

By the Committee on Criminal Justice; and Senator Flores

591-02541-16

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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 assignation, 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,

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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

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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)

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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;

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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

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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;

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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

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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;

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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.—

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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 adult,
279 j. Aircraft piracy,
280 k. Unlawful throwing, placing, or discharging of a
281 destructive device or bomb,
282 l. Carjacking,
283 m. Home-invasion robbery,
284 n. Aggravated stalking,
285 o. Murder of another human being,
286 p. Resisting an officer with violence to his or her person,
287 q. Aggravated fleeing or eluding with serious bodily injury
288 or death,
289 r. Felony that is an act of terrorism or is in furtherance
290 of an act of terrorism,
291 s. Human trafficking; or
292 3. Which resulted from the unlawful distribution of any
293 substance controlled under s. 893.03(1), cocaine as described in

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294 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
295 compound, derivative, or preparation of opium, or methadone by a
296 person 18 years of age or older, when such drug is proven to be
297 the proximate cause of the death of the user,

298
299 is murder in the first degree and constitutes a capital felony,
300 punishable as provided in s. 775.082.

301 Section 3. Subsections (8) and (9) of section 787.06,
302 Florida Statutes, are renumbered as subsections (9) and (10),
303 respectively, paragraph (b) of subsection (4) is amended, and a
304 new subsection (8) is added to that section, to read:

305 787.06 Human trafficking.—

306 (4)

307 (b) Any person who, for the purpose of committing or
308 facilitating an offense under this section, permanently brands,
309 or directs to be branded, a victim of an offense under this
310 section commits a second degree felony, punishable as provided
311 in s. 775.082, s. 775.083, or s. 775.084. For purposes of this
312 subsection, the term "permanently branded" means a mark on the
313 individual's body that, if it can be removed or repaired at all,
314 can only be removed or repaired by surgical means, laser
315 treatment, or other medical procedure.

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

320 (a) A felony of the second degree shall be reclassified as
321 a felony of the first degree.

322 (b) A felony of the first degree shall be reclassified as a

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323 life felony.

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

326 456.074 Certain health care practitioners; immediate
327 suspension of license.—

328 (5) The department shall issue an emergency order
329 suspending the license of a massage therapist or establishment
330 as defined in chapter 480 upon receipt of information that the
331 massage therapist, a person with an ownership interest in the
332 establishment, or, for a corporation that has more than \$250,000
333 of business assets in this state, the owner, officer, or
334 individual directly involved in the management of the
335 establishment has been convicted or found guilty of, or has
336 entered a plea of guilty or nolo contendere to, regardless of
337 adjudication, a violation of s. 796.07(2)(a) which is
338 reclassified under s. 796.07(7) or a felony offense under any of
339 the following provisions of state law or a similar provision in
340 another jurisdiction:

341 (a) Section 787.01, relating to kidnapping.

342 (b) Section 787.02, relating to false imprisonment.

343 (c) Section 787.025, relating to luring or enticing a
344 child.

345 (d) Section 787.06, relating to human trafficking.

346 (e) Section 787.07, relating to human smuggling.

347 (f) Section 794.011, relating to sexual battery.

348 (g) Section 794.08, relating to female genital mutilation.

349 (h) Former s. 796.03, relating to procuring a person under
350 the age of 18 for prostitution.

351 (i) Former s. 796.035, relating to the selling or buying of

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352 minors into prostitution.

353 (j) Section 796.04, relating to forcing, compelling, or
354 coercing another to become a prostitute.

355 (k) Section 796.05, relating to deriving support from the
356 proceeds of prostitution.

357 (l) Section 796.07(4)(a)3. ~~796.07(4)(e)~~, relating to a
358 felony of the third degree for a third or subsequent violation
359 of s. 796.07, relating to prohibiting prostitution and related
360 acts.

361 (m) Section 800.04, relating to lewd or lascivious offenses
362 committed upon or in the presence of persons less than 16 years
363 of age.

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

367 (o) Section 827.071, relating to sexual performance by a
368 child.

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

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

371 (r) Section 847.0138, relating to the transmission of
372 material harmful to minors to a minor by electronic device or
373 equipment.

374 (s) Section 847.0145, relating to the selling or buying of
375 minors.

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

378 480.041 Massage therapists; qualifications; licensure;
379 endorsement.—

380 (7) The board shall deny an application for a new or

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

387 (a) Section 787.01, relating to kidnapping.

388 (b) Section 787.02, relating to false imprisonment.

389 (c) Section 787.025, relating to luring or enticing a
390 child.

391 (d) Section 787.06, relating to human trafficking.

392 (e) Section 787.07, relating to human smuggling.

393 (f) Section 794.011, relating to sexual battery.

394 (g) Section 794.08, relating to female genital mutilation.

395 (h) Former s. 796.03, relating to procuring a person under
396 the age of 18 for prostitution.

397 (i) Former s. 796.035, relating to the selling or buying of
398 minors into prostitution.

399 (j) Section 796.04, relating to forcing, compelling, or
400 coercing another to become a prostitute.

401 (k) Section 796.05, relating to deriving support from the
402 proceeds of prostitution.

403 (l) Section 796.07(4)(a)3. ~~796.07(4)(e)~~, relating to a
404 felony of the third degree for a third or subsequent violation
405 of s. 796.07, relating to prohibiting prostitution and related
406 acts.

407 (m) Section 800.04, relating to lewd or lascivious offenses
408 committed upon or in the presence of persons less than 16 years
409 of age.

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

413 (o) Section 827.071, relating to sexual performance by a
414 child.

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

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

417 (r) Section 847.0138, relating to the transmission of
418 material harmful to minors to a minor by electronic device or
419 equipment.

420 (s) Section 847.0145, relating to the selling or buying of
421 minors.

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

424 480.043 Massage establishments; requisites; licensure;
425 inspection.—

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

437 (a) Section 787.01, relating to kidnapping.

438 (b) Section 787.02, relating to false imprisonment.

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- 439 (c) Section 787.025, relating to luring or enticing a
440 child.
- 441 (d) Section 787.06, relating to human trafficking.
- 442 (e) Section 787.07, relating to human smuggling.
- 443 (f) Section 794.011, relating to sexual battery.
- 444 (g) Section 794.08, relating to female genital mutilation.
- 445 (h) Former s. 796.03, relating to procuring a person under
446 the age of 18 for prostitution.
- 447 (i) Former s. 796.035, relating to selling or buying of
448 minors into prostitution.
- 449 (j) Section 796.04, relating to forcing, compelling, or
450 coercing another to become a prostitute.
- 451 (k) Section 796.05, relating to deriving support from the
452 proceeds of prostitution.
- 453 (l) Section 796.07(4)(a)3. ~~796.07(4)(e)~~, relating to a
454 felony of the third degree for a third or subsequent violation
455 of s. 796.07, relating to prohibiting prostitution and related
456 acts.
- 457 (m) Section 800.04, relating to lewd or lascivious offenses
458 committed upon or in the presence of persons less than 16 years
459 of age.
- 460 (n) Section 825.1025(2)(b), relating to lewd or lascivious
461 offenses committed upon or in the presence of an elderly or
462 disabled person.
- 463 (o) Section 827.071, relating to sexual performance by a
464 child.
- 465 (p) Section 847.0133, relating to the protection of minors.
- 466 (q) Section 847.0135, relating to computer pornography.
- 467 (r) Section 847.0138, relating to the transmission of

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468 material harmful to minors to a minor by electronic device or
469 equipment.

470 (s) Section 847.0145, relating to the selling or buying of
471 minors.

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

474 796.06 Renting space to be used for lewdness, assignation,
475 or prostitution.—

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

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

479 (b) A felony ~~misdemeanor~~ of the third ~~first~~ degree for a
480 second or subsequent violation, punishable as provided in s.
481 775.082, ~~or~~ s. 775.083, or s. 775.084.

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

485 796.07 Prohibiting prostitution and related acts.—

486 (2) It is unlawful:

487 (e) For a person 18 years of age or older to offer to
488 commit, or to commit, or to engage in, prostitution, lewdness,
489 or assignation.

490 (5)

491 (b) In addition to any other penalty imposed, the court
492 shall order a person convicted of a violation of paragraph

493 (2) (f) to:

494 1. Perform 100 hours of community service; and

495 2. Pay for and attend an educational program about the
496 negative effects of prostitution and human trafficking, such as

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497 a sexual violence prevention education program, including such
498 programs offered by faith-based providers, if such programs
499 exist ~~program exists~~ in the judicial circuit in which the
500 offender is sentenced.

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

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

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

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

515 Section 9. Paragraph (a) of subsection (4) of section
516 775.21, Florida Statutes, is amended to read:

517 775.21 The Florida Sexual Predators Act.—

518 (4) SEXUAL PREDATOR CRITERIA.—

519 (a) For a current offense committed on or after October 1,
520 1993, upon conviction, an offender shall be designated as a
521 “sexual predator” under subsection (5), and subject to
522 registration under subsection (6) and community and public
523 notification under subsection (7) if:

524 1. The felony is:

525 a. A capital, life, or first degree felony violation, or

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526 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
527 is a minor and the defendant is not the victim's parent or
528 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
529 violation of a similar law of another jurisdiction; or
530 b. Any felony violation, or any attempt thereof, of s.
531 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
532 787.025(2)(c), where the victim is a minor and the defendant is
533 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
534 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.
535 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
536 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s. 847.0135,
537 excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court
538 makes a written finding that the racketeering activity involved
539 at least one sexual offense listed in this sub-subparagraph or
540 at least one offense listed in this sub-subparagraph with sexual
541 intent or motive; s. 916.1075(2); or s. 985.701(1); or a
542 violation of a similar law of another jurisdiction, and the
543 offender has previously been convicted of or found to have
544 committed, or has pled nolo contendere or guilty to, regardless
545 of adjudication, any violation of s. 393.135(2); s. 394.4593(2);
546 s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
547 minor and the defendant is not the victim's parent or guardian;
548 s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
549 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
550 former s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.
551 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s.
552 895.03, if the court makes a written finding that the
553 racketeering activity involved at least one sexual offense
554 listed in this sub-subparagraph or at least one offense listed

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555 in this sub-subparagraph with sexual intent or motive; s.
556 916.1075(2); or s. 985.701(1); or a violation of a similar law
557 of another jurisdiction;

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

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

564 Section 10. Paragraph (a) of subsection (1) of section
565 943.0435, Florida Statutes, is amended to read:

566 943.0435 Sexual offenders required to register with the
567 department; penalty.—

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

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

572 a.(I) Has been convicted of committing, or attempting,
573 soliciting, or conspiring to commit, any of the criminal
574 offenses proscribed in the following statutes in this state or
575 similar offenses in another jurisdiction: s. 393.135(2); s.
576 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
577 the victim is a minor and the defendant is not the victim's
578 parent or guardian; s. 787.06(3)(b), (d), (f), or (g); former s.
579 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05;
580 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);
581 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
582 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
583 if the court makes a written finding that the racketeering

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584 activity involved at least one sexual offense listed in this
585 sub-sub-subparagraph or at least one offense listed in this sub-
586 sub-subparagraph with sexual intent or motive; s. 916.1075(2);
587 or s. 985.701(1); or any similar offense committed in this state
588 which has been redesignated from a former statute number to one
589 of those listed in this sub-sub-subparagraph; and

590 (II) Has been released on or after October 1, 1997, from
591 the sanction imposed for any conviction of an offense described
592 in sub-sub-subparagraph (I). For purposes of sub-sub-
593 subparagraph (I), a sanction imposed in this state or in any
594 other jurisdiction includes, but is not limited to, a fine,
595 probation, community control, parole, conditional release,
596 control release, or incarceration in a state prison, federal
597 prison, private correctional facility, or local detention
598 facility;

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

609 c. Establishes or maintains a residence in this state who
610 is in the custody or control of, or under the supervision of,
611 any other state or jurisdiction as a result of a conviction for
612 committing, or attempting, soliciting, or conspiring to commit,

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613 any of the criminal offenses proscribed in the following
614 statutes or similar offense in another jurisdiction: s.
615 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
616 787.025(2)(c), where the victim is a minor and the defendant is
617 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
618 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.
619 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
620 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.
621 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
622 847.0145; s. 895.03, if the court makes a written finding that
623 the racketeering activity involved at least one sexual offense
624 listed in this sub-subparagraph or at least one offense listed
625 in this sub-subparagraph with sexual intent or motive; s.
626 916.1075(2); or s. 985.701(1); or any similar offense committed
627 in this state which has been redesignated from a former statute
628 number to one of those listed in this sub-subparagraph; or
629 d. On or after July 1, 2007, has been adjudicated
630 delinquent for committing, or attempting, soliciting, or
631 conspiring to commit, any of the criminal offenses proscribed in
632 the following statutes in this state or similar offenses in
633 another jurisdiction when the juvenile was 14 years of age or
634 older at the time of the offense:

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

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

639 (III) Section 800.04(5)(c)1. where the court finds
640 molestation involving unclothed genitals; or

641 (IV) Section 800.04(5)(d) where the court finds the use of

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642 force or coercion and unclothed genitals.

643 2. For all qualifying offenses listed in sub-subparagraph
644 (1)(a)1.d., the court shall make a written finding of the age of
645 the offender at the time of the offense.

