to lewd or lascivious  
 367 offenses committed upon or in the presence of an elderly or  
 368 disabled person.

369 (o) Section 827.071, relating to sexual performance by a  
 370 child.

371 (p) Section 847.0133, relating to the protection of  
 372 minors.

373 (q) Section 847.0135, relating to computer pornography.

374 (r) Section 847.0138, relating to the transmission of  
 375 material harmful to minors to a minor by electronic device or  
 376 equipment.

377 (s) Section 847.0145, relating to the selling or buying of  
 378 minors.

379 Section 5. Subsection (7) of section 480.041, Florida  
 380 Statutes, is amended to read:

381 480.041 Massage therapists; qualifications; licensure;  
 382 endorsement.—

383 (7) The board shall deny an application for a new or  
 384 renewal license if an applicant has been convicted or found  
 385 guilty of, or enters a plea of guilty or nolo contendere to,  
 386 regardless of adjudication, a violation of s. 796.07(2)(a) which  
 387 is reclassified under s. 796.07(7) or a felony offense under any  
 388 of the following provisions of state law or a similar provision  
 389 in another jurisdiction:

390 (a) Section 787.01, relating to kidnapping.

- 391 (b) Section 787.02, relating to false imprisonment.
- 392 (c) Section 787.025, relating to luring or enticing a
- 393 child.
- 394 (d) Section 787.06, relating to human trafficking.
- 395 (e) Section 787.07, relating to human smuggling.
- 396 (f) Section 794.011, relating to sexual battery.
- 397 (g) Section 794.08, relating to female genital mutilation.
- 398 (h) Former s. 796.03, relating to procuring a person under
- 399 the age of 18 for prostitution.
- 400 (i) Former s. 796.035, relating to the selling or buying
- 401 of minors into prostitution.
- 402 (j) Section 796.04, relating to forcing, compelling, or
- 403 coercing another to become a prostitute.
- 404 (k) Section 796.05, relating to deriving support from the
- 405 proceeds of prostitution.
- 406 (l) Section 796.07(4)(a)3. ~~796.07(4)(e)~~, relating to a
- 407 felony of the third degree for a third or subsequent violation
- 408 of s. 796.07, relating to prohibiting prostitution and related
- 409 acts.
- 410 (m) Section 800.04, relating to lewd or lascivious
- 411 offenses committed upon or in the presence of persons less than
- 412 16 years of age.
- 413 (n) Section 825.1025(2)(b), relating to lewd or lascivious
- 414 offenses committed upon or in the presence of an elderly or
- 415 disabled person.
- 416 (o) Section 827.071, relating to sexual performance by a



417 child.

418 (p) Section 847.0133, relating to the protection of  
419 minors.

420 (q) Section 847.0135, relating to computer pornography.

421 (r) Section 847.0138, relating to the transmission of  
422 material harmful to minors to a minor by electronic device or  
423 equipment.

424 (s) Section 847.0145, relating to the selling or buying of  
425 minors.

426

427 Section 6. Subsection (8) of section 480.043, Florida  
428 Statutes, is amended to read:

429 480.043 Massage establishments; requisites; licensure;  
430 inspection.—

431 (8) The department shall deny an application for a new or  
432 renewal license if a person with an ownership interest in the  
433 establishment or, for a corporation that has more than \$250,000  
434 of business assets in this state, the owner, officer, or  
435 individual directly involved in the management of the  
436 establishment has been convicted or found guilty of, or entered  
437 a plea of guilty or nolo contendere to, regardless of  
438 adjudication, a violation of s. 796.07(2)(a) which is  
439 reclassified under s. 796.07(7) or a felony offense under any of  
440 the following provisions of state law or a similar provision in  
441 another jurisdiction:

442 (a) Section 787.01, relating to kidnapping.

- 443 (b) Section 787.02, relating to false imprisonment.
- 444 (c) Section 787.025, relating to luring or enticing a
- 445 child.
- 446 (d) Section 787.06, relating to human trafficking.
- 447 (e) Section 787.07, relating to human smuggling.
- 448 (f) Section 794.011, relating to sexual battery.
- 449 (g) Section 794.08, relating to female genital mutilation.
- 450 (h) Former s. 796.03, relating to procuring a person under
- 451 the age of 18 for prostitution.
- 452 (i) Former s. 796.035, relating to selling or buying of
- 453 minors into prostitution.
- 454 (j) Section 796.04, relating to forcing, compelling, or
- 455 coercing another to become a prostitute.
- 456 (k) Section 796.05, relating to deriving support from the
- 457 proceeds of prostitution.
- 458 (l) Section 796.07(4)(a)3. ~~796.07(4)(e)~~, relating to a
- 459 felony of the third degree for a third or subsequent violation
- 460 of s. 796.07, relating to prohibiting prostitution and related
- 461 acts.
- 462 (m) Section 800.04, relating to lewd or lascivious
- 463 offenses committed upon or in the presence of persons less than
- 464 16 years of age.
- 465 (n) Section 825.1025(2)(b), relating to lewd or lascivious
- 466 offenses committed upon or in the presence of an elderly or
- 467 disabled person.
- 468 (o) Section 827.071, relating to sexual performance by a

469 child.

470 (p) Section 847.0133, relating to the protection of  
471 minors.

472 (q) Section 847.0135, relating to computer pornography.

473 (r) Section 847.0138, relating to the transmission of  
474 material harmful to minors to a minor by electronic device or  
475 equipment.

476 (s) Section 847.0145, relating to the selling or buying of  
477 minors.

478 Section 7. Subsection (2) of section 796.06, Florida  
479 Statutes, is amended to read:

480 796.06 Renting space to be used for lewdness, assignation,  
481 or prostitution.—

482 (2) A person who violates this section commits:

483 (a) A misdemeanor of the first ~~second~~ degree for a first  
484 violation, punishable as provided in s. 775.082 or s. 775.083.

485 (b) A felony ~~misdemeanor~~ of the third ~~first~~ degree for a  
486 second or subsequent violation, punishable as provided in s.  
487 775.082, ~~or~~ s. 775.083, or s. 775.084.

488 Section 8. Paragraph (e) of subsection (2) and paragraph  
489 (b) of subsection (5) of section 796.07, Florida Statutes, are  
490 amended, and subsection (7) is added to that section, to read:

491 796.07 Prohibiting prostitution and related acts.—

492 (2) It is unlawful:

493 (e) For a person 18 years of age or older to offer to  
494 commit, or to commit, or to engage in, prostitution, lewdness,

495 or assignation.

496 (5)

497 (b) In addition to any other penalty imposed, the court  
 498 shall order a person convicted of a violation of paragraph  
 499 (2) (f) to:

- 500 1. Perform 100 hours of community service; and
- 501 2. Pay for and attend an educational program about the  
 502 negative effects of prostitution and human trafficking, such as  
 503 a sexual violence prevention education program, including such  
 504 programs offered by faith-based providers, if such programs  
 505 exist ~~program exists~~ in the judicial circuit in which the  
 506 offender is sentenced.

507 (7) If the place, structure, building, or conveyance that  
 508 is owned, established, maintained, or operated in violation of  
 509 paragraph (2) (a) is a massage establishment that is or should be  
 510 licensed under s. 480.043, the offense shall be reclassified to  
 511 the next higher degree as follows:

512 (a) A misdemeanor of the second degree for a first  
 513 violation is reclassified as a misdemeanor of the first degree,  
 514 punishable as provided in s. 775.082 or s. 775.083.

515 (b) A misdemeanor of the first degree for a second  
 516 violation is reclassified as a felony of the third degree,  
 517 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

518 (c) A felony of the third degree for a third or subsequent  
 519 violation is reclassified as a felony of the second degree,  
 520 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

521 Section 9. Paragraph (a) of subsection (4) of section  
 522 775.21, Florida Statutes, is amended to read:

523 775.21 The Florida Sexual Predators Act.—

524 (4) SEXUAL PREDATOR CRITERIA.—

525 (a) For a current offense committed on or after October 1,  
 526 1993, upon conviction, an offender shall be designated as a  
 527 "sexual predator" under subsection (5), and subject to  
 528 registration under subsection (6) and community and public  
 529 notification under subsection (7) if:

530 1. The felony is:

531 a. A capital, life, or first degree felony violation, or  
 532 any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
 533 is a minor and the defendant is not the victim's parent or  
 534 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a  
 535 violation of a similar law of another jurisdiction; or

536 b. Any felony violation, or any attempt thereof, of s.  
 537 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
 538 787.025(2)(c), where the victim is a minor and the defendant is  
 539 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),  
 540 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.  
 541 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.  
 542 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s. 847.0135,  
 543 excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court  
 544 makes a written finding that the racketeering activity involved  
 545 at least one sexual offense listed in this sub-subparagraph or  
 546 at least one offense listed in this sub-subparagraph with sexual

547 intent or motive; s. 916.1075(2); or s. 985.701(1); or a  
548 violation of a similar law of another jurisdiction, and the  
549 offender has previously been convicted of or found to have  
550 committed, or has pled nolo contendere or guilty to, regardless  
551 of adjudication, any violation of s. 393.135(2); s. 394.4593(2);  
552 s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
553 minor and the defendant is not the victim's parent or guardian;  
554 s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
555 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
556 former s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.  
557 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s.  
558 895.03, if the court makes a written finding that the  
559 racketeering activity involved at least one sexual offense  
560 listed in this sub-subparagraph or at least one offense listed  
561 in this sub-subparagraph with sexual intent or motive; s.  
562 916.1075(2); or s. 985.701(1); or a violation of a similar law  
563 of another jurisdiction;

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

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

570 Section 10. Paragraph (a) of subsection (1) of section  
571 943.0435, Florida Statutes, is amended to read:

572 943.0435 Sexual offenders required to register with the

573 department; penalty.—

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

575 (a)1. "Sexual offender" means a person who meets the  
576 criteria in sub-subparagraph a., sub-subparagraph b., sub-  
577 subparagraph c., or sub-subparagraph d., as follows:

578 a.(I) Has been convicted of committing, or attempting,  
579 soliciting, or conspiring to commit, any of the criminal  
580 offenses proscribed in the following statutes in this state or  
581 similar offenses in another jurisdiction: s. 393.135(2); s.  
582 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
583 the victim is a minor and the defendant is not the victim's  
584 parent or guardian; s. 787.06(3)(b), (d), (f), or (g); former s.  
585 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05;  
586 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);  
587 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
588 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,  
589 if the court makes a written finding that the racketeering  
590 activity involved at least one sexual offense listed in this  
591 sub-sub-subparagraph or at least one offense listed in this sub-  
592 sub-subparagraph with sexual intent or motive; s. 916.1075(2);  
593 or s. 985.701(1); or any similar offense committed in this state  
594 which has been redesignated from a former statute number to one  
595 of those listed in this sub-sub-subparagraph; and

596 (II) Has been released on or after October 1, 1997, from  
597 the sanction imposed for any conviction of an offense described  
598 in sub-sub-subparagraph (I). For purposes of sub-sub-

599 | subparagraph (I), a sanction imposed in this state or in any  
600 | other jurisdiction includes, but is not limited to, a fine,  
601 | probation, community control, parole, conditional release,  
602 | control release, or incarceration in a state prison, federal  
603 | prison, private correctional facility, or local detention  
604 | facility;

605 |       b. Establishes or maintains a residence in this state and  
606 | who has not been designated as a sexual predator by a court of  
607 | this state but who has been designated as a sexual predator, as  
608 | a sexually violent predator, or by another sexual offender  
609 | designation in another state or jurisdiction and was, as a  
610 | result of such designation, subjected to registration or  
611 | community or public notification, or both, or would be if the  
612 | person were a resident of that state or jurisdiction, without  
613 | regard to whether the person otherwise meets the criteria for  
614 | registration as a sexual offender;

615 |       c. Establishes or maintains a residence in this state who  
616 | is in the custody or control of, or under the supervision of,  
617 | any other state or jurisdiction as a result of a conviction for  
618 | committing, or attempting, soliciting, or conspiring to commit,  
619 | any of the criminal offenses proscribed in the following  
620 | statutes or similar offense in another jurisdiction: s.  
621 | 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
622 | 787.025(2)(c), where the victim is a minor and the defendant is  
623 | not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),  
624 | or (g); former s. 787.06(3)(h); s. 794.011, excluding s.



625 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.  
626 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.  
627 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
628 847.0145; s. 895.03, if the court makes a written finding that  
629 the racketeering activity involved at least one sexual offense  
630 listed in this sub-subparagraph or at least one offense listed  
631 in this sub-subparagraph with sexual intent or motive; s.  
632 916.1075(2); or s. 985.701(1); or any similar offense committed  
633 in this state which has been redesignated from a former statute  
634 number to one of those listed in this sub-subparagraph; or  
635 d. On or after July 1, 2007, has been adjudicated  
636 delinquent for committing, or attempting, soliciting, or  
637 conspiring to commit, any of the criminal offenses proscribed in  
638 the following statutes in this state or similar offenses in  
639 another jurisdiction when the juvenile was 14 years of age or  
640 older at the time of the offense:  
641 (I) Section 794.011, excluding s. 794.011(10);  
642 (II) Section 800.04(4)(a)2. where the victim is under 12  
643 years of age or where the court finds sexual activity by the use  
644 of force or coercion;  
645 (III) Section 800.04(5)(c)1. where the court finds  
646 molestation involving unclothed genitals; or  
647 (IV) Section 800.04(5)(d) where the court finds the use of  
648 force or coercion and unclothed genitals.  
649 2. For all qualifying offenses listed in sub-subparagraph  
650 (1)(a)1.d., the court shall make a written finding of the age of

651 the offender at the time of the offense.

652

653 For each violation of a qualifying offense listed in this  
654 subsection, except for a violation of s. 794.011, the court  
655 shall make a written finding of the age of the victim at the  
656 time of the offense. For a violation of s. 800.04(4), the court  
657 shall also make a written finding indicating whether the offense  
658 involved sexual activity and indicating whether the offense  
659 involved force or coercion. For a violation of s. 800.04(5), the  
660 court shall also make a written finding that the offense did or  
661 did not involve unclothed genitals or genital area and that the  
662 offense did or did not involve the use of force or coercion.

663 Section 11. Paragraph (b) of subsection (1) of section  
664 944.606, Florida Statutes, is amended to read:

665 944.606 Sexual offenders; notification upon release.—

666 (1) As used in this section:

667 (b) "Sexual offender" means a person who has been  
668 convicted of committing, or attempting, soliciting, or  
669 conspiring to commit, any of the criminal offenses proscribed in  
670 the following statutes in this state or similar offenses in  
671 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,  
672 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
673 the defendant is not the victim's parent or guardian; s.  
674 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
675 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
676 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.

