

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. 480.041, F.S.; providing
14 that a licensed massage therapist may not receive a
15 new or renewal license if the applicant is convicted
16 of owning, establishing, maintaining, or operating a
17 place, structure, building, or conveyance for
18 lewdness, assignation, or prostitution in conjunction
19 with a massage establishment; amending s. 480.043,
20 F.S.; providing that a licensed massage establishment
21 may not receive a new or renewal license if specified
22 persons connected with it are convicted of owning,
23 establishing, maintaining, or operating a place,
24 structure, building, or conveyance for lewdness,
25 assignation, or prostitution in conjunction with it;
26 amending s. 796.06, F.S.; increasing criminal

27 penalties for the offense of renting space to be used
28 for lewdness, assignation, or prostitution; amending
29 s. 796.07, F.S.; providing that minors may not be
30 charged with specified prostitution offenses;
31 specifying that certain education programs may be
32 offered by faith-based providers; providing for the
33 reclassification of the offense of owning,
34 establishing, maintaining, or operating a place,
35 structure, building, or conveyance for lewdness,
36 assignation, or prostitution if the offense is
37 committed in conjunction with a massage establishment;
38 amending ss. 775.21 and 943.0435, F.S.; requiring a
39 person convicted of specified racketeering offenses to
40 register as a sexual predator or sexual offender under
41 certain circumstances; amending ss. 944.606 and
42 944.607, F.S.; revising the definition of the term
43 "sexual offender" for purposes of offender
44 notification to include a person convicted of
45 specified racketeering offenses if the court makes
46 specified findings; reenacting s. 394.495(4)(p), F.S.,
47 relating to the child and adolescent mental health
48 system of care, s. 409.1678(1)(c) and (6)(a) and (b),
49 F.S., relating to specialized residential options for
50 children who are victims of sexual exploitation, and
51 s. 960.065(5), F.S., relating to eligibility for
52 awards, to incorporate the amendment made by the act

53 to s. 39.01, F.S., in references thereto; reenacting
54 s. 39.806(1)(d) and (n), F.S., relating to grounds for
55 termination of parental rights, to incorporate the
56 amendments made by the act to ss. 775.21 and 782.04,
57 F.S., in references thereto; reenacting s.
58 63.089(4)(b), F.S., relating to proceedings to
59 terminate parental rights pending adoption, to
60 incorporate the amendments made by the act to ss.
61 775.21 and 782.04, F.S., in references thereto;
62 reenacting s. 95.11(10), F.S., relating to limitations
63 other than for the recovery of real property, s.
64 775.082(1)(b) and (3)(a), (b), and (c), F.S., relating
65 to penalties, s. 782.065, F.S., relating to murder of
66 specified officers, s. 921.16(1), F.S., relating to
67 when sentences should be concurrent and when they
68 should be consecutive, s. 948.062(1)(a), F.S.,
69 relating to reviewing and reporting serious offenses
70 committed by offenders placed on probation or
71 community control, s. 985.265(3)(b), F.S., relating to
72 detention transfer and release, and s. 1012.315(1)(d),
73 F.S., relating to disqualification from employment, to
74 incorporate the amendment made by the act to s.
75 782.04, F.S., in references thereto; reenacting s.
76 1012.467(2)(g), F.S., relating to noninstructional
77 contractors who are permitted access to school grounds
78 when students are present, to incorporate the

79 amendments made by the act to ss. 782.04 and 943.0435,
 80 F.S., in references thereto; reenacting s. 775.0823(1)
 81 and (2), F.S., relating to violent offenses committed
 82 against certain officers, attorneys, and judges, s.
 83 921.0022(3)(i), F.S., relating to the offense severity
 84 ranking chart, s. 947.146(3)(i), F.S., relating to the
 85 Control Release Authority, and s. 394.912(9)(a), F.S.,
 86 relating to definitions relating to involuntary civil
 87 commitment of sexually violent predators, to
 88 incorporate the amendment made by the act to s.
 89 782.04, F.S., in references thereto; reenacting s.
 90 775.15(19), F.S., relating to time limitations, to
 91 incorporate the amendment made by the act to s.
 92 787.06, F.S., in a reference thereto; reenacting s.
 93 60.05(4), F.S., relating to abatement of nuisances, s.
 94 775.0877(1)(m), F.S., relating to criminal
 95 transmission of HIV, s. 796.08(2) and (3), F.S.,
 96 relating to screening for HIV and sexually
 97 transmissible diseases, s. 796.09(2), F.S., relating
 98 to certain civil causes of action, s. 895.02(1)(a),
 99 F.S., relating to definitions for the Florida RICO
 100 Act, and s. 948.16(1)(a), F.S., relating to specified
 101 misdemeanor pretrial intervention programs, to
 102 incorporate the amendment made by the act to s.
 103 796.07, F.S., in references thereto; reenacting s.
 104 39.0139(3)(a), F.S., relating to visitation or other