646

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

657 Section 11. Paragraph (b) of subsection (1) of section
658 944.606, Florida Statutes, is amended to read:

659 944.606 Sexual offenders; notification upon release.—

660 (1) As used in this section:

661 (b) "Sexual offender" means a person who has been convicted
662 of committing, or attempting, soliciting, or conspiring to
663 commit, any of the criminal offenses proscribed in the following
664 statutes in this state or similar offenses in another
665 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
666 787.02, or s. 787.025(2)(c), where the victim is a minor and the
667 defendant is not the victim's parent or guardian; s.
668 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
669 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
670 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.

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671 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
672 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
673 makes a written finding that the racketeering activity involved
674 at least one sexual offense listed in this paragraph or at least
675 one offense listed in this paragraph with sexual intent or
676 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
677 committed in this state which has been redesignated from a
678 former statute number to one of those listed in this subsection,
679 when the department has received verified information regarding
680 such conviction; an offender's computerized criminal history
681 record is not, in and of itself, verified information.

682 Section 12. Paragraph (a) of subsection (1) of section
683 944.607, Florida Statutes, is amended to read:

684 944.607 Notification to Department of Law Enforcement of
685 information on sexual offenders.—

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

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

690 1. On or after October 1, 1997, as a result of a conviction
691 for committing, or attempting, soliciting, or conspiring to
692 commit, any of the criminal offenses proscribed in the following
693 statutes in this state or similar offenses in another
694 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
695 787.02, or s. 787.025(2)(c), where the victim is a minor and the
696 defendant is not the victim's parent or guardian; s.
697 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
698 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
699 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.

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700 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
701 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
702 makes a written finding that the racketeering activity involved
703 at least one sexual offense listed in this subparagraph or at
704 least one offense listed in this subparagraph with sexual intent
705 or motive; s. 916.1075(2); or s. 985.701(1); or any similar
706 offense committed in this state which has been redesignated from
707 a former statute number to one of those listed in this
708 paragraph; or

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

719 Section 13. For the purpose of incorporating the amendment
720 made by this act to section 39.01, Florida Statutes, in a
721 reference thereto, paragraph (p) of subsection (4) of section
722 394.495, Florida Statutes, is reenacted to read:

723 394.495 Child and adolescent mental health system of care;
724 programs and services.—

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

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

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729 Section 14. For the purpose of incorporating the amendment
730 made by this act to section 39.01, Florida Statutes, in
731 references thereto, paragraph (c) of subsection (1) and
732 paragraphs (a) and (b) of subsection (6) of section 409.1678,
733 Florida Statutes, are reenacted to read:

734 409.1678 Specialized residential options for children who
735 are victims of sexual exploitation.—

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

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

741 (6) LOCATION INFORMATION.—

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

750 (b) Information about the location of a safe house, safe
751 foster home, or other residential facility serving victims of
752 sexual exploitation, as defined in s. 39.01(69)(g), may be
753 provided to an agency, as defined in s. 119.011, as necessary to
754 maintain health and safety standards and to address emergency
755 situations in the safe house, safe foster home, or other
756 residential facility.

757 Section 15. For the purpose of incorporating the amendment

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758 made by this act to section 39.01, Florida Statutes, in a
759 reference thereto, subsection (5) of section 960.065, Florida
760 Statutes, is reenacted to read:

761 960.065 Eligibility for awards.—

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

766 Section 16. For the purpose of incorporating the amendments
767 made by this act to sections 775.21 and 782.04, Florida
768 Statutes, in references thereto, paragraphs (d) and (n) of
769 subsection (1) of section 39.806, Florida Statutes, are
770 reenacted to read:

771 39.806 Grounds for termination of parental rights.—

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

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

775 1. The period of time for which the parent is expected to
776 be incarcerated will constitute a significant portion of the
777 child's minority. When determining whether the period of time is
778 significant, the court shall consider the child's age and the
779 child's need for a permanent and stable home. The period of time
780 begins on the date that the parent enters into incarceration;

781 2. The incarcerated parent has been determined by the court
782 to be a violent career criminal as defined in s. 775.084, a
783 habitual violent felony offender as defined in s. 775.084, or a
784 sexual predator as defined in s. 775.21; has been convicted of
785 first degree or second degree murder in violation of s. 782.04
786 or a sexual battery that constitutes a capital, life, or first

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787 degree felony violation of s. 794.011; or has been convicted of
788 an offense in another jurisdiction which is substantially
789 similar to one of the offenses listed in this paragraph. As used
790 in this section, the term "substantially similar offense" means
791 any offense that is substantially similar in elements and
792 penalties to one of those listed in this subparagraph, and that
793 is in violation of a law of any other jurisdiction, whether that
794 of another state, the District of Columbia, the United States or
795 any possession or territory thereof, or any foreign
796 jurisdiction; or

797 3. The court determines by clear and convincing evidence
798 that continuing the parental relationship with the incarcerated
799 parent would be harmful to the child and, for this reason, that
800 termination of the parental rights of the incarcerated parent is
801 in the best interest of the child. When determining harm, the
802 court shall consider the following factors:

803 a. The age of the child.

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

805 c. The nature of the parent's current and past provision
806 for the child's developmental, cognitive, psychological, and
807 physical needs.

808 d. The parent's history of criminal behavior, which may
809 include the frequency of incarceration and the unavailability of
810 the parent to the child due to incarceration.

811 e. Any other factor the court deems relevant.

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

814 Section 17. For the purpose of incorporating the amendments
815 made by this act to sections 775.21 and 782.04, Florida

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816 Statutes, in references thereto, paragraph (b) of subsection (4)
817 of section 63.089, Florida Statutes, is reenacted to read:

818 63.089 Proceeding to terminate parental rights pending
819 adoption; hearing; grounds; dismissal of petition; judgment.—

820 (4) FINDING OF ABANDONMENT.—A finding of abandonment
821 resulting in a termination of parental rights must be based upon
822 clear and convincing evidence that a parent or person having
823 legal custody has abandoned the child in accordance with the
824 definition contained in s. 63.032. A finding of abandonment may
825 also be based upon emotional abuse or a refusal to provide
826 reasonable financial support, when able, to a birth mother
827 during her pregnancy or on whether the person alleged to have
828 abandoned the child, while being able, failed to establish
829 contact with the child or accept responsibility for the child's
830 welfare.

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

834 1. The period of time for which the parent has been or is
835 expected to be incarcerated will constitute a significant
836 portion of the child's minority. In determining whether the
837 period of time is significant, the court shall consider the
838 child's age and the child's need for a permanent and stable
839 home. The period of time begins on the date that the parent
840 enters into incarceration;

841 2. The incarcerated parent has been determined by a court
842 of competent jurisdiction to be a violent career criminal as
843 defined in s. 775.084, a habitual violent felony offender as
844 defined in s. 775.084, convicted of child abuse as defined in s.

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845 827.03, or a sexual predator as defined in s. 775.21; has been
846 convicted of first degree or second degree murder in violation
847 of s. 782.04 or a sexual battery that constitutes a capital,
848 life, or first degree felony violation of s. 794.011; or has
849 been convicted of a substantially similar offense in another
850 jurisdiction. As used in this section, the term "substantially
851 similar offense" means any offense that is substantially similar
852 in elements and penalties to one of those listed in this
853 subparagraph, and that is in violation of a law of any other
854 jurisdiction, whether that of another state, the District of
855 Columbia, the United States or any possession or territory
856 thereof, or any foreign jurisdiction; or

857 3. The court determines by clear and convincing evidence
858 that continuing the parental relationship with the incarcerated
859 parent would be harmful to the child and, for this reason,
860 termination of the parental rights of the incarcerated parent is
861 in the best interests of the child.

862 Section 18. For the purpose of incorporating the amendment
863 made by this act to section 782.04, Florida Statutes, in
864 references thereto, subsection (10) of section 95.11, Florida
865 Statutes, is reenacted to read:

866 95.11 Limitations other than for the recovery of real
867 property.—Actions other than for recovery of real property shall
868 be commenced as follows:

869 (10) FOR INTENTIONAL TORTS RESULTING IN DEATH FROM ACTS
870 DESCRIBED IN S. 782.04 OR S. 782.07.—Notwithstanding paragraph
871 (4) (d), an action for wrongful death seeking damages authorized
872 under s. 768.21 brought against a natural person for an
873 intentional tort resulting in death from acts described in s.

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874 782.04 or s. 782.07 may be commenced at any time. This
875 subsection shall not be construed to require an arrest, the
876 filing of formal criminal charges, or a conviction for a
877 violation of s. 782.04 or s. 782.07 as a condition for filing a
878 civil action.

879 Section 19. For the purpose of incorporating the amendment
880 made by this act to section 782.04, Florida Statutes, in
881 references thereto, paragraph (b) of subsection (1) and
882 paragraphs (a), (b), and (c) of subsection (3) of section
883 775.082, Florida Statutes, are reenacted to read:

884 775.082 Penalties; applicability of sentencing structures;
885 mandatory minimum sentences for certain reoffenders previously
886 released from prison.—

887 (1)

888 (b)1. A person who actually killed, intended to kill, or
889 attempted to kill the victim and who is convicted under s.
890 782.04 of a capital felony, or an offense that was reclassified
891 as a capital felony, which was committed before the person
892 attained 18 years of age shall be punished by a term of
893 imprisonment for life if, after a sentencing hearing conducted
894 by the court in accordance with s. 921.1401, the court finds
895 that life imprisonment is an appropriate sentence. If the court
896 finds that life imprisonment is not an appropriate sentence,
897 such person shall be punished by a term of imprisonment of at
898 least 40 years. A person sentenced pursuant to this subparagraph
899 is entitled to a review of his or her sentence in accordance
900 with s. 921.1402(2)(a).

901 2. A person who did not actually kill, intend to kill, or
902 attempt to kill the victim and who is convicted under s. 782.04

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903 of a capital felony, or an offense that was reclassified as a
904 capital felony, which was committed before the person attained
905 18 years of age may be punished by a term of imprisonment for
906 life or by a term of years equal to life if, after a sentencing
907 hearing conducted by the court in accordance with s. 921.1401,
908 the court finds that life imprisonment is an appropriate
909 sentence. A person who is sentenced to a term of imprisonment of
910 more than 15 years is entitled to a review of his or her
911 sentence in accordance with s. 921.1402(2)(c).

912 3. The court shall make a written finding as to whether a
913 person is eligible for a sentence review hearing under s.
914 921.1402(2)(a) or (c). Such a finding shall be based upon
915 whether the person actually killed, intended to kill, or
916 attempted to kill the victim. The court may find that multiple
917 defendants killed, intended to kill, or attempted to kill the
918 victim.

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

921 (a)1. For a life felony committed before October 1, 1983,
922 by a term of imprisonment for life or for a term of at least 30
923 years.

924 2. For a life felony committed on or after October 1, 1983,
925 by a term of imprisonment for life or by a term of imprisonment
926 not exceeding 40 years.

927 3. Except as provided in subparagraph 4., for a life felony
928 committed on or after July 1, 1995, by a term of imprisonment
929 for life or by imprisonment for a term of years not exceeding
930 life imprisonment.

931 4.a. Except as provided in sub-subparagraph b., for a life

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932 felony committed on or after September 1, 2005, which is a
933 violation of s. 800.04(5) (b), by:

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

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

939 b. For a life felony committed on or after July 1, 2008,
940 which is a person's second or subsequent violation of s.
941 800.04(5) (b), by a term of imprisonment for life.

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

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

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

958 c. The court shall make a written finding as to whether a
959 person is eligible for a sentence review hearing under s.
960 921.1402(2) (b) or (c). Such a finding shall be based upon

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961 whether the person actually killed, intended to kill, or
962 attempted to kill the victim. The court may find that multiple
963 defendants killed, intended to kill, or attempted to kill the
964 victim.

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

968 (b)1. For a felony of the first degree, by a term of
969 imprisonment not exceeding 30 years or, when specifically
970 provided by statute, by imprisonment for a term of years not
971 exceeding life imprisonment.

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

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

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

989 c. The court shall make a written finding as to whether a

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990 person is eligible for a sentence review hearing under s.
991 921.1402(2)(b) or (c). Such a finding shall be based upon
992 whether the person actually killed, intended to kill, or
993 attempted to kill the victim. The court may find that multiple
994 defendants killed, intended to kill, or attempted to kill the
995 victim.

996 (c) Notwithstanding paragraphs (a) and (b), a person
997 convicted of an offense that is not included in s. 782.04 but
998 that is an offense that is a life felony or is punishable by a
999 term of imprisonment for life or by a term of years not
1000 exceeding life imprisonment, or an offense that was reclassified
1001 as a life felony or an offense punishable by a term of
1002 imprisonment for life or by a term of years not exceeding life
1003 imprisonment, which was committed before the person attained 18
1004 years of age may be punished by a term of imprisonment for life
1005 or a term of years equal to life imprisonment if the judge
1006 conducts a sentencing hearing in accordance with s. 921.1401 and
1007 finds that life imprisonment or a term of years equal to life
1008 imprisonment is an appropriate sentence. A person who is
1009 sentenced to a term of imprisonment of more than 20 years is
1010 entitled to a review of his or her sentence in accordance with
1011 s. 921.1402(2)(d).