677 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
678 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court  
679 makes a written finding that the racketeering activity involved  
680 at least one sexual offense listed in this paragraph or at least  
681 one offense listed in this paragraph with sexual intent or  
682 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense  
683 committed in this state which has been redesignated from a  
684 former statute number to one of those listed in this subsection,  
685 when the department has received verified information regarding  
686 such conviction; an offender's computerized criminal history  
687 record is not, in and of itself, verified information.

688 Section 12. Paragraph (a) of subsection (1) of section  
689 944.607, Florida Statutes, is amended to read:

690 944.607 Notification to Department of Law Enforcement of  
691 information on sexual offenders.—

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

693 (a) "Sexual offender" means a person who is in the custody  
694 or control of, or under the supervision of, the department or is  
695 in the custody of a private correctional facility:

696 1. On or after October 1, 1997, as a result of a  
697 conviction for committing, or attempting, soliciting, or  
698 conspiring to commit, any of the criminal offenses proscribed in  
699 the following statutes in this state or similar offenses in  
700 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,  
701 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
702 the defendant is not the victim's parent or guardian; s.

703 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
704 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
705 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.  
706 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
707 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court  
708 makes a written finding that the racketeering activity involved  
709 at least one sexual offense listed in this subparagraph or at  
710 least one offense listed in this subparagraph with sexual intent  
711 or motive; s. 916.1075(2); or s. 985.701(1); or any similar  
712 offense committed in this state which has been redesignated from  
713 a former statute number to one of those listed in this  
714 paragraph; or

715 2. Who establishes or maintains a residence in this state  
716 and who has not been designated as a sexual predator by a court  
717 of this state but who has been designated as a sexual predator,  
718 as a sexually violent predator, or by another sexual offender  
719 designation in another state or jurisdiction and was, as a  
720 result of such designation, subjected to registration or  
721 community or public notification, or both, or would be if the  
722 person were a resident of that state or jurisdiction, without  
723 regard as to whether the person otherwise meets the criteria for  
724 registration as a sexual offender.

725 Section 13. For the purpose of incorporating the amendment  
726 made by this act to section 39.01, Florida Statutes, in a  
727 reference thereto, paragraph (p) of subsection (4) of section  
728 394.495, Florida Statutes, is reenacted to read:

729 394.495 Child and adolescent mental health system of care;  
730 programs and services.—

731 (4) The array of services may include, but is not limited  
732 to:

733 (p) Trauma-informed services for children who have  
734 suffered sexual exploitation as defined in s. 39.01(69)(g).

735 Section 14. For the purpose of incorporating the amendment  
736 made by this act to section 39.01, Florida Statutes, in  
737 references thereto, paragraph (c) of subsection (1) and  
738 paragraphs (a) and (b) of subsection (6) of section 409.1678,  
739 Florida Statutes, are reenacted to read:

740 409.1678 Specialized residential options for children who  
741 are victims of sexual exploitation.—

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

743 (c) "Sexually exploited child" means a child who has  
744 suffered sexual exploitation as defined in s. 39.01(69)(g) and  
745 is ineligible for relief and benefits under the federal  
746 Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

747 (6) LOCATION INFORMATION.—

748 (a) Information about the location of a safe house, safe  
749 foster home, or other residential facility serving victims of  
750 sexual exploitation, as defined in s. 39.01(69)(g), which is  
751 held by an agency, as defined in s. 119.011, is confidential and  
752 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
753 Constitution. This exemption applies to such confidential and  
754 exempt information held by an agency before, on, or after the

755 effective date of the exemption.

756 (b) Information about the location of a safe house, safe  
 757 foster home, or other residential facility serving victims of  
 758 sexual exploitation, as defined in s. 39.01(69)(g), may be  
 759 provided to an agency, as defined in s. 119.011, as necessary to  
 760 maintain health and safety standards and to address emergency  
 761 situations in the safe house, safe foster home, or other  
 762 residential facility.

763 Section 15. For the purpose of incorporating the amendment  
 764 made by this act to section 39.01, Florida Statutes, in a  
 765 reference thereto, subsection (5) of section 960.065, Florida  
 766 Statutes, is reenacted to read:

767 960.065 Eligibility for awards.—

768 (5) A person is not ineligible for an award pursuant to  
 769 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that  
 770 person is a victim of sexual exploitation of a child as defined  
 771 in s. 39.01(69)(g).

772 Section 16. For the purpose of incorporating the  
 773 amendments made by this act to sections 775.21 and 782.04,  
 774 Florida Statutes, in references thereto, paragraphs (d) and (n)  
 775 of subsection (1) of section 39.806, Florida Statutes, are  
 776 reenacted to read:

777 39.806 Grounds for termination of parental rights.—

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

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

781           1. The period of time for which the parent is expected to  
782 be incarcerated will constitute a significant portion of the  
783 child's minority. When determining whether the period of time is  
784 significant, the court shall consider the child's age and the  
785 child's need for a permanent and stable home. The period of time  
786 begins on the date that the parent enters into incarceration;

787           2. The incarcerated parent has been determined by the  
788 court to be a violent career criminal as defined in s. 775.084,  
789 a habitual violent felony offender as defined in s. 775.084, or  
790 a sexual predator as defined in s. 775.21; has been convicted of  
791 first degree or second degree murder in violation of s. 782.04  
792 or a sexual battery that constitutes a capital, life, or first  
793 degree felony violation of s. 794.011; or has been convicted of  
794 an offense in another jurisdiction which is substantially  
795 similar to one of the offenses listed in this paragraph. As used  
796 in this section, the term "substantially similar offense" means  
797 any offense that is substantially similar in elements and  
798 penalties to one of those listed in this subparagraph, and that  
799 is in violation of a law of any other jurisdiction, whether that  
800 of another state, the District of Columbia, the United States or  
801 any possession or territory thereof, or any foreign  
802 jurisdiction; or

803           3. The court determines by clear and convincing evidence  
804 that continuing the parental relationship with the incarcerated  
805 parent would be harmful to the child and, for this reason, that  
806 termination of the parental rights of the incarcerated parent is

807 in the best interest of the child. When determining harm, the  
808 court shall consider the following factors:

- 809 a. The age of the child.
- 810 b. The relationship between the child and the parent.
- 811 c. The nature of the parent's current and past provision  
812 for the child's developmental, cognitive, psychological, and  
813 physical needs.
- 814 d. The parent's history of criminal behavior, which may  
815 include the frequency of incarceration and the unavailability of  
816 the parent to the child due to incarceration.
- 817 e. Any other factor the court deems relevant.

818 (n) The parent is convicted of an offense that requires  
819 the parent to register as a sexual predator under s. 775.21.

820 Section 17. For the purpose of incorporating the  
821 amendments made by this act to sections 775.21 and 782.04,  
822 Florida Statutes, in references thereto, paragraph (b) of  
823 subsection (4) of section 63.089, Florida Statutes, is reenacted  
824 to read:

825 63.089 Proceeding to terminate parental rights pending  
826 adoption; hearing; grounds; dismissal of petition; judgment.—

827 (4) FINDING OF ABANDONMENT.—A finding of abandonment  
828 resulting in a termination of parental rights must be based upon  
829 clear and convincing evidence that a parent or person having  
830 legal custody has abandoned the child in accordance with the  
831 definition contained in s. 63.032. A finding of abandonment may  
832 also be based upon emotional abuse or a refusal to provide



833 reasonable financial support, when able, to a birth mother  
834 during her pregnancy or on whether the person alleged to have  
835 abandoned the child, while being able, failed to establish  
836 contact with the child or accept responsibility for the child's  
837 welfare.

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

841 1. The period of time for which the parent has been or is  
842 expected to be incarcerated will constitute a significant  
843 portion of the child's minority. In determining whether the  
844 period of time is significant, the court shall consider the  
845 child's age and the child's need for a permanent and stable  
846 home. The period of time begins on the date that the parent  
847 enters into incarceration;

848 2. The incarcerated parent has been determined by a court  
849 of competent jurisdiction to be a violent career criminal as  
850 defined in s. 775.084, a habitual violent felony offender as  
851 defined in s. 775.084, convicted of child abuse as defined in s.  
852 827.03, or a sexual predator as defined in s. 775.21; has been  
853 convicted of first degree or second degree murder in violation  
854 of s. 782.04 or a sexual battery that constitutes a capital,  
855 life, or first degree felony violation of s. 794.011; or has  
856 been convicted of a substantially similar offense in another  
857 jurisdiction. As used in this section, the term "substantially  
858 similar offense" means any offense that is substantially similar

859 | in elements and penalties to one of those listed in this  
860 | subparagraph, and that is in violation of a law of any other  
861 | jurisdiction, whether that of another state, the District of  
862 | Columbia, the United States or any possession or territory  
863 | thereof, or any foreign jurisdiction; or

864 |         3. The court determines by clear and convincing evidence  
865 | that continuing the parental relationship with the incarcerated  
866 | parent would be harmful to the child and, for this reason,  
867 | termination of the parental rights of the incarcerated parent is  
868 | in the best interests of the child.

869 |         Section 18. For the purpose of incorporating the amendment  
870 | made by this act to section 782.04, Florida Statutes, in  
871 | references thereto, subsection (10) of section 95.11, Florida  
872 | Statutes, is reenacted to read:

873 |         95.11 Limitations other than for the recovery of real  
874 | property.—Actions other than for recovery of real property shall  
875 | be commenced as follows:

876 |         (10) FOR INTENTIONAL TORTS RESULTING IN DEATH FROM ACTS  
877 | DESCRIBED IN S. 782.04 OR S. 782.07.—Notwithstanding paragraph  
878 | (4) (d), an action for wrongful death seeking damages authorized  
879 | under s. 768.21 brought against a natural person for an  
880 | intentional tort resulting in death from acts described in s.  
881 | 782.04 or s. 782.07 may be commenced at any time. This  
882 | subsection shall not be construed to require an arrest, the  
883 | filing of formal criminal charges, or a conviction for a  
884 | violation of s. 782.04 or s. 782.07 as a condition for filing a

885 civil action.

886 Section 19. For the purpose of incorporating the amendment  
887 made by this act to section 782.04, Florida Statutes, in  
888 references thereto, paragraph (b) of subsection (1) and  
889 paragraphs (a), (b), and (c) of subsection (3) of section  
890 775.082, Florida Statutes, are reenacted to read:

891 775.082 Penalties; applicability of sentencing structures;  
892 mandatory minimum sentences for certain reoffenders previously  
893 released from prison.—

894 (1)

895 (b)1. A person who actually killed, intended to kill, or  
896 attempted to kill the victim and who is convicted under s.  
897 782.04 of a capital felony, or an offense that was reclassified  
898 as a capital felony, which was committed before the person  
899 attained 18 years of age shall be punished by a term of  
900 imprisonment for life if, after a sentencing hearing conducted  
901 by the court in accordance with s. 921.1401, the court finds  
902 that life imprisonment is an appropriate sentence. If the court  
903 finds that life imprisonment is not an appropriate sentence,  
904 such person shall be punished by a term of imprisonment of at  
905 least 40 years. A person sentenced pursuant to this subparagraph  
906 is entitled to a review of his or her sentence in accordance  
907 with s. 921.1402(2)(a).

908 2. A person who did not actually kill, intend to kill, or  
909 attempt to kill the victim and who is convicted under s. 782.04  
910 of a capital felony, or an offense that was reclassified as a

911 capital felony, which was committed before the person attained  
912 18 years of age may be punished by a term of imprisonment for  
913 life or by a term of years equal to life if, after a sentencing  
914 hearing conducted by the court in accordance with s. 921.1401,  
915 the court finds that life imprisonment is an appropriate  
916 sentence. A person who is sentenced to a term of imprisonment of  
917 more than 15 years is entitled to a review of his or her  
918 sentence in accordance with s. 921.1402(2)(c).

919 3. The court shall make a written finding as to whether a  
920 person is eligible for a sentence review hearing under s.  
921 921.1402(2)(a) or (c). Such a finding shall be based upon  
922 whether the person actually killed, intended to kill, or  
923 attempted to kill the victim. The court may find that multiple  
924 defendants killed, intended to kill, or attempted to kill the  
925 victim.

926 (3) A person who has been convicted of any other  
927 designated felony may be punished as follows:

928 (a)1. For a life felony committed before October 1, 1983,  
929 by a term of imprisonment for life or for a term of at least 30  
930 years.

931 2. For a life felony committed on or after October 1,  
932 1983, by a term of imprisonment for life or by a term of  
933 imprisonment not exceeding 40 years.

934 3. Except as provided in subparagraph 4., for a life  
935 felony committed on or after July 1, 1995, by a term of  
936 imprisonment for life or by imprisonment for a term of years not

937 exceeding life imprisonment.

938 4.a. Except as provided in sub-subparagraph b., for a life  
939 felony committed on or after September 1, 2005, which is a  
940 violation of s. 800.04(5)(b), by:

941 (I) A term of imprisonment for life; or

942 (II) A split sentence that is a term of at least 25 years'  
943 imprisonment and not exceeding life imprisonment, followed by  
944 probation or community control for the remainder of the person's  
945 natural life, as provided in s. 948.012(4).

946 b. For a life felony committed on or after July 1, 2008,  
947 which is a person's second or subsequent violation of s.  
948 800.04(5)(b), by a term of imprisonment for life.

949 5. Notwithstanding subparagraphs 1.-4., a person who is  
950 convicted under s. 782.04 of an offense that was reclassified as  
951 a life felony which was committed before the person attained 18  
952 years of age may be punished by a term of imprisonment for life  
953 or by a term of years equal to life imprisonment if the judge  
954 conducts a sentencing hearing in accordance with s. 921.1401 and  
955 finds that life imprisonment or a term of years equal to life  
956 imprisonment is an appropriate sentence.

957 a. A person who actually killed, intended to kill, or  
958 attempted to kill the victim and is sentenced to a term of  
959 imprisonment of more than 25 years is entitled to a review of  
960 his or her sentence in accordance with s. 921.1402(2)(b).

961 b. A person who did not actually kill, intend to kill, or  
962 attempt to kill the victim and is sentenced to a term of

963 imprisonment of more than 15 years is entitled to a review of  
964 his or her sentence in accordance with s. 921.1402(2)(c).

965 c. The court shall make a written finding as to whether a  
966 person is eligible for a sentence review hearing under s.  
967 921.1402(2)(b) or (c). Such a finding shall be based upon  
968 whether the person actually killed, intended to kill, or  
969 attempted to kill the victim. The court may find that multiple  
970 defendants killed, intended to kill, or attempted to kill the  
971 victim.

972 6. For a life felony committed on or after October 1,  
973 2014, which is a violation of s. 787.06(3)(g), by a term of  
974 imprisonment for life.

975 (b)1. For a felony of the first degree, by a term of  
976 imprisonment not exceeding 30 years or, when specifically  
977 provided by statute, by imprisonment for a term of years not  
978 exceeding life imprisonment.

979 2. Notwithstanding subparagraph 1., a person convicted  
980 under s. 782.04 of a first degree felony punishable by a term of  
981 years not exceeding life imprisonment, or an offense that was  
982 reclassified as a first degree felony punishable by a term of  
983 years not exceeding life, which was committed before the person  
984 attained 18 years of age may be punished by a term of years  
985 equal to life imprisonment if the judge conducts a sentencing  
986 hearing in accordance with s. 921.1401 and finds that a term of  
987 years equal to life imprisonment is an appropriate sentence.

988 a. A person who actually killed, intended to kill, or

989 attempted to kill the victim and is sentenced to a term of  
990 imprisonment of more than 25 years is entitled to a review of  
991 his or her sentence in accordance with s. 921.1402(2)(b).

992 b. A person who did not actually kill, intend to kill, or  
993 attempt to kill the victim and is sentenced to a term of  
994 imprisonment of more than 15 years is entitled to a review of  
995 his or her sentence in accordance with s. 921.1402(2)(c).

996 c. The court shall make a written finding as to whether a  
997 person is eligible for a sentence review hearing under s.  
998 921.1402(2)(b) or (c). Such a finding shall be based upon  
999 whether the person actually killed, intended to kill, or  
1000 attempted to kill the victim. The court may find that multiple  
1001 defendants killed, intended to kill, or attempted to kill the  
1002 victim.

1003 (c) Notwithstanding paragraphs (a) and (b), a person  
1004 convicted of an offense that is not included in s. 782.04 but  
1005 that is an offense that is a life felony or is punishable by a  
1006 term of imprisonment for life or by a term of years not  
1007 exceeding life imprisonment, or an offense that was reclassified  
1008 as a life felony or an offense punishable by a term of  
1009 imprisonment for life or by a term of years not exceeding life  
1010 imprisonment, which was committed before the person attained 18  
1011 years of age may be punished by a term of imprisonment for life  
1012 or a term of years equal to life imprisonment if the judge  
1013 conducts a sentencing hearing in accordance with s. 921.1401 and  
1014 finds that life imprisonment or a term of years equal to life

1015 imprisonment is an appropriate sentence. A person who is  
 1016 sentenced to a term of imprisonment of more than 20 years is  
 1017 entitled to a review of his or her sentence in accordance with  
 1018 s. 921.1402(2) (d).

1019 Section 20. For the purpose of incorporating the amendment  
 1020 made by this act to section 782.04, Florida Statutes, in  
 1021 references thereto, section 782.065, Florida Statutes, is  
 1022 reenacted to read:

1023 782.065 Murder; law enforcement officer, correctional  
 1024 officer, correctional probation officer.—Notwithstanding ss.  
 1025 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant  
 1026 shall be sentenced to life imprisonment without eligibility for  
 1027 release upon findings by the trier of fact that, beyond a  
 1028 reasonable doubt:

1029 (1) The defendant committed murder in the first degree in  
 1030 violation of s. 782.04(1) and a death sentence was not imposed;  
 1031 murder in the second or third degree in violation of s.  
 1032 782.04(2), (3), or (4); attempted murder in the first or second  
 1033 degree in violation of s. 782.04(1) (a)1. or (2); or attempted  
 1034 felony murder in violation of s. 782.051; and

1035 (2) The victim of any offense described in subsection (1)  
 1036 was a law enforcement officer, part-time law enforcement  
 1037 officer, auxiliary law enforcement officer, correctional  
 1038 officer, part-time correctional officer, auxiliary correctional  
 1039 officer, correctional probation officer, part-time correctional  
 1040 probation officer, or auxiliary correctional probation officer,



1041 as those terms are defined in s. 943.10, engaged in the lawful  
 1042 performance of a legal duty.

1043 Section 21. For the purpose of incorporating the amendment  
 1044 made by this act to section 782.04, Florida Statutes, in a  
 1045 reference thereto, subsection (1) of section 921.16, Florida  
 1046 Statutes, is reenacted to read:

1047 921.16 When sentences to be concurrent and when  
 1048 consecutive.—

1049 (1) A defendant convicted of two or more offenses charged  
 1050 in the same indictment, information, or affidavit or in  
 1051 consolidated indictments, informations, or affidavits shall  
 1052 serve the sentences of imprisonment concurrently unless the  
 1053 court directs that two or more of the sentences be served  
 1054 consecutively. Sentences of imprisonment for offenses not  
 1055 charged in the same indictment, information, or affidavit shall  
 1056 be served consecutively unless the court directs that two or  
 1057 more of the sentences be served concurrently. Any sentence for  
 1058 sexual battery as defined in chapter 794 or murder as defined in  
 1059 s. 782.04 must be imposed consecutively to any other sentence  
 1060 for sexual battery or murder which arose out of a separate  
 1061 criminal episode or transaction.

1062 Section 22. For the purpose of incorporating the amendment  
 1063 made by this act to section 782.04, Florida Statutes, in a  
 1064 reference thereto, paragraph (a) of subsection (1) of section  
 1065 948.062, Florida Statutes, is reenacted to read:

1066 948.062 Reviewing and reporting serious offenses committed

1067 by offenders placed on probation or community control.—

1068 (1) The department shall review the circumstances related  
 1069 to an offender placed on probation or community control who has  
 1070 been arrested while on supervision for the following offenses:

1071 (a) Any murder as provided in s. 782.04;

1072 Section 23. For the purpose of incorporating the amendment  
 1073 made by this act to section 782.04, Florida Statutes, in a  
 1074 reference thereto, paragraph (b) of subsection (3) of section  
 1075 985.265, Florida Statutes, is reenacted to read:

1076 985.265 Detention transfer and release; education; adult  
 1077 jails.—

1078 (3)

1079 (b) When a juvenile is released from secure detention or  
 1080 transferred to nonsecure detention, detention staff shall  
 1081 immediately notify the appropriate law enforcement agency,  
 1082 school personnel, and victim if the juvenile is charged with  
 1083 committing any of the following offenses or attempting to commit  
 1084 any of the following offenses:

- 1085 1. Murder, under s. 782.04;
- 1086 2. Sexual battery, under chapter 794;
- 1087 3. Stalking, under s. 784.048; or
- 1088 4. Domestic violence, as defined in s. 741.28.

1089 Section 24. For the purpose of incorporating the amendment  
 1090 made by this act to section 782.04, Florida Statutes, in a  
 1091 reference thereto, paragraph (d) of subsection (1) of section  
 1092 1012.315, Florida Statutes, is reenacted to read:

1093           1012.315 Disqualification from employment.—A person is  
 1094 ineligible for educator certification, and instructional  
 1095 personnel and school administrators, as defined in s. 1012.01,  
 1096 are ineligible for employment in any position that requires  
 1097 direct contact with students in a district school system,  
 1098 charter school, or private school that accepts scholarship  
 1099 students under s. 1002.39 or s. 1002.395, if the person,  
 1100 instructional personnel, or school administrator has been  
 1101 convicted of:

1102           (1) Any felony offense prohibited under any of the  
 1103 following statutes:

1104           (d) Section 782.04, relating to murder.

1105           Section 25. For the purpose of incorporating the amendment  
 1106 made by this act to sections 782.04 and 943.0435, Florida  
 1107 Statutes, in references thereto, paragraph (g) of subsection (2)  
 1108 of section 1012.467, Florida Statutes, is reenacted to read:

1109           1012.467 Noninstructional contractors who are permitted  
 1110 access to school grounds when students are present; background  
 1111 screening requirements.—

1112           (2)

1113           (g) A noninstructional contractor for whom a criminal  
 1114 history check is required under this section may not have been  
 1115 convicted of any of the following offenses designated in the  
 1116 Florida Statutes, any similar offense in another jurisdiction,  
 1117 or any similar offense committed in this state which has been  
 1118 redesignated from a former provision of the Florida Statutes to

1119 one of the following offenses:

1120 1. Any offense listed in s. 943.0435(1)(a)1., relating to  
1121 the registration of an individual as a sexual offender.

1122 2. Section 393.135, relating to sexual misconduct with  
1123 certain developmentally disabled clients and the reporting of  
1124 such sexual misconduct.

1125 3. Section 394.4593, relating to sexual misconduct with  
1126 certain mental health patients and the reporting of such sexual  
1127 misconduct.

1128 4. Section 775.30, relating to terrorism.

1129 5. Section 782.04, relating to murder.

1130 6. Section 787.01, relating to kidnapping.

1131 7. Any offense under chapter 800, relating to lewdness and  
1132 indecent exposure.

1133 8. Section 826.04, relating to incest.

1134 9. Section 827.03, relating to child abuse, aggravated  
1135 child abuse, or neglect of a child.

1136 Section 26. For the purpose of incorporating the amendment  
1137 made by this act to section 782.04, Florida Statutes, in  
1138 references thereto, subsections (1) and (2) of section 775.0823,  
1139 Florida Statutes, are reenacted to read:

1140 775.0823 Violent offenses committed against law  
1141 enforcement officers, correctional officers, state attorneys,  
1142 assistant state attorneys, justices, or judges.—The Legislature  
1143 does hereby provide for an increase and certainty of penalty for  
1144 any person convicted of a violent offense against any law

1145 enforcement or correctional officer, as defined in s. 943.10(1),  
 1146 (2), (3), (6), (7), (8), or (9); against any state attorney  
 1147 elected pursuant to s. 27.01 or assistant state attorney  
 1148 appointed under s. 27.181; or against any justice or judge of a  
 1149 court described in Art. V of the State Constitution, which  
 1150 offense arises out of or in the scope of the officer's duty as a  
 1151 law enforcement or correctional officer, the state attorney's or  
 1152 assistant state attorney's duty as a prosecutor or investigator,  
 1153 or the justice's or judge's duty as a judicial officer, as  
 1154 follows:

1155 (1) For murder in the first degree as described in s.  
 1156 782.04(1), if the death sentence is not imposed, a sentence of  
 1157 imprisonment for life without eligibility for release.

1158 (2) For attempted murder in the first degree as described  
 1159 in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083,  
 1160 or s. 775.084.

1161  
 1162 Notwithstanding the provisions of s. 948.01, with respect to any  
 1163 person who is found to have violated this section, adjudication  
 1164 of guilt or imposition of sentence shall not be suspended,  
 1165 deferred, or withheld.

1166 Section 27. For the purpose of incorporating the amendment  
 1167 made by this act to section 782.04, Florida Statutes, in a  
 1168 reference thereto, paragraph (i) of subsection (3) of section  
 1169 921.0022, Florida Statutes, is reenacted to read:

1170 921.0022 Criminal Punishment Code; offense severity

1171 ranking chart.—

1172 (3) OFFENSE SEVERITY RANKING CHART

1173 (i) LEVEL 9

1174

Florida Statute	Felony Degree	Description
1175 316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
1176 327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
1177 409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
1178 499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
1179 560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
1180 560.125 (5) (c)	1st	Money transmitter business by

1181			unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
1182	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
1183	775.0844	1st	Aggravated white collar crime.
1184	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
1185	782.04 (3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.
	782.051 (1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3).

1186  
1187  
1188  
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782.07 (2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
787.01 (1) (a) 1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
787.01 (1) (a) 2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
787.02 (3) (a)	1st, PBL	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.



1192	787.06(3)(c)1.	1st	Human trafficking for labor and services of an unauthorized alien child.
1193	787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
1194	787.06(3)(f)1.	1st,PBL	Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.
1195	790.161	1st	Attempted capital destructive device offense.
1196	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
1197	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.

1198	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
1199	794.011 (4) (a)	1st, PBL	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.
1200	794.011 (4) (b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
1201	794.011 (4) (c)	1st	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
	794.011 (4) (d)	1st, PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.

1202	794.011 (8) (b)	1st, PBL	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
1203	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
1204	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
1205	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
1206	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
1207	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
1208	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property

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1209	817.535 (4) (a) 2.	1st	owner is a public officer or employee. Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
1210	817.535 (5) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.
1211	817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
1212	827.03 (2) (a)	1st	Aggravated child abuse.
1213	847.0145 (1)	1st	Selling, or otherwise transferring custody or

1214			control, of a minor.
	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
1215			
	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
1216			
	893.135	1st	Attempted capital trafficking offense.
1217			
	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
1218			
	893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
1219			
	893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than

1220			30 kilograms.
	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.
1221			
	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
1222			
	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
1223			
	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
1224			
	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
1225			
	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
1226			
	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
1227			

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1228 893.135 1st Trafficking in Phenethylamines,  
 (1) (k) 2.c. 400 grams or more.

1229 896.101(5) (c) 1st Money laundering, financial  
 instruments totaling or  
 exceeding \$100,000.

1230 896.104(4) (a) 3. 1st Structuring transactions to  
 evade reporting or registration  
 requirements, financial  
 transactions totaling or  
 exceeding \$100,000.

1231 Section 28. For the purpose of incorporating the amendment  
 1232 made by this act to section 782.04, Florida Statutes, in a  
 1233 reference thereto, paragraph (i) of subsection (3) of section  
 1234 947.146, Florida Statutes, is reenacted to read:

1235 947.146 Control Release Authority.—

1236 (3) Within 120 days prior to the date the state  
 1237 correctional system is projected pursuant to s. 216.136 to  
 1238 exceed 99 percent of total capacity, the authority shall  
 1239 determine eligibility for and establish a control release date  
 1240 for an appropriate number of parole ineligible inmates committed  
 1241 to the department and incarcerated within the state who have  
 1242 been determined by the authority to be eligible for  
 1243 discretionary early release pursuant to this section. In

1244 establishing control release dates, it is the intent of the  
1245 Legislature that the authority prioritize consideration of  
1246 eligible inmates closest to their tentative release date. The  
1247 authority shall rely upon commitment data on the offender  
1248 information system maintained by the department to initially  
1249 identify inmates who are to be reviewed for control release  
1250 consideration. The authority may use a method of objective risk  
1251 assessment in determining if an eligible inmate should be  
1252 released. Such assessment shall be a part of the department's  
1253 management information system. However, the authority shall have  
1254 sole responsibility for determining control release eligibility,  
1255 establishing a control release date, and effectuating the  
1256 release of a sufficient number of inmates to maintain the inmate  
1257 population between 99 percent and 100 percent of total capacity.  
1258 Inmates who are ineligible for control release are inmates who  
1259 are parole eligible or inmates who:

1260 (i) Are convicted, or have been previously convicted, of  
1261 committing or attempting to commit murder in the first, second,  
1262 or third degree under s. 782.04(1), (2), (3), or (4), or have  
1263 ever been convicted of any degree of murder or attempted murder  
1264 in another jurisdiction;

1265  
1266 In making control release eligibility determinations under this  
1267 subsection, the authority may rely on any document leading to or  
1268 generated during the course of the criminal proceedings,  
1269 including, but not limited to, any presentence or postsentence



1270 investigation or any information contained in arrest reports  
 1271 relating to circumstances of the offense.