1012 Section 20. For the purpose of incorporating the amendment
1013 made by this act to section 782.04, Florida Statutes, in
1014 references thereto, section 782.065, Florida Statutes, is
1015 reenacted to read:

1016 782.065 Murder; law enforcement officer, correctional
1017 officer, correctional probation officer.—Notwithstanding ss.
1018 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant

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1019 shall be sentenced to life imprisonment without eligibility for
1020 release upon findings by the trier of fact that, beyond a
1021 reasonable doubt:

1022 (1) The defendant committed murder in the first degree in
1023 violation of s. 782.04(1) and a death sentence was not imposed;
1024 murder in the second or third degree in violation of s.
1025 782.04(2), (3), or (4); attempted murder in the first or second
1026 degree in violation of s. 782.04(1)(a)1. or (2); or attempted
1027 felony murder in violation of s. 782.051; and

1028 (2) The victim of any offense described in subsection (1)
1029 was a law enforcement officer, part-time law enforcement
1030 officer, auxiliary law enforcement officer, correctional
1031 officer, part-time correctional officer, auxiliary correctional
1032 officer, correctional probation officer, part-time correctional
1033 probation officer, or auxiliary correctional probation officer,
1034 as those terms are defined in s. 943.10, engaged in the lawful
1035 performance of a legal duty.

1036 Section 21. For the purpose of incorporating the amendment
1037 made by this act to section 782.04, Florida Statutes, in a
1038 reference thereto, subsection (1) of section 921.16, Florida
1039 Statutes, is reenacted to read:

1040 921.16 When sentences to be concurrent and when
1041 consecutive.—

1042 (1) A defendant convicted of two or more offenses charged
1043 in the same indictment, information, or affidavit or in
1044 consolidated indictments, informations, or affidavits shall
1045 serve the sentences of imprisonment concurrently unless the
1046 court directs that two or more of the sentences be served
1047 consecutively. Sentences of imprisonment for offenses not

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1048 charged in the same indictment, information, or affidavit shall
1049 be served consecutively unless the court directs that two or
1050 more of the sentences be served concurrently. Any sentence for
1051 sexual battery as defined in chapter 794 or murder as defined in
1052 s. 782.04 must be imposed consecutively to any other sentence
1053 for sexual battery or murder which arose out of a separate
1054 criminal episode or transaction.

1055 Section 22. For the purpose of incorporating the amendment
1056 made by this act to section 782.04, Florida Statutes, in a
1057 reference thereto, paragraph (a) of subsection (1) of section
1058 948.062, Florida Statutes, is reenacted to read:

1059 948.062 Reviewing and reporting serious offenses committed
1060 by offenders placed on probation or community control.—

1061 (1) The department shall review the circumstances related
1062 to an offender placed on probation or community control who has
1063 been arrested while on supervision for the following offenses:

1064 (a) Any murder as provided in s. 782.04;

1065 Section 23. For the purpose of incorporating the amendment
1066 made by this act to section 782.04, Florida Statutes, in a
1067 reference thereto, paragraph (b) of subsection (3) of section
1068 985.265, Florida Statutes, is reenacted to read:

1069 985.265 Detention transfer and release; education; adult
1070 jails.—

1071 (3)

1072 (b) When a juvenile is released from secure detention or
1073 transferred to nonsecure detention, detention staff shall
1074 immediately notify the appropriate law enforcement agency,
1075 school personnel, and victim if the juvenile is charged with
1076 committing any of the following offenses or attempting to commit

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1077 any of the following offenses:

- 1078 1. Murder, under s. 782.04;
1079 2. Sexual battery, under chapter 794;
1080 3. Stalking, under s. 784.048; or
1081 4. Domestic violence, as defined in s. 741.28.

1082 Section 24. For the purpose of incorporating the amendment
1083 made by this act to section 782.04, Florida Statutes, in a
1084 reference thereto, paragraph (d) of subsection (1) of section
1085 1012.315, Florida Statutes, is reenacted to read:

1086 1012.315 Disqualification from employment.—A person is
1087 ineligible for educator certification, and instructional
1088 personnel and school administrators, as defined in s. 1012.01,
1089 are ineligible for employment in any position that requires
1090 direct contact with students in a district school system,
1091 charter school, or private school that accepts scholarship
1092 students under s. 1002.39 or s. 1002.395, if the person,
1093 instructional personnel, or school administrator has been
1094 convicted of:

1095 (1) Any felony offense prohibited under any of the
1096 following statutes:

1097 (d) Section 782.04, relating to murder.

1098 Section 25. For the purpose of incorporating the amendment
1099 made by this act to sections 782.04 and 943.0435, Florida
1100 Statutes, in references thereto, paragraph (g) of subsection (2)
1101 of section 1012.467, Florida Statutes, is reenacted to read:

1102 1012.467 Noninstructional contractors who are permitted
1103 access to school grounds when students are present; background
1104 screening requirements.—

1105 (2)

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1106 (g) A noninstructional contractor for whom a criminal
1107 history check is required under this section may not have been
1108 convicted of any of the following offenses designated in the
1109 Florida Statutes, any similar offense in another jurisdiction,
1110 or any similar offense committed in this state which has been
1111 redesignated from a former provision of the Florida Statutes to
1112 one of the following offenses:

1113 1. Any offense listed in s. 943.0435(1)(a)1., relating to
1114 the registration of an individual as a sexual offender.

1115 2. Section 393.135, relating to sexual misconduct with
1116 certain developmentally disabled clients and the reporting of
1117 such sexual misconduct.

1118 3. Section 394.4593, relating to sexual misconduct with
1119 certain mental health patients and the reporting of such sexual
1120 misconduct.

1121 4. Section 775.30, relating to terrorism.

1122 5. Section 782.04, relating to murder.

1123 6. Section 787.01, relating to kidnapping.

1124 7. Any offense under chapter 800, relating to lewdness and
1125 indecent exposure.

1126 8. Section 826.04, relating to incest.

1127 9. Section 827.03, relating to child abuse, aggravated
1128 child abuse, or neglect of a child.

1129 Section 26. For the purpose of incorporating the amendment
1130 made by this act to section 782.04, Florida Statutes, in
1131 references thereto, subsections (1) and (2) of section 775.0823,
1132 Florida Statutes, are reenacted to read:

1133 775.0823 Violent offenses committed against law enforcement
1134 officers, correctional officers, state attorneys, assistant

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1135 state attorneys, justices, or judges.—The Legislature does
1136 hereby provide for an increase and certainty of penalty for any
1137 person convicted of a violent offense against any law
1138 enforcement or correctional officer, as defined in s. 943.10(1),
1139 (2), (3), (6), (7), (8), or (9); against any state attorney
1140 elected pursuant to s. 27.01 or assistant state attorney
1141 appointed under s. 27.181; or against any justice or judge of a
1142 court described in Art. V of the State Constitution, which
1143 offense arises out of or in the scope of the officer's duty as a
1144 law enforcement or correctional officer, the state attorney's or
1145 assistant state attorney's duty as a prosecutor or investigator,
1146 or the justice's or judge's duty as a judicial officer, as
1147 follows:

1148 (1) For murder in the first degree as described in s.
1149 782.04(1), if the death sentence is not imposed, a sentence of
1150 imprisonment for life without eligibility for release.

1151 (2) For attempted murder in the first degree as described
1152 in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083,
1153 or s. 775.084.

1154
1155 Notwithstanding the provisions of s. 948.01, with respect to any
1156 person who is found to have violated this section, adjudication
1157 of guilt or imposition of sentence shall not be suspended,
1158 deferred, or withheld.

1159 Section 27. For the purpose of incorporating the amendment
1160 made by this act to section 782.04, Florida Statutes, in a
1161 reference thereto, paragraph (i) of subsection (3) of section
1162 921.0022, Florida Statutes, is reenacted to read:

1163 921.0022 Criminal Punishment Code; offense severity ranking

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chart.—

(3) OFFENSE SEVERITY RANKING CHART

(i) LEVEL 9

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

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or exceeding \$100,000.

655.50(10)(b)3. 1st Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.

775.0844 1st Aggravated white collar crime.

782.04(1) 1st Attempt, conspire, or solicit to commit premeditated murder.

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).

782.07(2) 1st Aggravated manslaughter of an elderly person or disabled adult.

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1182

787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward or as a shield or hostage.

1183

787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or facilitate commission of any felony.

1184

787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere with performance of any governmental or political function.

1185

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.

1186

787.06(3)(c)1. 1st Human trafficking for labor and services of an unauthorized alien child.

787.06(3)(d) 1st Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.

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1187

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.

1188

790.161 1st Attempted capital destructive
device offense.

1189

790.166(2) 1st,PBL Possessing, selling, using, or
attempting to use a weapon of
mass destruction.

1190

794.011(2) 1st Attempted sexual battery;
victim less than 12 years of
age.

1191

794.011(2) Life Sexual battery; offender
younger than 18 years and
commits sexual battery on a
person less than 12 years.

1192

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.

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794.011 (4) (b) 1st Sexual battery, certain circumstances; victim and offender 18 years of age or older.

1195

794.011 (4) (c) 1st Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.

1196

794.011 (4) (d) 1st,PBL Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.

1197

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.

1198

794.08 (2) 1st Female genital mutilation; victim younger than 18 years of age.

1199

800.04 (5) (b) Life Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.

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1200

812.13 (2) (a) 1st,PBL Robbery with firearm or other
deadly weapon.

1201

812.133 (2) (a) 1st,PBL Carjacking; firearm or other
deadly weapon.

1202

812.135 (2) (b) 1st Home-invasion robbery with
weapon.

1203

817.535 (3) (b) 1st Filing false lien or other
unauthorized document; second
or subsequent offense; property
owner is a public officer or
employee.

1204

817.535 (4) (a) 2. 1st Filing false claim or other
unauthorized document;
defendant is incarcerated or
under supervision.

1205

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.

817.568 (7) 2nd, Fraudulent use of personal
PBL identification information of

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1206			an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
1207	827.03 (2) (a)	1st	Aggravated child abuse.
1208	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
1209	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
1210	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.
1211	893.135	1st	Attempted capital trafficking offense.
1212	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.

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893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.
893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.

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893.135 1st Trafficking in 1,4-Butanediol,
(1) (j) 1.c. 10 kilograms or more.

1222

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

1223

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

1224

1225

1226 Section 28. For the purpose of incorporating the amendment
1227 made by this act to section 782.04, Florida Statutes, in a
1228 reference thereto, paragraph (i) of subsection (3) of section
1229 947.146, Florida Statutes, is reenacted to read:

1230 947.146 Control Release Authority.—

1231 (3) Within 120 days prior to the date the state
1232 correctional system is projected pursuant to s. 216.136 to
1233 exceed 99 percent of total capacity, the authority shall
1234 determine eligibility for and establish a control release date
1235 for an appropriate number of parole ineligible inmates committed
1236 to the department and incarcerated within the state who have
1237 been determined by the authority to be eligible for

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1238 discretionary early release pursuant to this section. In
1239 establishing control release dates, it is the intent of the
1240 Legislature that the authority prioritize consideration of
1241 eligible inmates closest to their tentative release date. The
1242 authority shall rely upon commitment data on the offender
1243 information system maintained by the department to initially
1244 identify inmates who are to be reviewed for control release
1245 consideration. The authority may use a method of objective risk
1246 assessment in determining if an eligible inmate should be
1247 released. Such assessment shall be a part of the department's
1248 management information system. However, the authority shall have
1249 sole responsibility for determining control release eligibility,
1250 establishing a control release date, and effectuating the
1251 release of a sufficient number of inmates to maintain the inmate
1252 population between 99 percent and 100 percent of total capacity.
1253 Inmates who are ineligible for control release are inmates who
1254 are parole eligible or inmates who:

1255 (i) Are convicted, or have been previously convicted, of
1256 committing or attempting to commit murder in the first, second,
1257 or third degree under s. 782.04(1), (2), (3), or (4), or have
1258 ever been convicted of any degree of murder or attempted murder
1259 in another jurisdiction;

1260
1261 In making control release eligibility determinations under this
1262 subsection, the authority may rely on any document leading to or
1263 generated during the course of the criminal proceedings,
1264 including, but not limited to, any presentence or postsentence
1265 investigation or any information contained in arrest reports
1266 relating to circumstances of the offense.

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1267 Section 29. For the purpose of incorporating the amendment
1268 made by this act to section 782.04, Florida Statutes, in a
1269 reference thereto, paragraph (a) of subsection (9) of section
1270 394.912, Florida Statutes, is reenacted to read:

1271 394.912 Definitions.—As used in this part, the term:

1272 (9) "Sexually violent offense" means:

1273 (a) Murder of a human being while engaged in sexual battery
1274 in violation of s. 782.04(1)(a)2.;

1275 Section 30. For the purpose of incorporating the amendment
1276 made by this act to section 787.06, Florida Statutes, in a
1277 reference thereto, subsection (19) of section 775.15, Florida
1278 Statutes, is reenacted to read:

1279 775.15 Time limitations; general time limitations;
1280 exceptions.—

1281 (19) A prosecution for a violation of s. 787.06 may be
1282 commenced at any time. This subsection applies to any such
1283 offense except an offense the prosecution of which would have
1284 been barred by subsection (2) on or before October 1, 2014.