1272 Section 29. For the purpose of incorporating the amendment  
 1273 made by this act to section 782.04, Florida Statutes, in a  
 1274 reference thereto, paragraph (a) of subsection (9) of section  
 1275 394.912, Florida Statutes, is reenacted to read:

1276 394.912 Definitions.—As used in this part, the term:

1277 (9) "Sexually violent offense" means:

1278 (a) Murder of a human being while engaged in sexual  
 1279 battery in violation of s. 782.04(1)(a)2.;

1280 Section 30. For the purpose of incorporating the amendment  
 1281 made by this act to section 787.06, Florida Statutes, in a  
 1282 reference thereto, subsection (19) of section 775.15, Florida  
 1283 Statutes, is reenacted to read:

1284 775.15 Time limitations; general time limitations;  
 1285 exceptions.—

1286 (19) A prosecution for a violation of s. 787.06 may be  
 1287 commenced at any time. This subsection applies to any such  
 1288 offense except an offense the prosecution of which would have  
 1289 been barred by subsection (2) on or before October 1, 2014.

1290 Section 31. For the purpose of incorporating the amendment  
 1291 made by this act to section 796.07, Florida Statutes, in a  
 1292 reference thereto, subsection (4) of section 60.05, Florida  
 1293 Statutes, is reenacted to read:

1294 60.05 Abatement of nuisances.—

1295 (4) On trial if the existence of a nuisance is shown, the

1296 court shall issue a permanent injunction and order the costs to  
1297 be paid by the persons establishing or maintaining the nuisance  
1298 and shall adjudge that the costs are a lien on all personal  
1299 property found in the place of the nuisance and on the failure  
1300 of the property to bring enough to pay the costs, then on the  
1301 real estate occupied by the nuisance. No lien shall attach to  
1302 the real estate of any other than said persons unless 5 days'  
1303 written notice has been given to the owner or his or her agent  
1304 who fails to begin to abate the nuisance within said 5 days. In  
1305 a proceeding abating a nuisance pursuant to s. 823.10 or s.  
1306 823.05, if a tenant has been convicted of an offense under  
1307 chapter 893 or s. 796.07, the court may order the tenant to  
1308 vacate the property within 72 hours if the tenant and owner of  
1309 the premises are parties to the nuisance abatement action and  
1310 the order will lead to the abatement of the nuisance.

1311 Section 32. For the purpose of incorporating the amendment  
1312 made by this act to section 796.07, Florida Statutes, in a  
1313 reference thereto, paragraph (m) of subsection (1) of section  
1314 775.0877, Florida Statutes, is reenacted to read:

1315 775.0877 Criminal transmission of HIV; procedures;  
1316 penalties.—

1317 (1) In any case in which a person has been convicted of or  
1318 has pled nolo contendere or guilty to, regardless of whether  
1319 adjudication is withheld, any of the following offenses, or the  
1320 attempt thereof, which offense or attempted offense involves the  
1321 transmission of body fluids from one person to another:

1322 (m) Sections 796.07 and 796.08, relating to prostitution;  
 1323  
 1324 the court shall order the offender to undergo HIV testing, to be  
 1325 performed under the direction of the Department of Health in  
 1326 accordance with s. 381.004, unless the offender has undergone  
 1327 HIV testing voluntarily or pursuant to procedures established in  
 1328 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or  
 1329 rule providing for HIV testing of criminal offenders or inmates,  
 1330 subsequent to her or his arrest for an offense enumerated in  
 1331 paragraphs (a)-(n) for which she or he was convicted or to which  
 1332 she or he pled nolo contendere or guilty. The results of an HIV  
 1333 test performed on an offender pursuant to this subsection are  
 1334 not admissible in any criminal proceeding arising out of the  
 1335 alleged offense.

1336 Section 33. For the purpose of incorporating the amendment  
 1337 made by this act to section 796.07, Florida Statutes, in  
 1338 references thereto, subsections (2) and (3) of section 796.08,  
 1339 Florida Statutes, are reenacted to read:

1340 796.08 Screening for HIV and sexually transmissible  
 1341 diseases; providing penalties.—

1342 (2) A person arrested under s. 796.07 may request  
 1343 screening for a sexually transmissible disease under direction  
 1344 of the Department of Health and, if infected, shall submit to  
 1345 appropriate treatment and counseling. A person who requests  
 1346 screening for a sexually transmissible disease under this  
 1347 subsection must pay any costs associated with such screening.

1348 (3) A person convicted under s. 796.07 of prostitution or  
 1349 procuring another to commit prostitution must undergo screening  
 1350 for a sexually transmissible disease, including, but not limited  
 1351 to, screening to detect exposure to the human immunodeficiency  
 1352 virus, under direction of the Department of Health. If the  
 1353 person is infected, he or she must submit to treatment and  
 1354 counseling prior to release from probation, community control,  
 1355 or incarceration. Notwithstanding the provisions of s. 384.29,  
 1356 the results of tests conducted pursuant to this subsection shall  
 1357 be made available by the Department of Health to the offender,  
 1358 medical personnel, appropriate state agencies, state attorneys,  
 1359 and courts of appropriate jurisdiction in need of such  
 1360 information in order to enforce the provisions of this chapter.

1361 Section 34. For the purpose of incorporating the amendment  
 1362 made by this act to section 796.07, Florida Statutes, in a  
 1363 reference thereto, subsection (2) of section 796.09, Florida  
 1364 Statutes, is reenacted to read:

1365 796.09 Coercion; civil cause of action; evidence;  
 1366 defenses; attorney's fees.—

1367 (2) As used in this section, the term "prostitution" has  
 1368 the same meaning as in s. 796.07.

1369 Section 35. For the purpose of incorporating the amendment  
 1370 made by this act to section 796.07, Florida Statutes, in a  
 1371 reference thereto, paragraph (a) of subsection (1) of section  
 1372 895.02, Florida Statutes, is reenacted to read:

1373 895.02 Definitions.—As used in ss. 895.01-895.08, the

1374 term:

1375 (1) "Racketeering activity" means to commit, to attempt to  
 1376 commit, to conspire to commit, or to solicit, coerce, or  
 1377 intimidate another person to commit:

1378 (a) Any crime that is chargeable by petition, indictment,  
 1379 or information under the following provisions of the Florida  
 1380 Statutes:

1381 1. Section 210.18, relating to evasion of payment of  
 1382 cigarette taxes.

1383 2. Section 316.1935, relating to fleeing or attempting to  
 1384 elude a law enforcement officer and aggravated fleeing or  
 1385 eluding.

1386 3. Section 403.727(3)(b), relating to environmental  
 1387 control.

1388 4. Section 409.920 or s. 409.9201, relating to Medicaid  
 1389 fraud.

1390 5. Section 414.39, relating to public assistance fraud.

1391 6. Section 440.105 or s. 440.106, relating to workers'  
 1392 compensation.

1393 7. Section 443.071(4), relating to creation of a  
 1394 fictitious employer scheme to commit reemployment assistance  
 1395 fraud.

1396 8. Section 465.0161, relating to distribution of medicinal  
 1397 drugs without a permit as an Internet pharmacy.

1398 9. Section 499.0051, relating to crimes involving  
 1399 contraband and adulterated drugs.

- 1400           10. Part IV of chapter 501, relating to telemarketing.
- 1401           11. Chapter 517, relating to sale of securities and
- 1402 investor protection.
- 1403           12. Section 550.235 or s. 550.3551, relating to dogracing
- 1404 and horseracing.
- 1405           13. Chapter 550, relating to jai alai frontons.
- 1406           14. Section 551.109, relating to slot machine gaming.
- 1407           15. Chapter 552, relating to the manufacture,
- 1408 distribution, and use of explosives.
- 1409           16. Chapter 560, relating to money transmitters, if the
- 1410 violation is punishable as a felony.
- 1411           17. Chapter 562, relating to beverage law enforcement.
- 1412           18. Section 624.401, relating to transacting insurance
- 1413 without a certificate of authority, s. 624.437(4)(c)1., relating
- 1414 to operating an unauthorized multiple-employer welfare
- 1415 arrangement, or s. 626.902(1)(b), relating to representing or
- 1416 aiding an unauthorized insurer.
- 1417           19. Section 655.50, relating to reports of currency
- 1418 transactions, when such violation is punishable as a felony.
- 1419           20. Chapter 687, relating to interest and usurious
- 1420 practices.
- 1421           21. Section 721.08, s. 721.09, or s. 721.13, relating to
- 1422 real estate timeshare plans.
- 1423           22. Section 775.13(5)(b), relating to registration of
- 1424 persons found to have committed any offense for the purpose of
- 1425 benefiting, promoting, or furthering the interests of a criminal

1426 gang.

1427 23. Section 777.03, relating to commission of crimes by

1428 accessories after the fact.

1429 24. Chapter 782, relating to homicide.

1430 25. Chapter 784, relating to assault and battery.

1431 26. Chapter 787, relating to kidnapping or human

1432 trafficking.

1433 27. Chapter 790, relating to weapons and firearms.

1434 28. Chapter 794, relating to sexual battery, but only if

1435 such crime was committed with the intent to benefit, promote, or

1436 further the interests of a criminal gang, or for the purpose of

1437 increasing a criminal gang member's own standing or position

1438 within a criminal gang.

1439 29. Former s. 796.03, former s. 796.035, s. 796.04, s.

1440 796.05, or s. 796.07, relating to prostitution.

1441 30. Chapter 806, relating to arson and criminal mischief.

1442 31. Chapter 810, relating to burglary and trespass.

1443 32. Chapter 812, relating to theft, robbery, and related

1444 crimes.

1445 33. Chapter 815, relating to computer-related crimes.

1446 34. Chapter 817, relating to fraudulent practices, false

1447 pretenses, fraud generally, and credit card crimes.

1448 35. Chapter 825, relating to abuse, neglect, or

1449 exploitation of an elderly person or disabled adult.

1450 36. Section 827.071, relating to commercial sexual

1451 exploitation of children.

- 1452           37. Section 828.122, relating to fighting or baiting  
 1453 animals.
- 1454           38. Chapter 831, relating to forgery and counterfeiting.
- 1455           39. Chapter 832, relating to issuance of worthless checks  
 1456 and drafts.
- 1457           40. Section 836.05, relating to extortion.
- 1458           41. Chapter 837, relating to perjury.
- 1459           42. Chapter 838, relating to bribery and misuse of public  
 1460 office.
- 1461           43. Chapter 843, relating to obstruction of justice.
- 1462           44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
 1463 s. 847.07, relating to obscene literature and profanity.
- 1464           45. Chapter 849, relating to gambling, lottery, gambling  
 1465 or gaming devices, slot machines, or any of the provisions  
 1466 within that chapter.
- 1467           46. Chapter 874, relating to criminal gangs.
- 1468           47. Chapter 893, relating to drug abuse prevention and  
 1469 control.
- 1470           48. Chapter 896, relating to offenses related to financial  
 1471 transactions.
- 1472           49. Sections 914.22 and 914.23, relating to tampering with  
 1473 or harassing a witness, victim, or informant, and retaliation  
 1474 against a witness, victim, or informant.
- 1475           50. Sections 918.12 and 918.13, relating to tampering with  
 1476 jurors and evidence.
- 1477           Section 36. For the purpose of incorporating the amendment



1478 made by this act to section 796.07, Florida Statutes, in a  
1479 reference thereto, paragraph (a) of subsection (1) of section  
1480 948.16, Florida Statutes, is reenacted to read:

1481 948.16 Misdemeanor pretrial substance abuse education and  
1482 treatment intervention program; misdemeanor pretrial veterans'  
1483 treatment intervention program.—

1484 (1) (a) A person who is charged with a nonviolent,  
1485 nontraffic-related misdemeanor and identified as having a  
1486 substance abuse problem or who is charged with a misdemeanor for  
1487 possession of a controlled substance or drug paraphernalia under  
1488 chapter 893, prostitution under s. 796.07, possession of alcohol  
1489 while under 21 years of age under s. 562.111, or possession of a  
1490 controlled substance without a valid prescription under s.  
1491 499.03, and who has not previously been convicted of a felony,  
1492 is eligible for voluntary admission into a misdemeanor pretrial  
1493 substance abuse education and treatment intervention program,  
1494 including a treatment-based drug court program established  
1495 pursuant to s. 397.334, approved by the chief judge of the  
1496 circuit, for a period based on the program requirements and the  
1497 treatment plan for the offender, upon motion of either party or  
1498 the court's own motion, except, if the state attorney believes  
1499 the facts and circumstances of the case suggest the defendant is  
1500 involved in dealing and selling controlled substances, the court  
1501 shall hold a preadmission hearing. If the state attorney  
1502 establishes, by a preponderance of the evidence at such hearing,  
1503 that the defendant was involved in dealing or selling controlled

1504 substances, the court shall deny the defendant's admission into  
 1505 the pretrial intervention program.

1506 Section 37. For the purpose of incorporating the amendment  
 1507 made by this act to section 775.21, Florida Statutes, in a  
 1508 reference thereto, paragraph (a) of subsection (3) of section  
 1509 39.0139, Florida Statutes, is reenacted to read:

1510 39.0139 Visitation or other contact; restrictions.—

1511 (3) PRESUMPTION OF DETRIMENT.—

1512 (a) A rebuttable presumption of detriment to a child is  
 1513 created when:

1514 1. A court of competent jurisdiction has found probable  
 1515 cause exists that a parent or caregiver has sexually abused a  
 1516 child as defined in s. 39.01;

1517 2. A parent or caregiver has been found guilty of,  
 1518 regardless of adjudication, or has entered a plea of guilty or  
 1519 nolo contendere to, charges under the following statutes or  
 1520 substantially similar statutes of other jurisdictions:

1521 a. Section 787.04, relating to removing minors from the  
 1522 state or concealing minors contrary to court order;

1523 b. Section 794.011, relating to sexual battery;

1524 c. Section 798.02, relating to lewd and lascivious  
 1525 behavior;

1526 d. Chapter 800, relating to lewdness and indecent  
 1527 exposure;

1528 e. Section 826.04, relating to incest; or

1529 f. Chapter 827, relating to the abuse of children; or

1530           3. A court of competent jurisdiction has determined a  
1531 parent or caregiver to be a sexual predator as defined in s.  
1532 775.21 or a parent or caregiver has received a substantially  
1533 similar designation under laws of another jurisdiction.

1534           Section 38. For the purpose of incorporating the amendment  
1535 made by this act to section 775.21, Florida Statutes, in a  
1536 reference thereto, paragraph (b) of subsection (6) of section  
1537 39.509, Florida Statutes, is reenacted to read:

1538           39.509 Grandparents rights.—Notwithstanding any other  
1539 provision of law, a maternal or paternal grandparent as well as  
1540 a stepgrandparent is entitled to reasonable visitation with his  
1541 or her grandchild who has been adjudicated a dependent child and  
1542 taken from the physical custody of the parent unless the court  
1543 finds that such visitation is not in the best interest of the  
1544 child or that such visitation would interfere with the goals of  
1545 the case plan. Reasonable visitation may be unsupervised and,  
1546 where appropriate and feasible, may be frequent and continuing.  
1547 Any order for visitation or other contact must conform to the  
1548 provisions of s. 39.0139.

1549           (6) In determining whether grandparental visitation is not  
1550 in the child's best interest, consideration may be given to the  
1551 following:

1552           (b) The designation by a court as a sexual predator as  
1553 defined in s. 775.21 or a substantially similar designation  
1554 under laws of another jurisdiction.

1555           Section 39. For the purpose of incorporating the amendment

1556 made by this act to section 775.21, Florida Statutes, in a  
1557 reference thereto, subsection (3) of section 63.092, Florida  
1558 Statutes, is reenacted to read:

1559 63.092 Report to the court of intended placement by an  
1560 adoption entity; at-risk placement; preliminary study.—

1561 (3) PRELIMINARY HOME STUDY.—Before placing the minor in  
1562 the intended adoptive home, a preliminary home study must be  
1563 performed by a licensed child-placing agency, a child-caring  
1564 agency registered under s. 409.176, a licensed professional, or  
1565 an agency described in s. 61.20(2), unless the adoptee is an  
1566 adult or the petitioner is a stepparent or a relative. If the  
1567 adoptee is an adult or the petitioner is a stepparent or a  
1568 relative, a preliminary home study may be required by the court  
1569 for good cause shown. The department is required to perform the  
1570 preliminary home study only if there is no licensed child-  
1571 placing agency, child-caring agency registered under s. 409.176,  
1572 licensed professional, or agency described in s. 61.20(2), in  
1573 the county where the prospective adoptive parents reside. The  
1574 preliminary home study must be made to determine the suitability  
1575 of the intended adoptive parents and may be completed prior to  
1576 identification of a prospective adoptive minor. A favorable  
1577 preliminary home study is valid for 1 year after the date of its  
1578 completion. Upon its completion, a signed copy of the home study  
1579 must be provided to the intended adoptive parents who were the  
1580 subject of the home study. A minor may not be placed in an  
1581 intended adoptive home before a favorable preliminary home study

1582 is completed unless the adoptive home is also a licensed foster  
 1583 home under s. 409.175. The preliminary home study must include,  
 1584 at a minimum:

- 1585 (a) An interview with the intended adoptive parents;
- 1586 (b) Records checks of the department's central abuse  
 1587 registry and criminal records correspondence checks under s.  
 1588 39.0138 through the Department of Law Enforcement on the  
 1589 intended adoptive parents;
- 1590 (c) An assessment of the physical environment of the home;
- 1591 (d) A determination of the financial security of the  
 1592 intended adoptive parents;
- 1593 (e) Documentation of counseling and education of the  
 1594 intended adoptive parents on adoptive parenting;
- 1595 (f) Documentation that information on adoption and the  
 1596 adoption process has been provided to the intended adoptive  
 1597 parents;
- 1598 (g) Documentation that information on support services  
 1599 available in the community has been provided to the intended  
 1600 adoptive parents; and
- 1601 (h) A copy of each signed acknowledgment of receipt of  
 1602 disclosure required by s. 63.085.

1603  
 1604 If the preliminary home study is favorable, a minor may be  
 1605 placed in the home pending entry of the judgment of adoption. A  
 1606 minor may not be placed in the home if the preliminary home  
 1607 study is unfavorable. If the preliminary home study is

1608 unfavorable, the adoption entity may, within 20 days after  
1609 receipt of a copy of the written recommendation, petition the  
1610 court to determine the suitability of the intended adoptive  
1611 home. A determination as to suitability under this subsection  
1612 does not act as a presumption of suitability at the final  
1613 hearing. In determining the suitability of the intended adoptive  
1614 home, the court must consider the totality of the circumstances  
1615 in the home. A minor may not be placed in a home in which there  
1616 resides any person determined by the court to be a sexual  
1617 predator as defined in s. 775.21 or to have been convicted of an  
1618 offense listed in s. 63.089(4)(b)2.

1619 Section 40. For the purpose of incorporating the  
1620 amendments made by this act to sections 775.21 and 943.0435,  
1621 Florida Statutes, in references thereto, paragraph (i) of  
1622 subsection (3) and subsection (6) of section 68.07, Florida  
1623 Statutes, are reenacted to read:

1624 68.07 Change of name.—

1625 (3) Each petition shall be verified and show:

1626 (i) Whether the petitioner has ever been required to  
1627 register as a sexual predator under s. 775.21 or as a sexual  
1628 offender under s. 943.0435.

1629 (6) The clerk of the court must, within 5 business days  
1630 after the filing of the final judgment, send a report of the  
1631 judgment to the Department of Law Enforcement on a form to be  
1632 furnished by that department. If the petitioner is required to  
1633 register as a sexual predator or a sexual offender pursuant to

1634 s. 775.21 or s. 943.0435, the clerk of court shall  
1635 electronically notify the Department of Law Enforcement of the  
1636 name change, in a manner prescribed by that department, within 2  
1637 business days after the filing of the final judgment. The  
1638 Department of Law Enforcement must send a copy of the report to  
1639 the Department of Highway Safety and Motor Vehicles, which may  
1640 be delivered by electronic transmission. The report must contain  
1641 sufficient information to identify the petitioner, including the  
1642 results of the criminal history records check if applicable, the  
1643 new name of the petitioner, and the file number of the judgment.  
1644 The Department of Highway Safety and Motor Vehicles shall  
1645 monitor the records of any sexual predator or sexual offender  
1646 whose name has been provided to it by the Department of Law  
1647 Enforcement. If the sexual predator or sexual offender does not  
1648 obtain a replacement driver license or identification card  
1649 within the required time as specified in s. 775.21 or s.  
1650 943.0435, the Department of Highway Safety and Motor Vehicles  
1651 shall notify the Department of Law Enforcement. The Department  
1652 of Law Enforcement shall notify applicable law enforcement  
1653 agencies of the predator's or offender's failure to comply with  
1654 registration requirements. Any information retained by the  
1655 Department of Law Enforcement and the Department of Highway  
1656 Safety and Motor Vehicles may be revised or supplemented by said  
1657 departments to reflect changes made by the final judgment. With  
1658 respect to a person convicted of a felony in another state or of  
1659 a federal offense, the Department of Law Enforcement must send

1660 the report to the respective state's office of law enforcement  
1661 records or to the office of the Federal Bureau of Investigation.  
1662 The Department of Law Enforcement may forward the report to any  
1663 other law enforcement agency it believes may retain information  
1664 related to the petitioner.

1665 Section 41. For the purpose of incorporating the  
1666 amendments made by this act to sections 775.21, 943.0435, and  
1667 944.607, Florida Statutes, in references thereto, subsection (3)  
1668 of section 322.141, Florida Statutes, is reenacted to read:

1669 322.141 Color or markings of certain licenses or  
1670 identification cards.—

1671 (3) All licenses for the operation of motor vehicles or  
1672 identification cards originally issued or reissued by the  
1673 department to persons who are designated as sexual predators  
1674 under s. 775.21 or subject to registration as sexual offenders  
1675 under s. 943.0435 or s. 944.607, or who have a similar  
1676 designation or are subject to a similar registration under the  
1677 laws of another jurisdiction, shall have on the front of the  
1678 license or identification card the following:

1679 (a) For a person designated as a sexual predator under s.  
1680 775.21 or who has a similar designation under the laws of  
1681 another jurisdiction, the marking "SEXUAL PREDATOR."

1682 (b) For a person subject to registration as a sexual  
1683 offender under s. 943.0435 or s. 944.607, or subject to a  
1684 similar registration under the laws of another jurisdiction, the  
1685 marking "943.0435, F.S."



1686 Section 42. For the purpose of incorporating the  
 1687 amendments made by this act to sections 775.21 and 943.0435,  
 1688 Florida Statutes, in references thereto, paragraphs (a) and (c)  
 1689 of subsection (2) of section 397.4872, Florida Statutes, are  
 1690 reenacted to read:

1691 397.4872 Exemption from disqualification; publication.—

1692 (2) The department may exempt a person from ss. 397.487(6)  
 1693 and 397.4871(5) if it has been at least 3 years since the person  
 1694 has completed or been lawfully released from confinement,  
 1695 supervision, or sanction for the disqualifying offense. An  
 1696 exemption from the disqualifying offenses may not be given under  
 1697 any circumstances for any person who is a:

1698 (a) Sexual predator pursuant to s. 775.21;

1699 (c) Sexual offender pursuant to s. 943.0435, unless the  
 1700 requirement to register as a sexual offender has been removed  
 1701 pursuant to s. 943.04354.

1702 Section 43. For the purpose of incorporating the  
 1703 amendments made by this act to sections 775.21, 943.0435, and  
 1704 944.607, Florida Statutes, in references thereto, paragraphs (e)  
 1705 and (f) of subsection (4) of section 775.13, Florida Statutes,  
 1706 are reenacted to read:

1707 775.13 Registration of convicted felons, exemptions;  
 1708 penalties.—

1709 (4) This section does not apply to an offender:

1710 (e) Who is a sexual predator and has registered as  
 1711 required under s. 775.21;

1712 (f) Who is a sexual offender and has registered as  
 1713 required in s. 943.0435 or s. 944.607; or

1714 Section 44. For the purpose of incorporating the  
 1715 amendments made by this act to sections 775.21, 943.0435,  
 1716 944.606, and 944.607, Florida Statutes, in references thereto,  
 1717 section 775.25, Florida Statutes, is reenacted to read:

1718 775.25 Prosecutions for acts or omissions.—A sexual  
 1719 predator or sexual offender who commits any act or omission in  
 1720 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.  
 1721 944.607, or former s. 947.177 may be prosecuted for the act or  
 1722 omission in the county in which the act or omission was  
 1723 committed, in the county of the last registered address of the  
 1724 sexual predator or sexual offender, in the county in which the  
 1725 conviction occurred for the offense or offenses that meet the  
 1726 criteria for designating a person as a sexual predator or sexual  
 1727 offender, in the county where the sexual predator or sexual  
 1728 offender was released from incarceration, or in the county of  
 1729 the intended address of the sexual predator or sexual offender  
 1730 as reported by the predator or offender prior to his or her  
 1731 release from incarceration. In addition, a sexual predator may  
 1732 be prosecuted for any such act or omission in the county in  
 1733 which he or she was designated a sexual predator.

1734 Section 45. For the purpose of incorporating the  
 1735 amendments made by this act to sections 775.21, 943.0435, and  
 1736 944.607, Florida Statutes, in references thereto, paragraph (b)  
 1737 of subsection (3) of section 775.261, Florida Statutes, is

1738 reenacted to read:

1739 775.261 The Florida Career Offender Registration Act.—

1740 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

1741 (b) This section does not apply to any person who has been  
1742 designated as a sexual predator and required to register under  
1743 s. 775.21 or who is required to register as a sexual offender  
1744 under s. 943.0435 or s. 944.607. However, if a person is no  
1745 longer required to register as a sexual predator under s. 775.21  
1746 or as a sexual offender under s. 943.0435 or s. 944.607, the  
1747 person must register as a career offender under this section if  
1748 the person is otherwise designated as a career offender as  
1749 provided in this section.

1750 Section 46. For the purpose of incorporating the amendment  
1751 made by this act to section 775.21, Florida Statutes, in a  
1752 reference thereto, subsection (1) of section 794.075, Florida  
1753 Statutes, is reenacted to read:

1754 794.075 Sexual predators; erectile dysfunction drugs.—

1755 (1) A person may not possess a prescription drug, as  
1756 defined in s. 499.003(43), for the purpose of treating erectile  
1757 dysfunction if the person is designated as a sexual predator  
1758 under s. 775.21.

1759 Section 47. For the purpose of incorporating the amendment  
1760 made by this act to section 775.21, Florida Statutes, in a  
1761 reference thereto, paragraph (c) of subsection (1) of section  
1762 903.0351, Florida Statutes, is reenacted to read:

1763 903.0351 Restrictions on pretrial release pending

1764 probation-violation hearing or community-control-violation  
 1765 hearing.—

1766 (1) In the instance of an alleged violation of felony  
 1767 probation or community control, bail or any other form of  
 1768 pretrial release shall not be granted prior to the resolution of  
 1769 the probation-violation hearing or the community-control-  
 1770 violation hearing to:

1771 (c) A person who is on felony probation or community  
 1772 control and has previously been found by a court to be a  
 1773 habitual violent felony offender as defined in s. 775.084(1)(b),  
 1774 a three-time violent felony offender as defined in s.  
 1775 775.084(1)(c), or a sexual predator under s. 775.21, and who is  
 1776 arrested for committing a qualifying offense as defined in s.  
 1777 948.06(8)(c) on or after the effective date of this act.