1285 Section 31. For the purpose of incorporating the amendment
1286 made by this act to section 796.07, Florida Statutes, in a
1287 reference thereto, subsection (4) of section 60.05, Florida
1288 Statutes, is reenacted to read:

1289 60.05 Abatement of nuisances.—

1290 (4) On trial if the existence of a nuisance is shown, the
1291 court shall issue a permanent injunction and order the costs to
1292 be paid by the persons establishing or maintaining the nuisance
1293 and shall adjudge that the costs are a lien on all personal
1294 property found in the place of the nuisance and on the failure
1295 of the property to bring enough to pay the costs, then on the

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1296 real estate occupied by the nuisance. No lien shall attach to
1297 the real estate of any other than said persons unless 5 days'
1298 written notice has been given to the owner or his or her agent
1299 who fails to begin to abate the nuisance within said 5 days. In
1300 a proceeding abating a nuisance pursuant to s. 823.10 or s.
1301 823.05, if a tenant has been convicted of an offense under
1302 chapter 893 or s. 796.07, the court may order the tenant to
1303 vacate the property within 72 hours if the tenant and owner of
1304 the premises are parties to the nuisance abatement action and
1305 the order will lead to the abatement of the nuisance.

1306 Section 32. For the purpose of incorporating the amendment
1307 made by this act to section 796.07, Florida Statutes, in a
1308 reference thereto, paragraph (m) of subsection (1) of section
1309 775.0877, Florida Statutes, is reenacted to read:

1310 775.0877 Criminal transmission of HIV; procedures;
1311 penalties.—

1312 (1) In any case in which a person has been convicted of or
1313 has pled nolo contendere or guilty to, regardless of whether
1314 adjudication is withheld, any of the following offenses, or the
1315 attempt thereof, which offense or attempted offense involves the
1316 transmission of body fluids from one person to another:

1317 (m) Sections 796.07 and 796.08, relating to prostitution;
1318

1319 the court shall order the offender to undergo HIV testing, to be
1320 performed under the direction of the Department of Health in
1321 accordance with s. 381.004, unless the offender has undergone
1322 HIV testing voluntarily or pursuant to procedures established in
1323 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
1324 rule providing for HIV testing of criminal offenders or inmates,

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1325 subsequent to her or his arrest for an offense enumerated in
1326 paragraphs (a)-(n) for which she or he was convicted or to which
1327 she or he pled nolo contendere or guilty. The results of an HIV
1328 test performed on an offender pursuant to this subsection are
1329 not admissible in any criminal proceeding arising out of the
1330 alleged offense.

1331 Section 33. For the purpose of incorporating the amendment
1332 made by this act to section 796.07, Florida Statutes, in
1333 references thereto, subsections (2) and (3) of section 796.08,
1334 Florida Statutes, are reenacted to read:

1335 796.08 Screening for HIV and sexually transmissible
1336 diseases; providing penalties.—

1337 (2) A person arrested under s. 796.07 may request screening
1338 for a sexually transmissible disease under direction of the
1339 Department of Health and, if infected, shall submit to
1340 appropriate treatment and counseling. A person who requests
1341 screening for a sexually transmissible disease under this
1342 subsection must pay any costs associated with such screening.

1343 (3) A person convicted under s. 796.07 of prostitution or
1344 procuring another to commit prostitution must undergo screening
1345 for a sexually transmissible disease, including, but not limited
1346 to, screening to detect exposure to the human immunodeficiency
1347 virus, under direction of the Department of Health. If the
1348 person is infected, he or she must submit to treatment and
1349 counseling prior to release from probation, community control,
1350 or incarceration. Notwithstanding the provisions of s. 384.29,
1351 the results of tests conducted pursuant to this subsection shall
1352 be made available by the Department of Health to the offender,
1353 medical personnel, appropriate state agencies, state attorneys,

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1354 and courts of appropriate jurisdiction in need of such
1355 information in order to enforce the provisions of this chapter.

1356 Section 34. For the purpose of incorporating the amendment
1357 made by this act to section 796.07, Florida Statutes, in a
1358 reference thereto, subsection (2) of section 796.09, Florida
1359 Statutes, is reenacted to read:

1360 796.09 Coercion; civil cause of action; evidence; defenses;
1361 attorney's fees.—

1362 (2) As used in this section, the term "prostitution" has
1363 the same meaning as in s. 796.07.

1364 Section 35. For the purpose of incorporating the amendment
1365 made by this act to section 796.07, Florida Statutes, in a
1366 reference thereto, paragraph (a) of subsection (1) of section
1367 895.02, Florida Statutes, is reenacted to read:

1368 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

1369 (1) "Racketeering activity" means to commit, to attempt to
1370 commit, to conspire to commit, or to solicit, coerce, or
1371 intimidate another person to commit:

1372 (a) Any crime that is chargeable by petition, indictment,
1373 or information under the following provisions of the Florida
1374 Statutes:

1375 1. Section 210.18, relating to evasion of payment of
1376 cigarette taxes.

1377 2. Section 316.1935, relating to fleeing or attempting to
1378 elude a law enforcement officer and aggravated fleeing or
1379 eluding.

1380 3. Section 403.727(3)(b), relating to environmental
1381 control.

1382 4. Section 409.920 or s. 409.9201, relating to Medicaid

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- 1383 fraud.
- 1384 5. Section 414.39, relating to public assistance fraud.
- 1385 6. Section 440.105 or s. 440.106, relating to workers'
- 1386 compensation.
- 1387 7. Section 443.071(4), relating to creation of a fictitious
- 1388 employer scheme to commit reemployment assistance fraud.
- 1389 8. Section 465.0161, relating to distribution of medicinal
- 1390 drugs without a permit as an Internet pharmacy.
- 1391 9. Section 499.0051, relating to crimes involving
- 1392 contraband and adulterated drugs.
- 1393 10. Part IV of chapter 501, relating to telemarketing.
- 1394 11. Chapter 517, relating to sale of securities and
- 1395 investor protection.
- 1396 12. Section 550.235 or s. 550.3551, relating to dogracing
- 1397 and horseracing.
- 1398 13. Chapter 550, relating to jai alai frontons.
- 1399 14. Section 551.109, relating to slot machine gaming.
- 1400 15. Chapter 552, relating to the manufacture, distribution,
- 1401 and use of explosives.
- 1402 16. Chapter 560, relating to money transmitters, if the
- 1403 violation is punishable as a felony.
- 1404 17. Chapter 562, relating to beverage law enforcement.
- 1405 18. Section 624.401, relating to transacting insurance
- 1406 without a certificate of authority, s. 624.437(4)(c)1., relating
- 1407 to operating an unauthorized multiple-employer welfare
- 1408 arrangement, or s. 626.902(1)(b), relating to representing or
- 1409 aiding an unauthorized insurer.
- 1410 19. Section 655.50, relating to reports of currency
- 1411 transactions, when such violation is punishable as a felony.

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- 1412 20. Chapter 687, relating to interest and usurious
1413 practices.
- 1414 21. Section 721.08, s. 721.09, or s. 721.13, relating to
1415 real estate timeshare plans.
- 1416 22. Section 775.13(5)(b), relating to registration of
1417 persons found to have committed any offense for the purpose of
1418 benefiting, promoting, or furthering the interests of a criminal
1419 gang.
- 1420 23. Section 777.03, relating to commission of crimes by
1421 accessories after the fact.
- 1422 24. Chapter 782, relating to homicide.
- 1423 25. Chapter 784, relating to assault and battery.
- 1424 26. Chapter 787, relating to kidnapping or human
1425 trafficking.
- 1426 27. Chapter 790, relating to weapons and firearms.
- 1427 28. Chapter 794, relating to sexual battery, but only if
1428 such crime was committed with the intent to benefit, promote, or
1429 further the interests of a criminal gang, or for the purpose of
1430 increasing a criminal gang member's own standing or position
1431 within a criminal gang.
- 1432 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
1433 796.05, or s. 796.07, relating to prostitution.
- 1434 30. Chapter 806, relating to arson and criminal mischief.
- 1435 31. Chapter 810, relating to burglary and trespass.
- 1436 32. Chapter 812, relating to theft, robbery, and related
1437 crimes.
- 1438 33. Chapter 815, relating to computer-related crimes.
- 1439 34. Chapter 817, relating to fraudulent practices, false
1440 pretenses, fraud generally, and credit card crimes.

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- 1441 35. Chapter 825, relating to abuse, neglect, or
1442 exploitation of an elderly person or disabled adult.
- 1443 36. Section 827.071, relating to commercial sexual
1444 exploitation of children.
- 1445 37. Section 828.122, relating to fighting or baiting
1446 animals.
- 1447 38. Chapter 831, relating to forgery and counterfeiting.
- 1448 39. Chapter 832, relating to issuance of worthless checks
1449 and drafts.
- 1450 40. Section 836.05, relating to extortion.
- 1451 41. Chapter 837, relating to perjury.
- 1452 42. Chapter 838, relating to bribery and misuse of public
1453 office.
- 1454 43. Chapter 843, relating to obstruction of justice.
- 1455 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
1456 s. 847.07, relating to obscene literature and profanity.
- 1457 45. Chapter 849, relating to gambling, lottery, gambling or
1458 gaming devices, slot machines, or any of the provisions within
1459 that chapter.
- 1460 46. Chapter 874, relating to criminal gangs.
- 1461 47. Chapter 893, relating to drug abuse prevention and
1462 control.
- 1463 48. Chapter 896, relating to offenses related to financial
1464 transactions.
- 1465 49. Sections 914.22 and 914.23, relating to tampering with
1466 or harassing a witness, victim, or informant, and retaliation
1467 against a witness, victim, or informant.
- 1468 50. Sections 918.12 and 918.13, relating to tampering with
1469 jurors and evidence.

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1470 Section 36. For the purpose of incorporating the amendment
1471 made by this act to section 796.07, Florida Statutes, in a
1472 reference thereto, paragraph (a) of subsection (1) of section
1473 948.16, Florida Statutes, is reenacted to read:

1474 948.16 Misdemeanor pretrial substance abuse education and
1475 treatment intervention program; misdemeanor pretrial veterans'
1476 treatment intervention program.—

1477 (1) (a) A person who is charged with a nonviolent,
1478 nontraffic-related misdemeanor and identified as having a
1479 substance abuse problem or who is charged with a misdemeanor for
1480 possession of a controlled substance or drug paraphernalia under
1481 chapter 893, prostitution under s. 796.07, possession of alcohol
1482 while under 21 years of age under s. 562.111, or possession of a
1483 controlled substance without a valid prescription under s.
1484 499.03, and who has not previously been convicted of a felony,
1485 is eligible for voluntary admission into a misdemeanor pretrial
1486 substance abuse education and treatment intervention program,
1487 including a treatment-based drug court program established
1488 pursuant to s. 397.334, approved by the chief judge of the
1489 circuit, for a period based on the program requirements and the
1490 treatment plan for the offender, upon motion of either party or
1491 the court's own motion, except, if the state attorney believes
1492 the facts and circumstances of the case suggest the defendant is
1493 involved in dealing and selling controlled substances, the court
1494 shall hold a preadmission hearing. If the state attorney
1495 establishes, by a preponderance of the evidence at such hearing,
1496 that the defendant was involved in dealing or selling controlled
1497 substances, the court shall deny the defendant's admission into
1498 the pretrial intervention program.

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1499 Section 37. For the purpose of incorporating the amendment
1500 made by this act to section 775.21, Florida Statutes, in a
1501 reference thereto, paragraph (a) of subsection (3) of section
1502 39.0139, Florida Statutes, is reenacted to read:

1503 39.0139 Visitation or other contact; restrictions.—

1504 (3) PRESUMPTION OF DETRIMENT.—

1505 (a) A rebuttable presumption of detriment to a child is
1506 created when:

1507 1. A court of competent jurisdiction has found probable
1508 cause exists that a parent or caregiver has sexually abused a
1509 child as defined in s. 39.01;

1510 2. A parent or caregiver has been found guilty of,
1511 regardless of adjudication, or has entered a plea of guilty or
1512 nolo contendere to, charges under the following statutes or
1513 substantially similar statutes of other jurisdictions:

1514 a. Section 787.04, relating to removing minors from the
1515 state or concealing minors contrary to court order;

1516 b. Section 794.011, relating to sexual battery;

1517 c. Section 798.02, relating to lewd and lascivious
1518 behavior;

1519 d. Chapter 800, relating to lewdness and indecent exposure;

1520 e. Section 826.04, relating to incest; or

1521 f. Chapter 827, relating to the abuse of children; or

1522 3. A court of competent jurisdiction has determined a
1523 parent or caregiver to be a sexual predator as defined in s.
1524 775.21 or a parent or caregiver has received a substantially
1525 similar designation under laws of another jurisdiction.

1526 Section 38. For the purpose of incorporating the amendment
1527 made by this act to section 775.21, Florida Statutes, in a

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1528 reference thereto, paragraph (b) of subsection (6) of section
1529 39.509, Florida Statutes, is reenacted to read:

1530 39.509 Grandparents rights.—Notwithstanding any other
1531 provision of law, a maternal or paternal grandparent as well as
1532 a stepgrandparent is entitled to reasonable visitation with his
1533 or her grandchild who has been adjudicated a dependent child and
1534 taken from the physical custody of the parent unless the court
1535 finds that such visitation is not in the best interest of the
1536 child or that such visitation would interfere with the goals of
1537 the case plan. Reasonable visitation may be unsupervised and,
1538 where appropriate and feasible, may be frequent and continuing.
1539 Any order for visitation or other contact must conform to the
1540 provisions of s. 39.0139.

1541 (6) In determining whether grandparental visitation is not
1542 in the child's best interest, consideration may be given to the
1543 following:

1544 (b) The designation by a court as a sexual predator as
1545 defined in s. 775.21 or a substantially similar designation
1546 under laws of another jurisdiction.

1547 Section 39. For the purpose of incorporating the amendment
1548 made by this act to section 775.21, Florida Statutes, in a
1549 reference thereto, subsection (3) of section 63.092, Florida
1550 Statutes, is reenacted to read:

1551 63.092 Report to the court of intended placement by an
1552 adoption entity; at-risk placement; preliminary study.—

1553 (3) PRELIMINARY HOME STUDY.—Before placing the minor in the
1554 intended adoptive home, a preliminary home study must be
1555 performed by a licensed child-placing agency, a child-caring
1556 agency registered under s. 409.176, a licensed professional, or

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1557 an agency described in s. 61.20(2), unless the adoptee is an
1558 adult or the petitioner is a stepparent or a relative. If the
1559 adoptee is an adult or the petitioner is a stepparent or a
1560 relative, a preliminary home study may be required by the court
1561 for good cause shown. The department is required to perform the
1562 preliminary home study only if there is no licensed child-
1563 placing agency, child-caring agency registered under s. 409.176,
1564 licensed professional, or agency described in s. 61.20(2), in
1565 the county where the prospective adoptive parents reside. The
1566 preliminary home study must be made to determine the suitability
1567 of the intended adoptive parents and may be completed prior to
1568 identification of a prospective adoptive minor. A favorable
1569 preliminary home study is valid for 1 year after the date of its
1570 completion. Upon its completion, a signed copy of the home study
1571 must be provided to the intended adoptive parents who were the
1572 subject of the home study. A minor may not be placed in an
1573 intended adoptive home before a favorable preliminary home study
1574 is completed unless the adoptive home is also a licensed foster
1575 home under s. 409.175. The preliminary home study must include,
1576 at a minimum:

- 1577 (a) An interview with the intended adoptive parents;
1578 (b) Records checks of the department's central abuse
1579 registry and criminal records correspondence checks under s.
1580 39.0138 through the Department of Law Enforcement on the
1581 intended adoptive parents;
1582 (c) An assessment of the physical environment of the home;
1583 (d) A determination of the financial security of the
1584 intended adoptive parents;
1585 (e) Documentation of counseling and education of the

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1586 intended adoptive parents on adoptive parenting;

1587 (f) Documentation that information on adoption and the
1588 adoption process has been provided to the intended adoptive
1589 parents;

1590 (g) Documentation that information on support services
1591 available in the community has been provided to the intended
1592 adoptive parents; and

1593 (h) A copy of each signed acknowledgment of receipt of
1594 disclosure required by s. 63.085.

1595

1596 If the preliminary home study is favorable, a minor may be
1597 placed in the home pending entry of the judgment of adoption. A
1598 minor may not be placed in the home if the preliminary home
1599 study is unfavorable. If the preliminary home study is
1600 unfavorable, the adoption entity may, within 20 days after
1601 receipt of a copy of the written recommendation, petition the
1602 court to determine the suitability of the intended adoptive
1603 home. A determination as to suitability under this subsection
1604 does not act as a presumption of suitability at the final
1605 hearing. In determining the suitability of the intended adoptive
1606 home, the court must consider the totality of the circumstances
1607 in the home. A minor may not be placed in a home in which there
1608 resides any person determined by the court to be a sexual
1609 predator as defined in s. 775.21 or to have been convicted of an
1610 offense listed in s. 63.089(4)(b)2.

1611 Section 40. For the purpose of incorporating the amendments
1612 made by this act to sections 775.21 and 943.0435, Florida
1613 Statutes, in references thereto, paragraph (i) of subsection (3)
1614 and subsection (6) of section 68.07, Florida Statutes, are

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1615 reenacted to read:

1616 68.07 Change of name.—

1617 (3) Each petition shall be verified and show:

1618 (i) Whether the petitioner has ever been required to
1619 register as a sexual predator under s. 775.21 or as a sexual
1620 offender under s. 943.0435.

1621 (6) The clerk of the court must, within 5 business days
1622 after the filing of the final judgment, send a report of the
1623 judgment to the Department of Law Enforcement on a form to be
1624 furnished by that department. If the petitioner is required to
1625 register as a sexual predator or a sexual offender pursuant to
1626 s. 775.21 or s. 943.0435, the clerk of court shall
1627 electronically notify the Department of Law Enforcement of the
1628 name change, in a manner prescribed by that department, within 2
1629 business days after the filing of the final judgment. The
1630 Department of Law Enforcement must send a copy of the report to
1631 the Department of Highway Safety and Motor Vehicles, which may
1632 be delivered by electronic transmission. The report must contain
1633 sufficient information to identify the petitioner, including the
1634 results of the criminal history records check if applicable, the
1635 new name of the petitioner, and the file number of the judgment.
1636 The Department of Highway Safety and Motor Vehicles shall
1637 monitor the records of any sexual predator or sexual offender
1638 whose name has been provided to it by the Department of Law
1639 Enforcement. If the sexual predator or sexual offender does not
1640 obtain a replacement driver license or identification card
1641 within the required time as specified in s. 775.21 or s.
1642 943.0435, the Department of Highway Safety and Motor Vehicles
1643 shall notify the Department of Law Enforcement. The Department

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1644 of Law Enforcement shall notify applicable law enforcement
1645 agencies of the predator's or offender's failure to comply with
1646 registration requirements. Any information retained by the
1647 Department of Law Enforcement and the Department of Highway
1648 Safety and Motor Vehicles may be revised or supplemented by said
1649 departments to reflect changes made by the final judgment. With
1650 respect to a person convicted of a felony in another state or of
1651 a federal offense, the Department of Law Enforcement must send
1652 the report to the respective state's office of law enforcement
1653 records or to the office of the Federal Bureau of Investigation.
1654 The Department of Law Enforcement may forward the report to any
1655 other law enforcement agency it believes may retain information
1656 related to the petitioner.

1657 Section 41. For the purpose of incorporating the amendments
1658 made by this act to sections 775.21, 943.0435, and 944.607,
1659 Florida Statutes, in references thereto, subsection (3) of
1660 section 322.141, Florida Statutes, is reenacted to read:

1661 322.141 Color or markings of certain licenses or
1662 identification cards.—

1663 (3) All licenses for the operation of motor vehicles or
1664 identification cards originally issued or reissued by the
1665 department to persons who are designated as sexual predators
1666 under s. 775.21 or subject to registration as sexual offenders
1667 under s. 943.0435 or s. 944.607, or who have a similar
1668 designation or are subject to a similar registration under the
1669 laws of another jurisdiction, shall have on the front of the
1670 license or identification card the following:

1671 (a) For a person designated as a sexual predator under s.
1672 775.21 or who has a similar designation under the laws of

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1673 another jurisdiction, the marking "SEXUAL PREDATOR."

1674 (b) For a person subject to registration as a sexual
1675 offender under s. 943.0435 or s. 944.607, or subject to a
1676 similar registration under the laws of another jurisdiction, the
1677 marking "943.0435, F.S."

1678 Section 42. For the purpose of incorporating the amendments
1679 made by this act to sections 775.21 and 943.0435, Florida
1680 Statutes, in references thereto, paragraphs (a) and (c) of
1681 subsection (2) of section 397.4872, Florida Statutes, are
1682 reenacted to read:

1683 397.4872 Exemption from disqualification; publication.—

1684 (2) The department may exempt a person from ss. 397.487(6)
1685 and 397.4871(5) if it has been at least 3 years since the person
1686 has completed or been lawfully released from confinement,
1687 supervision, or sanction for the disqualifying offense. An
1688 exemption from the disqualifying offenses may not be given under
1689 any circumstances for any person who is a:

1690 (a) Sexual predator pursuant to s. 775.21;

1691 (c) Sexual offender pursuant to s. 943.0435, unless the
1692 requirement to register as a sexual offender has been removed
1693 pursuant to s. 943.04354.

1694 Section 43. For the purpose of incorporating the amendments
1695 made by this act to sections 775.21, 943.0435, and 944.607,
1696 Florida Statutes, in references thereto, paragraphs (e) and (f)
1697 of subsection (4) of section 775.13, Florida Statutes, are
1698 reenacted to read:

1699 775.13 Registration of convicted felons, exemptions;
1700 penalties.—

1701 (4) This section does not apply to an offender:

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1702 (e) Who is a sexual predator and has registered as required
1703 under s. 775.21;

1704 (f) Who is a sexual offender and has registered as required
1705 in s. 943.0435 or s. 944.607; or

1706 Section 44. For the purpose of incorporating the amendments
1707 made by this act to sections 775.21, 943.0435, 944.606, and
1708 944.607, Florida Statutes, in references thereto, section
1709 775.25, Florida Statutes, is reenacted to read:

1710 775.25 Prosecutions for acts or omissions.—A sexual
1711 predator or sexual offender who commits any act or omission in
1712 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
1713 944.607, or former s. 947.177 may be prosecuted for the act or
1714 omission in the county in which the act or omission was
1715 committed, in the county of the last registered address of the
1716 sexual predator or sexual offender, in the county in which the
1717 conviction occurred for the offense or offenses that meet the
1718 criteria for designating a person as a sexual predator or sexual
1719 offender, in the county where the sexual predator or sexual
1720 offender was released from incarceration, or in the county of
1721 the intended address of the sexual predator or sexual offender
1722 as reported by the predator or offender prior to his or her
1723 release from incarceration. In addition, a sexual predator may
1724 be prosecuted for any such act or omission in the county in
1725 which he or she was designated a sexual predator.

1726 Section 45. For the purpose of incorporating the amendments
1727 made by this act to sections 775.21, 943.0435, and 944.607,
1728 Florida Statutes, in references thereto, paragraph (b) of
1729 subsection (3) of section 775.261, Florida Statutes, is
1730 reenacted to read:

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1731 775.261 The Florida Career Offender Registration Act.—

1732 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

1733 (b) This section does not apply to any person who has been
1734 designated as a sexual predator and required to register under
1735 s. 775.21 or who is required to register as a sexual offender
1736 under s. 943.0435 or s. 944.607. However, if a person is no
1737 longer required to register as a sexual predator under s. 775.21
1738 or as a sexual offender under s. 943.0435 or s. 944.607, the
1739 person must register as a career offender under this section if
1740 the person is otherwise designated as a career offender as
1741 provided in this section.

1742 Section 46. For the purpose of incorporating the amendment
1743 made by this act to section 775.21, Florida Statutes, in a
1744 reference thereto, subsection (1) of section 794.075, Florida
1745 Statutes, is reenacted to read:

1746 794.075 Sexual predators; erectile dysfunction drugs.—

1747 (1) A person may not possess a prescription drug, as
1748 defined in s. 499.003(43), for the purpose of treating erectile
1749 dysfunction if the person is designated as a sexual predator
1750 under s. 775.21.

1751 Section 47. For the purpose of incorporating the amendment
1752 made by this act to section 775.21, Florida Statutes, in a
1753 reference thereto, paragraph (c) of subsection (1) of section
1754 903.0351, Florida Statutes, is reenacted to read:

1755 903.0351 Restrictions on pretrial release pending
1756 probation-violation hearing or community-control-violation
1757 hearing.—

1758 (1) In the instance of an alleged violation of felony
1759 probation or community control, bail or any other form of

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1760 pretrial release shall not be granted prior to the resolution of
1761 the probation-violation hearing or the community-control-
1762 violation hearing to:

1763 (c) A person who is on felony probation or community
1764 control and has previously been found by a court to be a
1765 habitual violent felony offender as defined in s. 775.084(1)(b),
1766 a three-time violent felony offender as defined in s.
1767 775.084(1)(c), or a sexual predator under s. 775.21, and who is
1768 arrested for committing a qualifying offense as defined in s.
1769 948.06(8)(c) on or after the effective date of this act.

1770 Section 48. For the purpose of incorporating the amendments
1771 made by this act to sections 775.21 and 943.0435, Florida
1772 Statutes, in references thereto, paragraph (m) of subsection (2)
1773 of section 903.046, Florida Statutes, is reenacted to read:

1774 903.046 Purpose of and criteria for bail determination.—

1775 (2) When determining whether to release a defendant on bail
1776 or other conditions, and what that bail or those conditions may
1777 be, the court shall consider:

1778 (m) Whether the defendant, other than a defendant whose
1779 only criminal charge is a misdemeanor offense under chapter 316,
1780 is required to register as a sexual offender under s. 943.0435
1781 or a sexual predator under s. 775.21; and, if so, he or she is
1782 not eligible for release on bail or surety bond until the first
1783 appearance on the case in order to ensure the full participation
1784 of the prosecutor and the protection of the public.

1785 Section 49. For the purpose of incorporating the amendment
1786 made by this act to section 775.21, Florida Statutes, in a
1787 reference thereto, paragraph (o) of subsection (5) of section
1788 921.141, Florida Statutes, is reenacted to read:

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1789 921.141 Sentence of death or life imprisonment for capital
1790 felonies; further proceedings to determine sentence.-

1791 (5) AGGRAVATING CIRCUMSTANCES.-Aggravating circumstances
1792 shall be limited to the following:

1793 (o) The capital felony was committed by a person designated
1794 as a sexual predator pursuant to s. 775.21 or a person
1795 previously designated as a sexual predator who had the sexual
1796 predator designation removed.