1778 Section 48. For the purpose of incorporating the  
 1779 amendments made by this act to sections 775.21 and 943.0435,  
 1780 Florida Statutes, in references thereto, paragraph (m) of  
 1781 subsection (2) of section 903.046, Florida Statutes, is  
 1782 reenacted to read:

1783 903.046 Purpose of and criteria for bail determination.—

1784 (2) When determining whether to release a defendant on  
 1785 bail or other conditions, and what that bail or those conditions  
 1786 may be, the court shall consider:

1787 (m) Whether the defendant, other than a defendant whose  
 1788 only criminal charge is a misdemeanor offense under chapter 316,  
 1789 is required to register as a sexual offender under s. 943.0435

1790 or a sexual predator under s. 775.21; and, if so, he or she is  
 1791 not eligible for release on bail or surety bond until the first  
 1792 appearance on the case in order to ensure the full participation  
 1793 of the prosecutor and the protection of the public.

1794 Section 49. For the purpose of incorporating the amendment  
 1795 made by this act to section 775.21, Florida Statutes, in a  
 1796 reference thereto, paragraph (o) of subsection (5) of section  
 1797 921.141, Florida Statutes, is reenacted to read:

1798 921.141 Sentence of death or life imprisonment for capital  
 1799 felonies; further proceedings to determine sentence.—

1800 (5) AGGRAVATING CIRCUMSTANCES.—Aggravating circumstances  
 1801 shall be limited to the following:

1802 (o) The capital felony was committed by a person  
 1803 designated as a sexual predator pursuant to s. 775.21 or a  
 1804 person previously designated as a sexual predator who had the  
 1805 sexual predator designation removed.

1806 Section 50. For the purpose of incorporating the  
 1807 amendments made by this act to sections 775.21 and 943.0435,  
 1808 Florida Statutes, in references thereto, subsection (1) of  
 1809 section 938.10, Florida Statutes, is reenacted to read:

1810 938.10 Additional court cost imposed in cases of certain  
 1811 crimes.—

1812 (1) If a person pleads guilty or nolo contendere to, or is  
 1813 found guilty of, regardless of adjudication, any offense against  
 1814 a minor in violation of s. 784.085, chapter 787, chapter 794,  
 1815 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.

1816 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,  
 1817 s. 893.147(3), or s. 985.701, or any offense in violation of s.  
 1818 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the  
 1819 court shall impose a court cost of \$151 against the offender in  
 1820 addition to any other cost or penalty required by law.

1821 Section 51. For the purpose of incorporating the  
 1822 amendments made by this act to sections 775.21, 944.606, and  
 1823 944.607, Florida Statutes, in references thereto, subsections  
 1824 (3), (4), and (5) of section 943.0435, Florida Statutes, are  
 1825 reenacted to read:

1826 943.0435 Sexual offenders required to register with the  
 1827 department; penalty.—

1828 (3) Within 48 hours after the report required under  
 1829 subsection (2), a sexual offender shall report in person at a  
 1830 driver license office of the Department of Highway Safety and  
 1831 Motor Vehicles, unless a driver license or identification card  
 1832 that complies with the requirements of s. 322.141(3) was  
 1833 previously secured or updated under s. 944.607. At the driver  
 1834 license office the sexual offender shall:

1835 (a) If otherwise qualified, secure a Florida driver  
 1836 license, renew a Florida driver license, or secure an  
 1837 identification card. The sexual offender shall identify himself  
 1838 or herself as a sexual offender who is required to comply with  
 1839 this section and shall provide proof that the sexual offender  
 1840 reported as required in subsection (2). The sexual offender  
 1841 shall provide any of the information specified in subsection

1842 (2), if requested. The sexual offender shall submit to the  
 1843 taking of a photograph for use in issuing a driver license,  
 1844 renewed license, or identification card, and for use by the  
 1845 department in maintaining current records of sexual offenders.

1846 (b) Pay the costs assessed by the Department of Highway  
 1847 Safety and Motor Vehicles for issuing or renewing a driver  
 1848 license or identification card as required by this section. The  
 1849 driver license or identification card issued must be in  
 1850 compliance with s. 322.141(3).

1851 (c) Provide, upon request, any additional information  
 1852 necessary to confirm the identity of the sexual offender,  
 1853 including a set of fingerprints.

1854 (4) (a) Each time a sexual offender's driver license or  
 1855 identification card is subject to renewal, and, without regard  
 1856 to the status of the offender's driver license or identification  
 1857 card, within 48 hours after any change in the offender's  
 1858 permanent, temporary, or transient residence or change in the  
 1859 offender's name by reason of marriage or other legal process,  
 1860 the offender shall report in person to a driver license office,  
 1861 and is subject to the requirements specified in subsection (3).  
 1862 The Department of Highway Safety and Motor Vehicles shall  
 1863 forward to the department all photographs and information  
 1864 provided by sexual offenders. Notwithstanding the restrictions  
 1865 set forth in s. 322.142, the Department of Highway Safety and  
 1866 Motor Vehicles may release a reproduction of a color-photograph  
 1867 or digital-image license to the Department of Law Enforcement

1868 for purposes of public notification of sexual offenders as  
1869 provided in this section and ss. 943.043 and 944.606. A sexual  
1870 offender who is unable to secure or update a driver license or  
1871 identification card with the Department of Highway Safety and  
1872 Motor Vehicles as provided in subsection (3) and this subsection  
1873 shall also report any change in the sexual offender's permanent,  
1874 temporary, or transient residence or change in the offender's  
1875 name by reason of marriage or other legal process within 48  
1876 hours after the change to the sheriff's office in the county  
1877 where the offender resides or is located and provide  
1878 confirmation that he or she reported such information to the  
1879 Department of Highway Safety and Motor Vehicles.

1880 (b)1. A sexual offender who vacates a permanent,  
1881 temporary, or transient residence and fails to establish or  
1882 maintain another permanent, temporary, or transient residence  
1883 shall, within 48 hours after vacating the permanent, temporary,  
1884 or transient residence, report in person to the sheriff's office  
1885 of the county in which he or she is located. The sexual offender  
1886 shall specify the date upon which he or she intends to or did  
1887 vacate such residence. The sexual offender must provide or  
1888 update all of the registration information required under  
1889 paragraph (2) (b). The sexual offender must provide an address  
1890 for the residence or other place that he or she is or will be  
1891 located during the time in which he or she fails to establish or  
1892 maintain a permanent or temporary residence.

1893 2. A sexual offender shall report in person at the



1894 sheriff's office in the county in which he or she is located  
1895 within 48 hours after establishing a transient residence and  
1896 thereafter must report in person every 30 days to the sheriff's  
1897 office in the county in which he or she is located while  
1898 maintaining a transient residence. The sexual offender must  
1899 provide the addresses and locations where he or she maintains a  
1900 transient residence. Each sheriff's office shall establish  
1901 procedures for reporting transient residence information and  
1902 provide notice to transient registrants to report transient  
1903 residence information as required in this subparagraph.  
1904 Reporting to the sheriff's office as required by this  
1905 subparagraph does not exempt registrants from any reregistration  
1906 requirement. The sheriff may coordinate and enter into  
1907 agreements with police departments and other governmental  
1908 entities to facilitate additional reporting sites for transient  
1909 residence registration required in this subparagraph. The  
1910 sheriff's office shall, within 2 business days, electronically  
1911 submit and update all information provided by the sexual  
1912 offender to the department.

1913 (c) A sexual offender who remains at a permanent,  
1914 temporary, or transient residence after reporting his or her  
1915 intent to vacate such residence shall, within 48 hours after the  
1916 date upon which the offender indicated he or she would or did  
1917 vacate such residence, report in person to the agency to which  
1918 he or she reported pursuant to paragraph (b) for the purpose of  
1919 reporting his or her address at such residence. When the sheriff

1920 receives the report, the sheriff shall promptly convey the  
 1921 information to the department. An offender who makes a report as  
 1922 required under paragraph (b) but fails to make a report as  
 1923 required under this paragraph commits a felony of the second  
 1924 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 1925 775.084.

1926 (d) The failure of a sexual offender who maintains a  
 1927 transient residence to report in person to the sheriff's office  
 1928 every 30 days as required in subparagraph (b)2. is punishable as  
 1929 provided in subsection (9).

1930 (e) A sexual offender shall register all electronic mail  
 1931 addresses and Internet identifiers with the department before  
 1932 using such electronic mail addresses and Internet identifiers.  
 1933 The department shall establish an online system through which  
 1934 sexual offenders may securely access and update all electronic  
 1935 mail address and Internet identifier information.

1936 (5) This section does not apply to a sexual offender who  
 1937 is also a sexual predator, as defined in s. 775.21. A sexual  
 1938 predator must register as required under s. 775.21.

1939 Section 52. For the purpose of incorporating the  
 1940 amendments made by this act to sections 775.21 and 943.0435,  
 1941 Florida Statutes, in references thereto, paragraph (a) of  
 1942 subsection (4) and subsection (9) of section 944.607, Florida  
 1943 Statutes, are reenacted to read:

1944 944.607 Notification to Department of Law Enforcement of  
 1945 information on sexual offenders.—

1946 (4) A sexual offender, as described in this section, who  
 1947 is under the supervision of the Department of Corrections but is  
 1948 not incarcerated shall register with the Department of  
 1949 Corrections within 3 business days after sentencing for a  
 1950 registrable offense and otherwise provide information as  
 1951 required by this subsection.

1952 (a) The sexual offender shall provide his or her name;  
 1953 date of birth; social security number; race; sex; height;  
 1954 weight; hair and eye color; tattoos or other identifying marks;  
 1955 all electronic mail addresses and Internet identifiers required  
 1956 to be provided pursuant to s. 943.0435(4)(e); all home telephone  
 1957 numbers and cellular telephone numbers; the make, model, color,  
 1958 vehicle identification number (VIN), and license tag number of  
 1959 all vehicles owned; permanent or legal residence and address of  
 1960 temporary residence within the state or out of state while the  
 1961 sexual offender is under supervision in this state, including  
 1962 any rural route address or post office box; if no permanent or  
 1963 temporary address, any transient residence within the state; and  
 1964 address, location or description, and dates of any current or  
 1965 known future temporary residence within the state or out of  
 1966 state. The sexual offender shall also produce his or her  
 1967 passport, if he or she has a passport, and, if he or she is an  
 1968 alien, shall produce or provide information about documents  
 1969 establishing his or her immigration status. The sexual offender  
 1970 shall also provide information about any professional licenses  
 1971 he or she has. The Department of Corrections shall verify the

1972 address of each sexual offender in the manner described in ss.  
 1973 775.21 and 943.0435. The department shall report to the  
 1974 Department of Law Enforcement any failure by a sexual predator  
 1975 or sexual offender to comply with registration requirements.

1976 (9) A sexual offender, as described in this section, who  
 1977 is under the supervision of the Department of Corrections but  
 1978 who is not incarcerated shall, in addition to the registration  
 1979 requirements provided in subsection (4), register and obtain a  
 1980 distinctive driver license or identification card in the manner  
 1981 provided in s. 943.0435(3), (4), and (5), unless the sexual  
 1982 offender is a sexual predator, in which case he or she shall  
 1983 register and obtain a distinctive driver license or  
 1984 identification card as required under s. 775.21. A sexual  
 1985 offender who fails to comply with the requirements of s.  
 1986 943.0435 is subject to the penalties provided in s. 943.0435(9).

1987 Section 53. For the purpose of incorporating the  
 1988 amendments made by this act to sections 775.21 and 944.607,  
 1989 Florida Statutes, in references thereto, subsection (7) of  
 1990 section 944.608, Florida Statutes, is reenacted to read:

1991 944.608 Notification to Department of Law Enforcement of  
 1992 information on career offenders.—

1993 (7) A career offender who is under the supervision of the  
 1994 department but who is not incarcerated shall, in addition to the  
 1995 registration requirements provided in subsection (3), register  
 1996 in the manner provided in s. 775.261(4)(c), unless the career  
 1997 offender is a sexual predator, in which case he or she shall

1998 register as required under s. 775.21, or is a sexual offender,  
 1999 in which case he or she shall register as required in s.  
 2000 944.607. A career offender who fails to comply with the  
 2001 requirements of s. 775.261(4) is subject to the penalties  
 2002 provided in s. 775.261(8).

2003 Section 54. For the purpose of incorporating the amendment  
 2004 made by this act to section 775.21, Florida Statutes, in  
 2005 references thereto, subsection (4) of section 944.609, Florida  
 2006 Statutes, is reenacted to read:

2007 944.609 Career offenders; notification upon release.—

2008 (4) The department or any law enforcement agency may  
 2009 notify the community and the public of a career offender's  
 2010 presence in the community. However, with respect to a career  
 2011 offender who has been found to be a sexual predator under s.  
 2012 775.21, the Department of Law Enforcement or any other law  
 2013 enforcement agency must inform the community and the public of  
 2014 the career offender's presence in the community, as provided in  
 2015 s. 775.21.

2016 Section 55. For the purpose of incorporating the  
 2017 amendments made by this act to sections 775.21 and 943.0435,  
 2018 Florida Statutes, in references thereto, paragraph (c) of  
 2019 subsection (2) and subsections (10) and (12) of section  
 2020 947.1405, Florida Statutes, are reenacted to read:

2021 947.1405 Conditional release program.—

2022 (2) Any inmate who:

2023 (c) Is found to be a sexual predator under s. 775.21 or

2024 former s. 775.23,  
 2025  
 2026 shall, upon reaching the tentative release date or provisional  
 2027 release date, whichever is earlier, as established by the  
 2028 Department of Corrections, be released under supervision subject  
 2029 to specified terms and conditions, including payment of the cost  
 2030 of supervision pursuant to s. 948.09. Such supervision shall be  
 2031 applicable to all sentences within the overall term of sentences  
 2032 if an inmate's overall term of sentences includes one or more  
 2033 sentences that are eligible for conditional release supervision  
 2034 as provided herein. Effective July 1, 1994, and applicable for  
 2035 offenses committed on or after that date, the commission may  
 2036 require, as a condition of conditional release, that the  
 2037 releasee make payment of the debt due and owing to a county or  
 2038 municipal detention facility under s. 951.032 for medical care,  
 2039 treatment, hospitalization, or transportation received by the  
 2040 releasee while in that detention facility. The commission, in  
 2041 determining whether to order such repayment and the amount of  
 2042 such repayment, shall consider the amount of the debt, whether  
 2043 there was any fault of the institution for the medical expenses  
 2044 incurred, the financial resources of the releasee, the present  
 2045 and potential future financial needs and earning ability of the  
 2046 releasee, and dependents, and other appropriate factors. If any  
 2047 inmate placed on conditional release supervision is also subject  
 2048 to probation or community control, resulting from a probationary  
 2049 or community control split sentence within the overall term of

2050 sentences, the Department of Corrections shall supervise such  
2051 person according to the conditions imposed by the court and the  
2052 commission shall defer to such supervision. If the court revokes  
2053 probation or community control and resentsences the offender to a  
2054 term of incarceration, such revocation also constitutes a  
2055 sufficient basis for the revocation of the conditional release  
2056 supervision on any nonprobationary or noncommunity control  
2057 sentence without further hearing by the commission. If any such  
2058 supervision on any nonprobationary or noncommunity control  
2059 sentence is revoked, such revocation may result in a forfeiture  
2060 of all gain-time, and the commission may revoke the resulting  
2061 deferred conditional release supervision or take other action it  
2062 considers appropriate. If the term of conditional release  
2063 supervision exceeds that of the probation or community control,  
2064 then, upon expiration of the probation or community control,  
2065 authority for the supervision shall revert to the commission and  
2066 the supervision shall be subject to the conditions imposed by  
2067 the commission. A panel of no fewer than two commissioners shall  
2068 establish the terms and conditions of any such release. If the  
2069 offense was a controlled substance violation, the conditions  
2070 shall include a requirement that the offender submit to random  
2071 substance abuse testing intermittently throughout the term of  
2072 conditional release supervision, upon the direction of the  
2073 correctional probation officer as defined in s. 943.10(3). The  
2074 commission shall also determine whether the terms and conditions  
2075 of such release have been violated and whether such violation

2076 warrants revocation of the conditional release.