1797 Section 50. For the purpose of incorporating the amendments
1798 made by this act to sections 775.21 and 943.0435, Florida
1799 Statutes, in references thereto, subsection (1) of section
1800 938.10, Florida Statutes, is reenacted to read:

1801 938.10 Additional court cost imposed in cases of certain
1802 crimes.-

1803 (1) If a person pleads guilty or nolo contendere to, or is
1804 found guilty of, regardless of adjudication, any offense against
1805 a minor in violation of s. 784.085, chapter 787, chapter 794,
1806 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.
1807 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,
1808 s. 893.147(3), or s. 985.701, or any offense in violation of s.
1809 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
1810 court shall impose a court cost of \$151 against the offender in
1811 addition to any other cost or penalty required by law.

1812 Section 51. For the purpose of incorporating the amendments
1813 made by this act to sections 775.21, 944.606, and 944.607,
1814 Florida Statutes, in references thereto, subsections (3), (4),
1815 and (5) of section 943.0435, Florida Statutes, are reenacted to
1816 read:

1817 943.0435 Sexual offenders required to register with the

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1818 department; penalty.—

1819 (3) Within 48 hours after the report required under
1820 subsection (2), a sexual offender shall report in person at a
1821 driver license office of the Department of Highway Safety and
1822 Motor Vehicles, unless a driver license or identification card
1823 that complies with the requirements of s. 322.141(3) was
1824 previously secured or updated under s. 944.607. At the driver
1825 license office the sexual offender shall:

1826 (a) If otherwise qualified, secure a Florida driver
1827 license, renew a Florida driver license, or secure an
1828 identification card. The sexual offender shall identify himself
1829 or herself as a sexual offender who is required to comply with
1830 this section and shall provide proof that the sexual offender
1831 reported as required in subsection (2). The sexual offender
1832 shall provide any of the information specified in subsection
1833 (2), if requested. The sexual offender shall submit to the
1834 taking of a photograph for use in issuing a driver license,
1835 renewed license, or identification card, and for use by the
1836 department in maintaining current records of sexual offenders.

1837 (b) Pay the costs assessed by the Department of Highway
1838 Safety and Motor Vehicles for issuing or renewing a driver
1839 license or identification card as required by this section. The
1840 driver license or identification card issued must be in
1841 compliance with s. 322.141(3).

1842 (c) Provide, upon request, any additional information
1843 necessary to confirm the identity of the sexual offender,
1844 including a set of fingerprints.

1845 (4) (a) Each time a sexual offender's driver license or
1846 identification card is subject to renewal, and, without regard

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1847 to the status of the offender's driver license or identification
1848 card, within 48 hours after any change in the offender's
1849 permanent, temporary, or transient residence or change in the
1850 offender's name by reason of marriage or other legal process,
1851 the offender shall report in person to a driver license office,
1852 and is subject to the requirements specified in subsection (3).
1853 The Department of Highway Safety and Motor Vehicles shall
1854 forward to the department all photographs and information
1855 provided by sexual offenders. Notwithstanding the restrictions
1856 set forth in s. 322.142, the Department of Highway Safety and
1857 Motor Vehicles may release a reproduction of a color-photograph
1858 or digital-image license to the Department of Law Enforcement
1859 for purposes of public notification of sexual offenders as
1860 provided in this section and ss. 943.043 and 944.606. A sexual
1861 offender who is unable to secure or update a driver license or
1862 identification card with the Department of Highway Safety and
1863 Motor Vehicles as provided in subsection (3) and this subsection
1864 shall also report any change in the sexual offender's permanent,
1865 temporary, or transient residence or change in the offender's
1866 name by reason of marriage or other legal process within 48
1867 hours after the change to the sheriff's office in the county
1868 where the offender resides or is located and provide
1869 confirmation that he or she reported such information to the
1870 Department of Highway Safety and Motor Vehicles.

1871 (b)1. A sexual offender who vacates a permanent, temporary,
1872 or transient residence and fails to establish or maintain
1873 another permanent, temporary, or transient residence shall,
1874 within 48 hours after vacating the permanent, temporary, or
1875 transient residence, report in person to the sheriff's office of

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1876 the county in which he or she is located. The sexual offender
1877 shall specify the date upon which he or she intends to or did
1878 vacate such residence. The sexual offender must provide or
1879 update all of the registration information required under
1880 paragraph (2) (b). The sexual offender must provide an address
1881 for the residence or other place that he or she is or will be
1882 located during the time in which he or she fails to establish or
1883 maintain a permanent or temporary residence.

1884 2. A sexual offender shall report in person at the
1885 sheriff's office in the county in which he or she is located
1886 within 48 hours after establishing a transient residence and
1887 thereafter must report in person every 30 days to the sheriff's
1888 office in the county in which he or she is located while
1889 maintaining a transient residence. The sexual offender must
1890 provide the addresses and locations where he or she maintains a
1891 transient residence. Each sheriff's office shall establish
1892 procedures for reporting transient residence information and
1893 provide notice to transient registrants to report transient
1894 residence information as required in this subparagraph.
1895 Reporting to the sheriff's office as required by this
1896 subparagraph does not exempt registrants from any reregistration
1897 requirement. The sheriff may coordinate and enter into
1898 agreements with police departments and other governmental
1899 entities to facilitate additional reporting sites for transient
1900 residence registration required in this subparagraph. The
1901 sheriff's office shall, within 2 business days, electronically
1902 submit and update all information provided by the sexual
1903 offender to the department.

1904 (c) A sexual offender who remains at a permanent,

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1905 temporary, or transient residence after reporting his or her
1906 intent to vacate such residence shall, within 48 hours after the
1907 date upon which the offender indicated he or she would or did
1908 vacate such residence, report in person to the agency to which
1909 he or she reported pursuant to paragraph (b) for the purpose of
1910 reporting his or her address at such residence. When the sheriff
1911 receives the report, the sheriff shall promptly convey the
1912 information to the department. An offender who makes a report as
1913 required under paragraph (b) but fails to make a report as
1914 required under this paragraph commits a felony of the second
1915 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1916 775.084.

1917 (d) The failure of a sexual offender who maintains a
1918 transient residence to report in person to the sheriff's office
1919 every 30 days as required in subparagraph (b)2. is punishable as
1920 provided in subsection (9).

1921 (e) A sexual offender shall register all electronic mail
1922 addresses and Internet identifiers with the department before
1923 using such electronic mail addresses and Internet identifiers.
1924 The department shall establish an online system through which
1925 sexual offenders may securely access and update all electronic
1926 mail address and Internet identifier information.

1927 (5) This section does not apply to a sexual offender who is
1928 also a sexual predator, as defined in s. 775.21. A sexual
1929 predator must register as required under s. 775.21.

1930 Section 52. For the purpose of incorporating the amendments
1931 made by this act to sections 775.21 and 943.0435, Florida
1932 Statutes, in references thereto, paragraph (a) of subsection (4)
1933 and subsection (9) of section 944.607, Florida Statutes, are

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1934 reenacted to read:

1935 944.607 Notification to Department of Law Enforcement of
1936 information on sexual offenders.-

1937 (4) A sexual offender, as described in this section, who is
1938 under the supervision of the Department of Corrections but is
1939 not incarcerated shall register with the Department of
1940 Corrections within 3 business days after sentencing for a
1941 registrable offense and otherwise provide information as
1942 required by this subsection.

1943 (a) The sexual offender shall provide his or her name; date
1944 of birth; social security number; race; sex; height; weight;
1945 hair and eye color; tattoos or other identifying marks; all
1946 electronic mail addresses and Internet identifiers required to
1947 be provided pursuant to s. 943.0435(4)(e); all home telephone
1948 numbers and cellular telephone numbers; the make, model, color,
1949 vehicle identification number (VIN), and license tag number of
1950 all vehicles owned; permanent or legal residence and address of
1951 temporary residence within the state or out of state while the
1952 sexual offender is under supervision in this state, including
1953 any rural route address or post office box; if no permanent or
1954 temporary address, any transient residence within the state; and
1955 address, location or description, and dates of any current or
1956 known future temporary residence within the state or out of
1957 state. The sexual offender shall also produce his or her
1958 passport, if he or she has a passport, and, if he or she is an
1959 alien, shall produce or provide information about documents
1960 establishing his or her immigration status. The sexual offender
1961 shall also provide information about any professional licenses
1962 he or she has. The Department of Corrections shall verify the

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1963 address of each sexual offender in the manner described in ss.
1964 775.21 and 943.0435. The department shall report to the
1965 Department of Law Enforcement any failure by a sexual predator
1966 or sexual offender to comply with registration requirements.

1967 (9) A sexual offender, as described in this section, who is
1968 under the supervision of the Department of Corrections but who
1969 is not incarcerated shall, in addition to the registration
1970 requirements provided in subsection (4), register and obtain a
1971 distinctive driver license or identification card in the manner
1972 provided in s. 943.0435(3), (4), and (5), unless the sexual
1973 offender is a sexual predator, in which case he or she shall
1974 register and obtain a distinctive driver license or
1975 identification card as required under s. 775.21. A sexual
1976 offender who fails to comply with the requirements of s.
1977 943.0435 is subject to the penalties provided in s. 943.0435(9).

1978 Section 53. For the purpose of incorporating the amendments
1979 made by this act to sections 775.21 and 944.607, Florida
1980 Statutes, in references thereto, subsection (7) of section
1981 944.608, Florida Statutes, is reenacted to read:

1982 944.608 Notification to Department of Law Enforcement of
1983 information on career offenders.—

1984 (7) A career offender who is under the supervision of the
1985 department but who is not incarcerated shall, in addition to the
1986 registration requirements provided in subsection (3), register
1987 in the manner provided in s. 775.261(4)(c), unless the career
1988 offender is a sexual predator, in which case he or she shall
1989 register as required under s. 775.21, or is a sexual offender,
1990 in which case he or she shall register as required in s.
1991 944.607. A career offender who fails to comply with the

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1992 requirements of s. 775.261(4) is subject to the penalties
1993 provided in s. 775.261(8).

1994 Section 54. For the purpose of incorporating the amendment
1995 made by this act to section 775.21, Florida Statutes, in
1996 references thereto, subsection (4) of section 944.609, Florida
1997 Statutes, is reenacted to read:

1998 944.609 Career offenders; notification upon release.—

1999 (4) The department or any law enforcement agency may notify
2000 the community and the public of a career offender's presence in
2001 the community. However, with respect to a career offender who
2002 has been found to be a sexual predator under s. 775.21, the
2003 Department of Law Enforcement or any other law enforcement
2004 agency must inform the community and the public of the career
2005 offender's presence in the community, as provided in s. 775.21.

2006 Section 55. For the purpose of incorporating the amendments
2007 made by this act to sections 775.21 and 943.0435, Florida
2008 Statutes, in references thereto, paragraph (c) of subsection (2)
2009 and subsections (10) and (12) of section 947.1405, Florida
2010 Statutes, are reenacted to read:

2011 947.1405 Conditional release program.—

2012 (2) Any inmate who:

2013 (c) Is found to be a sexual predator under s. 775.21 or
2014 former s. 775.23,

2015
2016 shall, upon reaching the tentative release date or provisional
2017 release date, whichever is earlier, as established by the
2018 Department of Corrections, be released under supervision subject
2019 to specified terms and conditions, including payment of the cost
2020 of supervision pursuant to s. 948.09. Such supervision shall be

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2021 applicable to all sentences within the overall term of sentences
2022 if an inmate's overall term of sentences includes one or more
2023 sentences that are eligible for conditional release supervision
2024 as provided herein. Effective July 1, 1994, and applicable for
2025 offenses committed on or after that date, the commission may
2026 require, as a condition of conditional release, that the
2027 releasee make payment of the debt due and owing to a county or
2028 municipal detention facility under s. 951.032 for medical care,
2029 treatment, hospitalization, or transportation received by the
2030 releasee while in that detention facility. The commission, in
2031 determining whether to order such repayment and the amount of
2032 such repayment, shall consider the amount of the debt, whether
2033 there was any fault of the institution for the medical expenses
2034 incurred, the financial resources of the releasee, the present
2035 and potential future financial needs and earning ability of the
2036 releasee, and dependents, and other appropriate factors. If any
2037 inmate placed on conditional release supervision is also subject
2038 to probation or community control, resulting from a probationary
2039 or community control split sentence within the overall term of
2040 sentences, the Department of Corrections shall supervise such
2041 person according to the conditions imposed by the court and the
2042 commission shall defer to such supervision. If the court revokes
2043 probation or community control and resentences the offender to a
2044 term of incarceration, such revocation also constitutes a
2045 sufficient basis for the revocation of the conditional release
2046 supervision on any nonprobationary or noncommunity control
2047 sentence without further hearing by the commission. If any such
2048 supervision on any nonprobationary or noncommunity control
2049 sentence is revoked, such revocation may result in a forfeiture

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2050 of all gain-time, and the commission may revoke the resulting
2051 deferred conditional release supervision or take other action it
2052 considers appropriate. If the term of conditional release
2053 supervision exceeds that of the probation or community control,
2054 then, upon expiration of the probation or community control,
2055 authority for the supervision shall revert to the commission and
2056 the supervision shall be subject to the conditions imposed by
2057 the commission. A panel of no fewer than two commissioners shall
2058 establish the terms and conditions of any such release. If the
2059 offense was a controlled substance violation, the conditions
2060 shall include a requirement that the offender submit to random
2061 substance abuse testing intermittently throughout the term of
2062 conditional release supervision, upon the direction of the
2063 correctional probation officer as defined in s. 943.10(3). The
2064 commission shall also determine whether the terms and conditions
2065 of such release have been violated and whether such violation
2066 warrants revocation of the conditional release.

2067 (10) Effective for a releasee whose crime was committed on
2068 or after September 1, 2005, in violation of chapter 794, s.
2069 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the
2070 unlawful activity involved a victim who was 15 years of age or
2071 younger and the offender is 18 years of age or older or for a
2072 releasee who is designated as a sexual predator pursuant to s.
2073 775.21, in addition to any other provision of this section, the
2074 commission must order electronic monitoring for the duration of
2075 the releasee's supervision.

2076 (12) In addition to all other conditions imposed, for a
2077 releasee who is subject to conditional release for a crime that
2078 was committed on or after May 26, 2010, and who has been

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2079 convicted at any time of committing, or attempting, soliciting,
2080 or conspiring to commit, any of the criminal offenses listed in
2081 s. 943.0435(1)(a)1.a.(I), or a similar offense in another
2082 jurisdiction against a victim who was under 18 years of age at
2083 the time of the offense, if the releasee has not received a
2084 pardon for any felony or similar law of another jurisdiction
2085 necessary for the operation of this subsection, if a conviction
2086 of a felony or similar law of another jurisdiction necessary for
2087 the operation of this subsection has not been set aside in any
2088 postconviction proceeding, or if the releasee has not been
2089 removed from the requirement to register as a sexual offender or
2090 sexual predator pursuant to s. 943.04354, the commission must
2091 impose the following conditions:

2092 (a) A prohibition on visiting schools, child care
2093 facilities, parks, and playgrounds without prior approval from
2094 the releasee's supervising officer. The commission may also
2095 designate additional prohibited locations to protect a victim.
2096 The prohibition ordered under this paragraph does not prohibit
2097 the releasee from visiting a school, child care facility, park,
2098 or playground for the sole purpose of attending a religious
2099 service as defined in s. 775.0861 or picking up or dropping off
2100 the releasee's child or grandchild at a child care facility or
2101 school.

2102 (b) A prohibition on distributing candy or other items to
2103 children on Halloween; wearing a Santa Claus costume, or other
2104 costume to appeal to children, on or preceding Christmas;
2105 wearing an Easter Bunny costume, or other costume to appeal to
2106 children, on or preceding Easter; entertaining at children's
2107 parties; or wearing a clown costume without prior approval from

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2108 the commission.

2109 Section 56. For the purpose of incorporating the amendments
2110 made by this act to sections 782.04, 775.21, 943.0435, and
2111 944.607, Florida Statutes, in references thereto, subsection (4)
2112 and paragraphs (b), (c), and (d) of subsection (8) of section
2113 948.06, Florida Statutes, are reenacted to read:

2114 948.06 Violation of probation or community control;
2115 revocation; modification; continuance; failure to pay
2116 restitution or cost of supervision.—

2117 (4) Notwithstanding any other provision of this section, a
2118 felony probationer or an offender in community control who is
2119 arrested for violating his or her probation or community control
2120 in a material respect may be taken before the court in the
2121 county or circuit in which the probationer or offender was
2122 arrested. That court shall advise him or her of the charge of a
2123 violation and, if such charge is admitted, shall cause him or
2124 her to be brought before the court that granted the probation or
2125 community control. If the violation is not admitted by the
2126 probationer or offender, the court may commit him or her or
2127 release him or her with or without bail to await further
2128 hearing. However, if the probationer or offender is under
2129 supervision for any criminal offense proscribed in chapter 794,
2130 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a
2131 registered sexual predator or a registered sexual offender, or
2132 is under supervision for a criminal offense for which he or she
2133 would meet the registration criteria in s. 775.21, s. 943.0435,
2134 or s. 944.607 but for the effective date of those sections, the
2135 court must make a finding that the probationer or offender is
2136 not a danger to the public prior to release with or without

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2137 bail. In determining the danger posed by the offender's or
2138 probationer's release, the court may consider the nature and
2139 circumstances of the violation and any new offenses charged; the
2140 offender's or probationer's past and present conduct, including
2141 convictions of crimes; any record of arrests without conviction
2142 for crimes involving violence or sexual crimes; any other
2143 evidence of allegations of unlawful sexual conduct or the use of
2144 violence by the offender or probationer; the offender's or
2145 probationer's family ties, length of residence in the community,
2146 employment history, and mental condition; his or her history and
2147 conduct during the probation or community control supervision
2148 from which the violation arises and any other previous
2149 supervisions, including disciplinary records of previous
2150 incarcerations; the likelihood that the offender or probationer
2151 will engage again in a criminal course of conduct; the weight of
2152 the evidence against the offender or probationer; and any other
2153 facts the court considers relevant. The court, as soon as is
2154 practicable, shall give the probationer or offender an
2155 opportunity to be fully heard on his or her behalf in person or
2156 by counsel. After the hearing, the court shall make findings of
2157 fact and forward the findings to the court that granted the
2158 probation or community control and to the probationer or
2159 offender or his or her attorney. The findings of fact by the
2160 hearing court are binding on the court that granted the
2161 probation or community control. Upon the probationer or offender
2162 being brought before it, the court that granted the probation or
2163 community control may revoke, modify, or continue the probation
2164 or community control or may place the probationer into community
2165 control as provided in this section. However, the probationer or

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2166 offender shall not be released and shall not be admitted to
2167 bail, but shall be brought before the court that granted the
2168 probation or community control if any violation of felony
2169 probation or community control other than a failure to pay costs
2170 or fines or make restitution payments is alleged to have been
2171 committed by:

2172 (a) A violent felony offender of special concern, as
2173 defined in this section;

2174 (b) A person who is on felony probation or community
2175 control for any offense committed on or after the effective date
2176 of this act and who is arrested for a qualifying offense as
2177 defined in this section; or

2178 (c) A person who is on felony probation or community
2179 control and has previously been found by a court to be a
2180 habitual violent felony offender as defined in s. 775.084(1)(b),
2181 a three-time violent felony offender as defined in s.
2182 775.084(1)(c), or a sexual predator under s. 775.21, and who is
2183 arrested for committing a qualifying offense as defined in this
2184 section on or after the effective date of this act.

2185 (8)

2186 (b) For purposes of this section and ss. 903.0351, 948.064,
2187 and 921.0024, the term "violent felony offender of special
2188 concern" means a person who is on:

2189 1. Felony probation or community control related to the
2190 commission of a qualifying offense committed on or after the
2191 effective date of this act;

2192 2. Felony probation or community control for any offense
2193 committed on or after the effective date of this act, and has
2194 previously been convicted of a qualifying offense;

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2195 3. Felony probation or community control for any offense
2196 committed on or after the effective date of this act, and is
2197 found to have violated that probation or community control by
2198 committing a qualifying offense;

2199 4. Felony probation or community control and has previously
2200 been found by a court to be a habitual violent felony offender
2201 as defined in s. 775.084(1)(b) and has committed a qualifying
2202 offense on or after the effective date of this act;

2203 5. Felony probation or community control and has previously
2204 been found by a court to be a three-time violent felony offender
2205 as defined in s. 775.084(1)(c) and has committed a qualifying
2206 offense on or after the effective date of this act; or

2207 6. Felony probation or community control and has previously
2208 been found by a court to be a sexual predator under s. 775.21
2209 and has committed a qualifying offense on or after the effective
2210 date of this act.

2211 (c) For purposes of this section, the term "qualifying
2212 offense" means any of the following:

2213 1. Kidnapping or attempted kidnapping under s. 787.01,
2214 false imprisonment of a child under the age of 13 under s.
2215 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
2216 or (c).

2217 2. Murder or attempted murder under s. 782.04, attempted
2218 felony murder under s. 782.051, or manslaughter under s. 782.07.

2219 3. Aggravated battery or attempted aggravated battery under
2220 s. 784.045.

2221 4. Sexual battery or attempted sexual battery under s.
2222 794.011(2), (3), (4), or (8)(b) or (c).

2223 5. Lewd or lascivious battery or attempted lewd or

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2224 lascivious battery under s. 800.04(4), lewd or lascivious
2225 molestation under s. 800.04(5) (b) or (c)2., lewd or lascivious
2226 conduct under s. 800.04(6) (b), lewd or lascivious exhibition
2227 under s. 800.04(7) (b), or lewd or lascivious exhibition on
2228 computer under s. 847.0135(5) (b).

2229 6. Robbery or attempted robbery under s. 812.13, carjacking
2230 or attempted carjacking under s. 812.133, or home invasion
2231 robbery or attempted home invasion robbery under s. 812.135.

2232 7. Lewd or lascivious offense upon or in the presence of an
2233 elderly or disabled person or attempted lewd or lascivious
2234 offense upon or in the presence of an elderly or disabled person
2235 under s. 825.1025.

2236 8. Sexual performance by a child or attempted sexual
2237 performance by a child under s. 827.071.

2238 9. Computer pornography under s. 847.0135(2) or (3),
2239 transmission of child pornography under s. 847.0137, or selling
2240 or buying of minors under s. 847.0145.

2241 10. Poisoning food or water under s. 859.01.

2242 11. Abuse of a dead human body under s. 872.06.

2243 12. Any burglary offense or attempted burglary offense that
2244 is either a first degree felony or second degree felony under s.
2245 810.02(2) or (3).

2246 13. Arson or attempted arson under s. 806.01(1).

2247 14. Aggravated assault under s. 784.021.

2248 15. Aggravated stalking under s. 784.048(3), (4), (5), or
2249 (7).

2250 16. Aircraft piracy under s. 860.16.

2251 17. Unlawful throwing, placing, or discharging of a
2252 destructive device or bomb under s. 790.161(2), (3), or (4).

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2253 18. Treason under s. 876.32.

2254 19. Any offense committed in another jurisdiction which
2255 would be an offense listed in this paragraph if that offense had
2256 been committed in this state.

2257 (d) In the case of an alleged violation of probation or
2258 community control other than a failure to pay costs, fines, or
2259 restitution, the following individuals shall remain in custody
2260 pending the resolution of the probation or community control
2261 violation:

2262 1. A violent felony offender of special concern, as defined
2263 in this section;

2264 2. A person who is on felony probation or community control
2265 for any offense committed on or after the effective date of this
2266 act and who is arrested for a qualifying offense as defined in
2267 this section; or

2268 3. A person who is on felony probation or community control
2269 and has previously been found by a court to be a habitual
2270 violent felony offender as defined in s. 775.084(1)(b), a three-
2271 time violent felony offender as defined in s. 775.084(1)(c), or
2272 a sexual predator under s. 775.21, and who is arrested for
2273 committing a qualifying offense as defined in this section on or
2274 after the effective date of this act.

2275
2276 The court shall not dismiss the probation or community control
2277 violation warrant pending against an offender enumerated in this
2278 paragraph without holding a recorded violation-of-probation
2279 hearing at which both the state and the offender are
2280 represented.

2281 Section 57. For the purpose of incorporating the amendments

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2282 made by this act to sections 775.21, 943.0435, and 944.607,
2283 Florida Statutes, in references thereto, section 948.063,
2284 Florida Statutes, is reenacted to read:

2285 948.063 Violations of probation or community control by
2286 designated sexual offenders and sexual predators.—

2287 (1) If probation or community control for any felony
2288 offense is revoked by the court pursuant to s. 948.06(2)(e) and
2289 the offender is designated as a sexual offender pursuant to s.
2290 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
2291 775.21 for unlawful sexual activity involving a victim 15 years
2292 of age or younger and the offender is 18 years of age or older,
2293 and if the court imposes a subsequent term of supervision
2294 following the revocation of probation or community control, the
2295 court must order electronic monitoring as a condition of the
2296 subsequent term of probation or community control.

2297 (2) If the probationer or offender is required to register
2298 as a sexual predator under s. 775.21 or as a sexual offender
2299 under s. 943.0435 or s. 944.607 for unlawful sexual activity
2300 involving a victim 15 years of age or younger and the
2301 probationer or offender is 18 years of age or older and has
2302 violated the conditions of his or her probation or community
2303 control, but the court does not revoke the probation or
2304 community control, the court shall nevertheless modify the
2305 probation or community control to include electronic monitoring
2306 for any probationer or offender not then subject to electronic
2307 monitoring.

2308 Section 58. For the purpose of incorporating the amendment
2309 made by this act to section 775.21, Florida Statutes, in a
2310 reference thereto, subsection (4) of section 948.064, Florida

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2311 Statutes, is reenacted to read:

2312 948.064 Notification of status as a violent felony offender
2313 of special concern.—

2314 (4) The state attorney, or the statewide prosecutor if
2315 applicable, shall advise the court at each critical stage in the
2316 judicial process, at which the state attorney or statewide
2317 prosecutor is represented, whether an alleged or convicted
2318 offender is a violent felony offender of special concern; a
2319 person who is on felony probation or community control for any
2320 offense committed on or after the effective date of this act and
2321 who is arrested for a qualifying offense; or a person who is on
2322 felony probation or community control and has previously been
2323 found by a court to be a habitual violent felony offender as
2324 defined in s. 775.084(1)(b), a three-time violent felony
2325 offender as defined in s. 775.084(1)(c), or a sexual predator
2326 under s. 775.21, and who is arrested for committing a qualifying
2327 offense on or after the effective date of this act.