2077 (10) Effective for a releasee whose crime was committed on  
2078 or after September 1, 2005, in violation of chapter 794, s.  
2079 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the  
2080 unlawful activity involved a victim who was 15 years of age or  
2081 younger and the offender is 18 years of age or older or for a  
2082 releasee who is designated as a sexual predator pursuant to s.  
2083 775.21, in addition to any other provision of this section, the  
2084 commission must order electronic monitoring for the duration of  
2085 the releasee's supervision.

2086 (12) In addition to all other conditions imposed, for a  
2087 releasee who is subject to conditional release for a crime that  
2088 was committed on or after May 26, 2010, and who has been  
2089 convicted at any time of committing, or attempting, soliciting,  
2090 or conspiring to commit, any of the criminal offenses listed in  
2091 s. 943.0435(1)(a)1.a.(I), or a similar offense in another  
2092 jurisdiction against a victim who was under 18 years of age at  
2093 the time of the offense, if the releasee has not received a  
2094 pardon for any felony or similar law of another jurisdiction  
2095 necessary for the operation of this subsection, if a conviction  
2096 of a felony or similar law of another jurisdiction necessary for  
2097 the operation of this subsection has not been set aside in any  
2098 postconviction proceeding, or if the releasee has not been  
2099 removed from the requirement to register as a sexual offender or  
2100 sexual predator pursuant to s. 943.04354, the commission must  
2101 impose the following conditions:



2102 (a) A prohibition on visiting schools, child care  
2103 facilities, parks, and playgrounds without prior approval from  
2104 the releasee's supervising officer. The commission may also  
2105 designate additional prohibited locations to protect a victim.  
2106 The prohibition ordered under this paragraph does not prohibit  
2107 the releasee from visiting a school, child care facility, park,  
2108 or playground for the sole purpose of attending a religious  
2109 service as defined in s. 775.0861 or picking up or dropping off  
2110 the releasee's child or grandchild at a child care facility or  
2111 school.

2112 (b) A prohibition on distributing candy or other items to  
2113 children on Halloween; wearing a Santa Claus costume, or other  
2114 costume to appeal to children, on or preceding Christmas;  
2115 wearing an Easter Bunny costume, or other costume to appeal to  
2116 children, on or preceding Easter; entertaining at children's  
2117 parties; or wearing a clown costume without prior approval from  
2118 the commission.

2119 Section 56. For the purpose of incorporating the  
2120 amendments made by this act to sections 782.04, 775.21,  
2121 943.0435, and 944.607, Florida Statutes, in references thereto,  
2122 subsection (4) and paragraphs (b), (c), and (d) of subsection  
2123 (8) of section 948.06, Florida Statutes, are reenacted to read:

2124 948.06 Violation of probation or community control;  
2125 revocation; modification; continuance; failure to pay  
2126 restitution or cost of supervision.—

2127 (4) Notwithstanding any other provision of this section, a

2128 felony probationer or an offender in community control who is  
2129 arrested for violating his or her probation or community control  
2130 in a material respect may be taken before the court in the  
2131 county or circuit in which the probationer or offender was  
2132 arrested. That court shall advise him or her of the charge of a  
2133 violation and, if such charge is admitted, shall cause him or  
2134 her to be brought before the court that granted the probation or  
2135 community control. If the violation is not admitted by the  
2136 probationer or offender, the court may commit him or her or  
2137 release him or her with or without bail to await further  
2138 hearing. However, if the probationer or offender is under  
2139 supervision for any criminal offense proscribed in chapter 794,  
2140 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a  
2141 registered sexual predator or a registered sexual offender, or  
2142 is under supervision for a criminal offense for which he or she  
2143 would meet the registration criteria in s. 775.21, s. 943.0435,  
2144 or s. 944.607 but for the effective date of those sections, the  
2145 court must make a finding that the probationer or offender is  
2146 not a danger to the public prior to release with or without  
2147 bail. In determining the danger posed by the offender's or  
2148 probationer's release, the court may consider the nature and  
2149 circumstances of the violation and any new offenses charged; the  
2150 offender's or probationer's past and present conduct, including  
2151 convictions of crimes; any record of arrests without conviction  
2152 for crimes involving violence or sexual crimes; any other  
2153 evidence of allegations of unlawful sexual conduct or the use of

2154 violence by the offender or probationer; the offender's or  
2155 probationer's family ties, length of residence in the community,  
2156 employment history, and mental condition; his or her history and  
2157 conduct during the probation or community control supervision  
2158 from which the violation arises and any other previous  
2159 supervisions, including disciplinary records of previous  
2160 incarcerations; the likelihood that the offender or probationer  
2161 will engage again in a criminal course of conduct; the weight of  
2162 the evidence against the offender or probationer; and any other  
2163 facts the court considers relevant. The court, as soon as is  
2164 practicable, shall give the probationer or offender an  
2165 opportunity to be fully heard on his or her behalf in person or  
2166 by counsel. After the hearing, the court shall make findings of  
2167 fact and forward the findings to the court that granted the  
2168 probation or community control and to the probationer or  
2169 offender or his or her attorney. The findings of fact by the  
2170 hearing court are binding on the court that granted the  
2171 probation or community control. Upon the probationer or offender  
2172 being brought before it, the court that granted the probation or  
2173 community control may revoke, modify, or continue the probation  
2174 or community control or may place the probationer into community  
2175 control as provided in this section. However, the probationer or  
2176 offender shall not be released and shall not be admitted to  
2177 bail, but shall be brought before the court that granted the  
2178 probation or community control if any violation of felony  
2179 probation or community control other than a failure to pay costs

2180 or fines or make restitution payments is alleged to have been  
 2181 committed by:

2182 (a) A violent felony offender of special concern, as  
 2183 defined in this section;

2184 (b) A person who is on felony probation or community  
 2185 control for any offense committed on or after the effective date  
 2186 of this act and who is arrested for a qualifying offense as  
 2187 defined in this section; or

2188 (c) A person who is on felony probation or community  
 2189 control and has previously been found by a court to be a  
 2190 habitual violent felony offender as defined in s. 775.084(1)(b),  
 2191 a three-time violent felony offender as defined in s.  
 2192 775.084(1)(c), or a sexual predator under s. 775.21, and who is  
 2193 arrested for committing a qualifying offense as defined in this  
 2194 section on or after the effective date of this act.

2195 (8)

2196 (b) For purposes of this section and ss. 903.0351,  
 2197 948.064, and 921.0024, the term "violent felony offender of  
 2198 special concern" means a person who is on:

2199 1. Felony probation or community control related to the  
 2200 commission of a qualifying offense committed on or after the  
 2201 effective date of this act;

2202 2. Felony probation or community control for any offense  
 2203 committed on or after the effective date of this act, and has  
 2204 previously been convicted of a qualifying offense;

2205 3. Felony probation or community control for any offense

2206 committed on or after the effective date of this act, and is  
 2207 found to have violated that probation or community control by  
 2208 committing a qualifying offense;

2209 4. Felony probation or community control and has  
 2210 previously been found by a court to be a habitual violent felony  
 2211 offender as defined in s. 775.084(1)(b) and has committed a  
 2212 qualifying offense on or after the effective date of this act;

2213 5. Felony probation or community control and has  
 2214 previously been found by a court to be a three-time violent  
 2215 felony offender as defined in s. 775.084(1)(c) and has committed  
 2216 a qualifying offense on or after the effective date of this act;  
 2217 or

2218 6. Felony probation or community control and has  
 2219 previously been found by a court to be a sexual predator under  
 2220 s. 775.21 and has committed a qualifying offense on or after the  
 2221 effective date of this act.

2222 (c) For purposes of this section, the term "qualifying  
 2223 offense" means any of the following:

2224 1. Kidnapping or attempted kidnapping under s. 787.01,  
 2225 false imprisonment of a child under the age of 13 under s.  
 2226 787.02(3), or luring or enticing a child under s. 787.025(2)(b)  
 2227 or (c).

2228 2. Murder or attempted murder under s. 782.04, attempted  
 2229 felony murder under s. 782.051, or manslaughter under s. 782.07.

2230 3. Aggravated battery or attempted aggravated battery  
 2231 under s. 784.045.

2232 4. Sexual battery or attempted sexual battery under s.  
2233 794.011(2), (3), (4), or (8)(b) or (c).

2234 5. Lewd or lascivious battery or attempted lewd or  
2235 lascivious battery under s. 800.04(4), lewd or lascivious  
2236 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious  
2237 conduct under s. 800.04(6)(b), lewd or lascivious exhibition  
2238 under s. 800.04(7)(b), or lewd or lascivious exhibition on  
2239 computer under s. 847.0135(5)(b).

2240 6. Robbery or attempted robbery under s. 812.13,  
2241 carjacking or attempted carjacking under s. 812.133, or home  
2242 invasion robbery or attempted home invasion robbery under s.  
2243 812.135.

2244 7. Lewd or lascivious offense upon or in the presence of  
2245 an elderly or disabled person or attempted lewd or lascivious  
2246 offense upon or in the presence of an elderly or disabled person  
2247 under s. 825.1025.

2248 8. Sexual performance by a child or attempted sexual  
2249 performance by a child under s. 827.071.

2250 9. Computer pornography under s. 847.0135(2) or (3),  
2251 transmission of child pornography under s. 847.0137, or selling  
2252 or buying of minors under s. 847.0145.

2253 10. Poisoning food or water under s. 859.01.

2254 11. Abuse of a dead human body under s. 872.06.

2255 12. Any burglary offense or attempted burglary offense  
2256 that is either a first degree felony or second degree felony  
2257 under s. 810.02(2) or (3).

- 2258 13. Arson or attempted arson under s. 806.01(1).
- 2259 14. Aggravated assault under s. 784.021.
- 2260 15. Aggravated stalking under s. 784.048(3), (4), (5), or
- 2261 (7).
- 2262 16. Aircraft piracy under s. 860.16.
- 2263 17. Unlawful throwing, placing, or discharging of a
- 2264 destructive device or bomb under s. 790.161(2), (3), or (4).
- 2265 18. Treason under s. 876.32.
- 2266 19. Any offense committed in another jurisdiction which
- 2267 would be an offense listed in this paragraph if that offense had
- 2268 been committed in this state.
- 2269 (d) In the case of an alleged violation of probation or
- 2270 community control other than a failure to pay costs, fines, or
- 2271 restitution, the following individuals shall remain in custody
- 2272 pending the resolution of the probation or community control
- 2273 violation:
- 2274 1. A violent felony offender of special concern, as
- 2275 defined in this section;
- 2276 2. A person who is on felony probation or community
- 2277 control for any offense committed on or after the effective date
- 2278 of this act and who is arrested for a qualifying offense as
- 2279 defined in this section; or
- 2280 3. A person who is on felony probation or community
- 2281 control and has previously been found by a court to be a
- 2282 habitual violent felony offender as defined in s. 775.084(1)(b),
- 2283 a three-time violent felony offender as defined in s.

2284 775.084(1)(c), or a sexual predator under s. 775.21, and who is  
 2285 arrested for committing a qualifying offense as defined in this  
 2286 section on or after the effective date of this act.

2287  
 2288 The court shall not dismiss the probation or community control  
 2289 violation warrant pending against an offender enumerated in this  
 2290 paragraph without holding a recorded violation-of-probation  
 2291 hearing at which both the state and the offender are  
 2292 represented.

2293 Section 57. For the purpose of incorporating the  
 2294 amendments made by this act to sections 775.21, 943.0435, and  
 2295 944.607, Florida Statutes, in references thereto, section  
 2296 948.063, Florida Statutes, is reenacted to read:

2297 948.063 Violations of probation or community control by  
 2298 designated sexual offenders and sexual predators.—

2299 (1) If probation or community control for any felony  
 2300 offense is revoked by the court pursuant to s. 948.06(2)(e) and  
 2301 the offender is designated as a sexual offender pursuant to s.  
 2302 943.0435 or s. 944.607 or as a sexual predator pursuant to s.  
 2303 775.21 for unlawful sexual activity involving a victim 15 years  
 2304 of age or younger and the offender is 18 years of age or older,  
 2305 and if the court imposes a subsequent term of supervision  
 2306 following the revocation of probation or community control, the  
 2307 court must order electronic monitoring as a condition of the  
 2308 subsequent term of probation or community control.

2309 (2) If the probationer or offender is required to register



2310 as a sexual predator under s. 775.21 or as a sexual offender  
2311 under s. 943.0435 or s. 944.607 for unlawful sexual activity  
2312 involving a victim 15 years of age or younger and the  
2313 probationer or offender is 18 years of age or older and has  
2314 violated the conditions of his or her probation or community  
2315 control, but the court does not revoke the probation or  
2316 community control, the court shall nevertheless modify the  
2317 probation or community control to include electronic monitoring  
2318 for any probationer or offender not then subject to electronic  
2319 monitoring.

2320 Section 58. For the purpose of incorporating the amendment  
2321 made by this act to section 775.21, Florida Statutes, in a  
2322 reference thereto, subsection (4) of section 948.064, Florida  
2323 Statutes, is reenacted to read:

2324 948.064 Notification of status as a violent felony  
2325 offender of special concern.—

2326 (4) The state attorney, or the statewide prosecutor if  
2327 applicable, shall advise the court at each critical stage in the  
2328 judicial process, at which the state attorney or statewide  
2329 prosecutor is represented, whether an alleged or convicted  
2330 offender is a violent felony offender of special concern; a  
2331 person who is on felony probation or community control for any  
2332 offense committed on or after the effective date of this act and  
2333 who is arrested for a qualifying offense; or a person who is on  
2334 felony probation or community control and has previously been  
2335 found by a court to be a habitual violent felony offender as

2336 defined in s. 775.084(1)(b), a three-time violent felony  
2337 offender as defined in s. 775.084(1)(c), or a sexual predator  
2338 under s. 775.21, and who is arrested for committing a qualifying  
2339 offense on or after the effective date of this act.

2340 Section 59. For the purpose of incorporating the amendment  
2341 made by this act to section 775.21, Florida Statutes, in a  
2342 reference thereto, subsection (3) of section 948.12, Florida  
2343 Statutes, is reenacted to read:

2344 948.12 Intensive supervision for postprison release of  
2345 violent offenders.—It is the finding of the Legislature that the  
2346 population of violent offenders released from state prison into  
2347 the community poses the greatest threat to the public safety of  
2348 the groups of offenders under community supervision. Therefore,  
2349 for the purpose of enhanced public safety, any offender released  
2350 from state prison who:

2351 (3) Has been found to be a sexual predator pursuant to s.  
2352 775.21,

2353  
2354 and who has a term of probation to follow the period of  
2355 incarceration shall be provided intensive supervision by  
2356 experienced correctional probation officers. Subject to specific  
2357 appropriation by the Legislature, caseloads may be restricted to  
2358 a maximum of 40 offenders per officer to provide for enhanced  
2359 public safety as well as to effectively monitor conditions of  
2360 electronic monitoring or curfews, if such was ordered by the  
2361 court.

2362 Section 60. For the purpose of incorporating the  
 2363 amendments made by this act to sections 775.21 and 943.0435,  
 2364 Florida Statutes, in references thereto, paragraph (b) of  
 2365 subsection (3) and subsection (4) of section 948.30, Florida  
 2366 Statutes, are reenacted to read:

2367 948.30 Additional terms and conditions of probation or  
 2368 community control for certain sex offenses.—Conditions imposed  
 2369 pursuant to this section do not require oral pronouncement at  
 2370 the time of sentencing and shall be considered standard  
 2371 conditions of probation or community control for offenders  
 2372 specified in this section.

2373 (3) Effective for a probationer or community controllee  
 2374 whose crime was committed on or after September 1, 2005, and  
 2375 who:

2376 (b) Is designated a sexual predator pursuant to s. 775.21;  
 2377 or

2378  
 2379 the court must order, in addition to any other provision of this  
 2380 section, mandatory electronic monitoring as a condition of the  
 2381 probation or community control supervision.

2382 (4) In addition to all other conditions imposed, for a  
 2383 probationer or community controllee who is subject to  
 2384 supervision for a crime that was committed on or after May 26,  
 2385 2010, and who has been convicted at any time of committing, or  
 2386 attempting, soliciting, or conspiring to commit, any of the  
 2387 criminal offenses listed in s. 943.0435(1)(a)1.a.(I), or a

2388 similar offense in another jurisdiction, against a victim who  
2389 was under the age of 18 at the time of the offense; if the  
2390 offender has not received a pardon for any felony or similar law  
2391 of another jurisdiction necessary for the operation of this  
2392 subsection, if a conviction of a felony or similar law of  
2393 another jurisdiction necessary for the operation of this  
2394 subsection has not been set aside in any postconviction  
2395 proceeding, or if the offender has not been removed from the  
2396 requirement to register as a sexual offender or sexual predator  
2397 pursuant to s. 943.04354, the court must impose the following  
2398 conditions:

2399 (a) A prohibition on visiting schools, child care  
2400 facilities, parks, and playgrounds, without prior approval from  
2401 the offender's supervising officer. The court may also designate  
2402 additional locations to protect a victim. The prohibition  
2403 ordered under this paragraph does not prohibit the offender from  
2404 visiting a school, child care facility, park, or playground for  
2405 the sole purpose of attending a religious service as defined in  
2406 s. 775.0861 or picking up or dropping off the offender's  
2407 children or grandchildren at a child care facility or school.

2408 (b) A prohibition on distributing candy or other items to  
2409 children on Halloween; wearing a Santa Claus costume, or other  
2410 costume to appeal to children, on or preceding Christmas;  
2411 wearing an Easter Bunny costume, or other costume to appeal to  
2412 children, on or preceding Easter; entertaining at children's  
2413 parties; or wearing a clown costume; without prior approval from

2414 the court.

2415 Section 61. For the purpose of incorporating the  
 2416 amendments made by this act to sections 775.21, 943.0435,  
 2417 944.606, and 944.607, Florida Statutes, in references thereto,  
 2418 section 948.31, Florida Statutes, is reenacted to read:

2419 948.31 Evaluation and treatment of sexual predators and  
 2420 offenders on probation or community control.—The court may  
 2421 require any probationer or community controllee who is required  
 2422 to register as a sexual predator under s. 775.21 or sexual  
 2423 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo  
 2424 an evaluation, at the probationer or community controllee's  
 2425 expense, by a qualified practitioner to determine whether such  
 2426 probationer or community controllee needs sexual offender  
 2427 treatment. If the qualified practitioner determines that sexual  
 2428 offender treatment is needed and recommends treatment, the  
 2429 probationer or community controllee must successfully complete  
 2430 and pay for the treatment. Such treatment must be obtained from  
 2431 a qualified practitioner as defined in s. 948.001. Treatment may  
 2432 not be administered by a qualified practitioner who has been  
 2433 convicted or adjudicated delinquent of committing, or  
 2434 attempting, soliciting, or conspiring to commit, any offense  
 2435 that is listed in s. 943.0435(1)(a)1.a.(I).

2436 Section 62. For the purpose of incorporating the  
 2437 amendments made by this act to sections 775.21, 943.0435,  
 2438 944.606, and 944.607, Florida Statutes, in references thereto,  
 2439 paragraph (b) of subsection (6) of section 985.04, Florida

2440 Statutes, is reenacted to read:

2441 985.04 Oaths; records; confidential information.—

2442 (6)

2443 (b) Sexual offender and predator registration information  
 2444 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,  
 2445 and 985.4815 is a public record pursuant to s. 119.07(1) and as  
 2446 otherwise provided by law.

2447 Section 63. For the purpose of incorporating the  
 2448 amendments made by this act to sections 775.21 and 943.0435,  
 2449 Florida Statutes, in references thereto, subsection (9) of  
 2450 section 985.4815, Florida Statutes, is reenacted to read:

2451 985.4815 Notification to Department of Law Enforcement of  
 2452 information on juvenile sexual offenders.—

2453 (9) A sexual offender, as described in this section, who  
 2454 is under the care, jurisdiction, or supervision of the  
 2455 department but who is not incarcerated shall, in addition to the  
 2456 registration requirements provided in subsection (4), register  
 2457 in the manner provided in s. 943.0435(3), (4), and (5), unless  
 2458 the sexual offender is a sexual predator, in which case he or  
 2459 she shall register as required under s. 775.21. A sexual  
 2460 offender who fails to comply with the requirements of s.  
 2461 943.0435 is subject to the penalties provided in s. 943.0435(9).

2462 Section 64. For the purpose of incorporating the  
 2463 amendments made by this act to sections 775.21 and 943.0435,  
 2464 Florida Statutes, in references thereto, paragraph (b) of  
 2465 subsection (1) of section 92.55, Florida Statutes, is reenacted

2466 to read:

2467 92.55 Judicial or other proceedings involving victim or  
 2468 witness under the age of 16, a person who has an intellectual  
 2469 disability, or a sexual offense victim or witness; special  
 2470 protections; use of registered service or therapy animals.—

2471 (1) For purposes of this section, the term:

2472 (b) "Sexual offense" means any offense specified in s.  
 2473 775.21(4)(a)1. or s. 943.0435(1)(a)1.a.(I).

2474 Section 65. For the purpose of incorporating the amendment  
 2475 made by this act to section 943.0435, Florida Statutes, in a  
 2476 reference thereto, paragraph (a) of subsection (2) of section  
 2477 394.9125, Florida Statutes, is reenacted to read:

2478 394.9125 State attorney; authority to refer a person for  
 2479 civil commitment.—

2480 (2) A state attorney may refer a person to the department  
 2481 for civil commitment proceedings if the person:

2482 (a) Is required to register as a sexual offender pursuant  
 2483 to s. 943.0435;

2484 Section 66. For the purpose of incorporating the  
 2485 amendments made by this act to sections 943.0435 and 944.607,  
 2486 Florida Statutes, in references thereto, paragraph (d) of  
 2487 subsection (5) and paragraph (c) of subsection (10) of section  
 2488 775.21, Florida Statutes, are reenacted to read:

2489 775.21 The Florida Sexual Predators Act.—

2490 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated  
 2491 as a sexual predator as follows:

2492 (d) A person who establishes or maintains a residence in  
2493 this state and who has not been designated as a sexual predator  
2494 by a court of this state but who has been designated as a sexual  
2495 predator, as a sexually violent predator, or by another sexual  
2496 offender designation in another state or jurisdiction and was,  
2497 as a result of such designation, subjected to registration or  
2498 community or public notification, or both, or would be if the  
2499 person was a resident of that state or jurisdiction, without  
2500 regard to whether the person otherwise meets the criteria for  
2501 registration as a sexual offender, shall register in the manner  
2502 provided in s. 943.0435 or s. 944.607 and shall be subject to  
2503 community and public notification as provided in s. 943.0435 or  
2504 s. 944.607. A person who meets the criteria of this section is  
2505 subject to the requirements and penalty provisions of s.  
2506 943.0435 or s. 944.607 until the person provides the department  
2507 with an order issued by the court that designated the person as  
2508 a sexual predator, as a sexually violent predator, or by another  
2509 sexual offender designation in the state or jurisdiction in  
2510 which the order was issued which states that such designation  
2511 has been removed or demonstrates to the department that such  
2512 designation, if not imposed by a court, has been removed by  
2513 operation of law or court order in the state or jurisdiction in  
2514 which the designation was made, and provided such person no  
2515 longer meets the criteria for registration as a sexual offender  
2516 under the laws of this state.

2517 (10) PENALTIES.—



2518 (c) Any person who misuses public records information  
2519 relating to a sexual predator, as defined in this section, or a  
2520 sexual offender, as defined in s. 943.0435 or s. 944.607, to  
2521 secure a payment from such a predator or offender; who knowingly  
2522 distributes or publishes false information relating to such a  
2523 predator or offender which the person misrepresents as being  
2524 public records information; or who materially alters public  
2525 records information with the intent to misrepresent the  
2526 information, including documents, summaries of public records  
2527 information provided by law enforcement agencies, or public  
2528 records information displayed by law enforcement agencies on  
2529 websites or provided through other means of communication,  
2530 commits a misdemeanor of the first degree, punishable as  
2531 provided in s. 775.082 or s. 775.083.

2532 Section 67. For the purpose of incorporating the  
2533 amendments made by this act to sections 943.0435, 944.606, and  
2534 944.607, Florida Statutes, in references thereto, subsection (2)  
2535 of section 775.24, Florida Statutes, is reenacted to read:

2536 775.24 Duty of the court to uphold laws governing sexual  
2537 predators and sexual offenders.—

2538 (2) If a person meets the criteria in this chapter for  
2539 designation as a sexual predator or meets the criteria in s.  
2540 943.0435, s. 944.606, s. 944.607, or any other law for  
2541 classification as a sexual offender, the court may not enter an  
2542 order, for the purpose of approving a plea agreement or for any  
2543 other reason, which:

2544 (a) Exempts a person who meets the criteria for  
 2545 designation as a sexual predator or classification as a sexual  
 2546 offender from such designation or classification, or exempts  
 2547 such person from the requirements for registration or community  
 2548 and public notification imposed upon sexual predators and sexual  
 2549 offenders;

2550 (b) Restricts the compiling, reporting, or release of  
 2551 public records information that relates to sexual predators or  
 2552 sexual offenders; or

2553 (c) Prevents any person or entity from performing its  
 2554 duties or operating within its statutorily conferred authority  
 2555 as such duty or authority relates to sexual predators or sexual  
 2556 offenders.

2557 Section 68. For the purpose of incorporating the  
 2558 amendments made by this act to sections 775.21, 943.0435,  
 2559 944.606 and 944.607, Florida Statutes, in references thereto,  
 2560 subsection (2) of section 943.0436, Florida Statutes, is  
 2561 reenacted to read:

2562 943.0436 Duty of the court to uphold laws governing sexual  
 2563 predators and sexual offenders.—

2564 (2) If a person meets the criteria in chapter 775 for  
 2565 designation as a sexual predator or meets the criteria in s.  
 2566 943.0435, s. 944.606, s. 944.607, or any other law for  
 2567 classification as a sexual offender, the court may not enter an  
 2568 order, for the purpose of approving a plea agreement or for any  
 2569 other reason, which:

2570 (a) Exempts a person who meets the criteria for  
 2571 designation as a sexual predator or classification as a sexual  
 2572 offender from such designation or classification, or exempts  
 2573 such person from the requirements for registration or community  
 2574 and public notification imposed upon sexual predators and sexual  
 2575 offenders;

2576 (b) Restricts the compiling, reporting, or release of  
 2577 public records information that relates to sexual predators or  
 2578 sexual offenders; or

2579 (c) Prevents any person or entity from performing its  
 2580 duties or operating within its statutorily conferred authority  
 2581 as such duty or authority relates to sexual predators or sexual  
 2582 offenders.

2583 Section 69. For the purpose of incorporating the amendment  
 2584 made by this act to section 943.0435, Florida Statutes, in a  
 2585 reference thereto, subsection (2) of section 775.0862, Florida  
 2586 Statutes, is reenacted to read:

2587 775.0862 Sexual offenses against students by authority  
 2588 figures; reclassification.—

2589 (2) The felony degree of a violation of an offense listed  
 2590 in s. 943.0435(1)(a)1.a., unless the offense is a violation of  
 2591 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified  
 2592 as provided in this section if the offense is committed by an  
 2593 authority figure of a school against a student of the school.

2594 Section 70. This act shall take effect October 1, 2016.