2328 Section 59. For the purpose of incorporating the amendment
2329 made by this act to section 775.21, Florida Statutes, in a
2330 reference thereto, subsection (3) of section 948.12, Florida
2331 Statutes, is reenacted to read:

2332 948.12 Intensive supervision for postprison release of
2333 violent offenders.—It is the finding of the Legislature that the
2334 population of violent offenders released from state prison into
2335 the community poses the greatest threat to the public safety of
2336 the groups of offenders under community supervision. Therefore,
2337 for the purpose of enhanced public safety, any offender released
2338 from state prison who:

2339 (3) Has been found to be a sexual predator pursuant to s.

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2340 775.21,

2341

2342 and who has a term of probation to follow the period of
2343 incarceration shall be provided intensive supervision by
2344 experienced correctional probation officers. Subject to specific
2345 appropriation by the Legislature, caseloads may be restricted to
2346 a maximum of 40 offenders per officer to provide for enhanced
2347 public safety as well as to effectively monitor conditions of
2348 electronic monitoring or curfews, if such was ordered by the
2349 court.

2350 Section 60. For the purpose of incorporating the amendments
2351 made by this act to sections 775.21 and 943.0435, Florida
2352 Statutes, in references thereto, paragraph (b) of subsection (3)
2353 and subsection (4) of section 948.30, Florida Statutes, are
2354 reenacted to read:

2355 948.30 Additional terms and conditions of probation or
2356 community control for certain sex offenses.—Conditions imposed
2357 pursuant to this section do not require oral pronouncement at
2358 the time of sentencing and shall be considered standard
2359 conditions of probation or community control for offenders
2360 specified in this section.

2361 (3) Effective for a probationer or community controllee
2362 whose crime was committed on or after September 1, 2005, and
2363 who:

2364 (b) Is designated a sexual predator pursuant to s. 775.21;
2365 or

2366

2367 the court must order, in addition to any other provision of this
2368 section, mandatory electronic monitoring as a condition of the

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2369 probation or community control supervision.

2370 (4) In addition to all other conditions imposed, for a
2371 probationer or community controllee who is subject to
2372 supervision for a crime that was committed on or after May 26,
2373 2010, and who has been convicted at any time of committing, or
2374 attempting, soliciting, or conspiring to commit, any of the
2375 criminal offenses listed in s. 943.0435(1)(a)1.a.(I), or a
2376 similar offense in another jurisdiction, against a victim who
2377 was under the age of 18 at the time of the offense; if the
2378 offender has not received a pardon for any felony or similar law
2379 of another jurisdiction necessary for the operation of this
2380 subsection, if a conviction of a felony or similar law of
2381 another jurisdiction necessary for the operation of this
2382 subsection has not been set aside in any postconviction
2383 proceeding, or if the offender has not been removed from the
2384 requirement to register as a sexual offender or sexual predator
2385 pursuant to s. 943.04354, the court must impose the following
2386 conditions:

2387 (a) A prohibition on visiting schools, child care
2388 facilities, parks, and playgrounds, without prior approval from
2389 the offender's supervising officer. The court may also designate
2390 additional locations to protect a victim. The prohibition
2391 ordered under this paragraph does not prohibit the offender from
2392 visiting a school, child care facility, park, or playground for
2393 the sole purpose of attending a religious service as defined in
2394 s. 775.0861 or picking up or dropping off the offender's
2395 children or grandchildren at a child care facility or school.

2396 (b) A prohibition on distributing candy or other items to
2397 children on Halloween; wearing a Santa Claus costume, or other

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2398 costume to appeal to children, on or preceding Christmas;
2399 wearing an Easter Bunny costume, or other costume to appeal to
2400 children, on or preceding Easter; entertaining at children's
2401 parties; or wearing a clown costume; without prior approval from
2402 the court.

2403 Section 61. For the purpose of incorporating the amendments
2404 made by this act to sections 775.21, 943.0435, 944.606, and
2405 944.607, Florida Statutes, in references thereto, section
2406 948.31, Florida Statutes, is reenacted to read:

2407 948.31 Evaluation and treatment of sexual predators and
2408 offenders on probation or community control.—The court may
2409 require any probationer or community controllee who is required
2410 to register as a sexual predator under s. 775.21 or sexual
2411 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
2412 an evaluation, at the probationer or community controllee's
2413 expense, by a qualified practitioner to determine whether such
2414 probationer or community controllee needs sexual offender
2415 treatment. If the qualified practitioner determines that sexual
2416 offender treatment is needed and recommends treatment, the
2417 probationer or community controllee must successfully complete
2418 and pay for the treatment. Such treatment must be obtained from
2419 a qualified practitioner as defined in s. 948.001. Treatment may
2420 not be administered by a qualified practitioner who has been
2421 convicted or adjudicated delinquent of committing, or
2422 attempting, soliciting, or conspiring to commit, any offense
2423 that is listed in s. 943.0435(1)(a)1.a.(I).

2424 Section 62. For the purpose of incorporating the amendments
2425 made by this act to sections 775.21, 943.0435, 944.606, and
2426 944.607, Florida Statutes, in references thereto, paragraph (b)

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2427 of subsection (6) of section 985.04, Florida Statutes, is
2428 reenacted to read:

2429 985.04 Oaths; records; confidential information.—

2430 (6)

2431 (b) Sexual offender and predator registration information
2432 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
2433 and 985.4815 is a public record pursuant to s. 119.07(1) and as
2434 otherwise provided by law.

2435 Section 63. For the purpose of incorporating the amendments
2436 made by this act to sections 775.21 and 943.0435, Florida
2437 Statutes, in references thereto, subsection (9) of section
2438 985.4815, Florida Statutes, is reenacted to read:

2439 985.4815 Notification to Department of Law Enforcement of
2440 information on juvenile sexual offenders.—

2441 (9) A sexual offender, as described in this section, who is
2442 under the care, jurisdiction, or supervision of the department
2443 but who is not incarcerated shall, in addition to the
2444 registration requirements provided in subsection (4), register
2445 in the manner provided in s. 943.0435(3), (4), and (5), unless
2446 the sexual offender is a sexual predator, in which case he or
2447 she shall register as required under s. 775.21. A sexual
2448 offender who fails to comply with the requirements of s.
2449 943.0435 is subject to the penalties provided in s. 943.0435(9).

2450 Section 64. For the purpose of incorporating the amendments
2451 made by this act to sections 775.21 and 943.0435, Florida
2452 Statutes, in references thereto, paragraph (b) of subsection (1)
2453 of section 92.55, Florida Statutes, is reenacted to read:

2454 92.55 Judicial or other proceedings involving victim or
2455 witness under the age of 16, a person who has an intellectual

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2456 disability, or a sexual offense victim or witness; special
2457 protections; use of registered service or therapy animals.-

2458 (1) For purposes of this section, the term:

2459 (b) "Sexual offense" means any offense specified in s.
2460 775.21(4)(a)1. or s. 943.0435(1)(a)1.a.(I).

2461 Section 65. For the purpose of incorporating the amendment
2462 made by this act to section 943.0435, Florida Statutes, in a
2463 reference thereto, paragraph (a) of subsection (2) of section
2464 394.9125, Florida Statutes, is reenacted to read:

2465 394.9125 State attorney; authority to refer a person for
2466 civil commitment.-

2467 (2) A state attorney may refer a person to the department
2468 for civil commitment proceedings if the person:

2469 (a) Is required to register as a sexual offender pursuant
2470 to s. 943.0435;

2471 Section 66. For the purpose of incorporating the amendments
2472 made by this act to sections 943.0435 and 944.607, Florida
2473 Statutes, in references thereto, paragraph (d) of subsection (5)
2474 and paragraph (c) of subsection (10) of section 775.21, Florida
2475 Statutes, are reenacted to read:

2476 775.21 The Florida Sexual Predators Act.-

2477 (5) SEXUAL PREDATOR DESIGNATION.-An offender is designated
2478 as a sexual predator as follows:

2479 (d) A person who establishes or maintains a residence in
2480 this state and who has not been designated as a sexual predator
2481 by a court of this state but who has been designated as a sexual
2482 predator, as a sexually violent predator, or by another sexual
2483 offender designation in another state or jurisdiction and was,
2484 as a result of such designation, subjected to registration or

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2485 community or public notification, or both, or would be if the
2486 person was a resident of that state or jurisdiction, without
2487 regard to whether the person otherwise meets the criteria for
2488 registration as a sexual offender, shall register in the manner
2489 provided in s. 943.0435 or s. 944.607 and shall be subject to
2490 community and public notification as provided in s. 943.0435 or
2491 s. 944.607. A person who meets the criteria of this section is
2492 subject to the requirements and penalty provisions of s.
2493 943.0435 or s. 944.607 until the person provides the department
2494 with an order issued by the court that designated the person as
2495 a sexual predator, as a sexually violent predator, or by another
2496 sexual offender designation in the state or jurisdiction in
2497 which the order was issued which states that such designation
2498 has been removed or demonstrates to the department that such
2499 designation, if not imposed by a court, has been removed by
2500 operation of law or court order in the state or jurisdiction in
2501 which the designation was made, and provided such person no
2502 longer meets the criteria for registration as a sexual offender
2503 under the laws of this state.

2504 (10) PENALTIES.—

2505 (c) Any person who misuses public records information
2506 relating to a sexual predator, as defined in this section, or a
2507 sexual offender, as defined in s. 943.0435 or s. 944.607, to
2508 secure a payment from such a predator or offender; who knowingly
2509 distributes or publishes false information relating to such a
2510 predator or offender which the person misrepresents as being
2511 public records information; or who materially alters public
2512 records information with the intent to misrepresent the
2513 information, including documents, summaries of public records

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2514 information provided by law enforcement agencies, or public
2515 records information displayed by law enforcement agencies on
2516 websites or provided through other means of communication,
2517 commits a misdemeanor of the first degree, punishable as
2518 provided in s. 775.082 or s. 775.083.

2519 Section 67. For the purpose of incorporating the amendments
2520 made by this act to sections 943.0435, 944.606, and 944.607,
2521 Florida Statutes, in references thereto, subsection (2) of
2522 section 775.24, Florida Statutes, is reenacted to read:

2523 775.24 Duty of the court to uphold laws governing sexual
2524 predators and sexual offenders.—

2525 (2) If a person meets the criteria in this chapter for
2526 designation as a sexual predator or meets the criteria in s.
2527 943.0435, s. 944.606, s. 944.607, or any other law for
2528 classification as a sexual offender, the court may not enter an
2529 order, for the purpose of approving a plea agreement or for any
2530 other reason, which:

2531 (a) Exempts a person who meets the criteria for designation
2532 as a sexual predator or classification as a sexual offender from
2533 such designation or classification, or exempts such person from
2534 the requirements for registration or community and public
2535 notification imposed upon sexual predators and sexual offenders;

2536 (b) Restricts the compiling, reporting, or release of
2537 public records information that relates to sexual predators or
2538 sexual offenders; or

2539 (c) Prevents any person or entity from performing its
2540 duties or operating within its statutorily conferred authority
2541 as such duty or authority relates to sexual predators or sexual
2542 offenders.

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2543 Section 68. For the purpose of incorporating the amendments
2544 made by this act to sections 775.21, 943.0435, 944.606 and
2545 944.607, Florida Statutes, in references thereto, subsection (2)
2546 of section 943.0436, Florida Statutes, is reenacted to read:

2547 943.0436 Duty of the court to uphold laws governing sexual
2548 predators and sexual offenders.—

2549 (2) If a person meets the criteria in chapter 775 for
2550 designation as a sexual predator or meets the criteria in s.
2551 943.0435, s. 944.606, s. 944.607, or any other law for
2552 classification as a sexual offender, the court may not enter an
2553 order, for the purpose of approving a plea agreement or for any
2554 other reason, which:

2555 (a) Exempts a person who meets the criteria for designation
2556 as a sexual predator or classification as a sexual offender from
2557 such designation or classification, or exempts such person from
2558 the requirements for registration or community and public
2559 notification imposed upon sexual predators and sexual offenders;

2560 (b) Restricts the compiling, reporting, or release of
2561 public records information that relates to sexual predators or
2562 sexual offenders; or

2563 (c) Prevents any person or entity from performing its
2564 duties or operating within its statutorily conferred authority
2565 as such duty or authority relates to sexual predators or sexual
2566 offenders.

2567 Section 69. For the purpose of incorporating the amendment
2568 made by this act to section 943.0435, Florida Statutes, in a
2569 reference thereto, subsection (2) of section 775.0862, Florida
2570 Statutes, is reenacted to read:

2571 775.0862 Sexual offenses against students by authority

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2572 figures; reclassification.-

2573 (2) The felony degree of a violation of an offense listed
2574 in s. 943.0435(1)(a)1.a., unless the offense is a violation of
2575 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified
2576 as provided in this section if the offense is committed by an
2577 authority figure of a school against a student of the school.

2578 Section 70. This act shall take effect October 1, 2016.