105 contact, s. 39.509(6)(b), F.S., relating to
 106 grandparents rights, s. 63.092(3), F.S., relating to a
 107 report to the court of intended placement by an
 108 adoption entity, to incorporate the amendment made by
 109 the act to s. 775.21, F.S., in references thereto;
 110 reenacting s. 68.07(3)(i) and (6), F.S., relating to
 111 change of name, to incorporate the amendments made by
 112 this act to ss. 775.21 and 943.0435, F.S., in
 113 references thereto; reenacting s. 322.141(3), F.S.,
 114 relating to color or markings of certain licenses or
 115 identification cards, to incorporate the amendments
 116 made by this act to ss. 775.21, 943.0435, and 944.607,
 117 F.S., in references thereto; reenacting s.
 118 397.4872(2)(a) and (c), F.S., relating to exemption
 119 from disqualification, to incorporate the amendments
 120 made by this act to ss. 775.21 and 943.0435, F.S., in
 121 references thereto; reenacting s. 775.13(4)(e) and
 122 (f), F.S., relating to registration of convicted
 123 felons, to incorporate the amendments made by this act
 124 to ss. 775.21, 943.0435, and 944.607, F.S., in
 125 references thereto; reenacting s. 775.25, F.S.,
 126 relating to prosecutions for acts or omissions, to
 127 incorporate the amendments made to this act by ss.
 128 775.21, 943.0435, 944.606, and 944.607, F.S., in
 129 references thereto; reenacting s. 775.261(3)(b), F.S.,
 130 relating to The Florida Career Offender Registration

131 Act, to incorporate the amendments made by this act to
132 ss. 775.21, 943.0435, and 944.607, F.S., in references
133 thereto; reenacting s. 794.075(1), F.S., relating to
134 sexual predators and erectile dysfunction drugs, and
135 s. 903.0351(1)(c), F.S., relating to restrictions on
136 pretrial release pending probation-violation hearing
137 or community-control-violation hearing, to incorporate
138 the amendment made by the act to s. 775.21, F.S., in
139 references thereto; reenacting s. 903.046(2)(m), F.S.,
140 relating to purpose of and criteria for bail
141 determination, to incorporate the amendments made by
142 this act to ss. 775.21 and 943.0435, F.S., in
143 references thereto; reenacting s. 921.141(5)(o), F.S.,
144 relating to sentence of death or life imprisonment for
145 capital felonies, to incorporate the amendment made by
146 the act to s. 775.21, F.S., in a reference thereto;
147 reenacting s. 938.10(1), F.S., relating to additional
148 court cost imposed in cases of certain crimes, to
149 incorporate the amendments made by this act to ss.
150 775.21 and 943.0435, F.S., in references thereto;
151 reenacting s. 943.0435(3), (4), and (5), F.S.,
152 relating to sexual offenders required to register with
153 the department, to incorporate the amendments made by
154 this act to ss. 775.21, 944.606, and 944.607, F.S., in
155 references thereto; reenacting s. 944.607(4)(a) and
156 (9), F.S., relating to notification to the Department

157 of Law Enforcement of information on sexual offenders,
158 to incorporate the amendments made by this act to ss.
159 775.21 and 943.0435, F.S., in references thereto;
160 reenacting s. 944.608(7), F.S., relating to
161 notification to the Department of Law Enforcement of
162 information on career offenders, to incorporate the
163 amendments made by this act to ss. 775.21 and 944.607,
164 F.S., in references thereto; reenacting s. 944.609(4),
165 F.S., relating to career offenders and notification
166 upon release, to incorporate the amendment made by the
167 act to s. 775.21, F.S., in references thereto;
168 reenacting s. 947.1405(2)(c), (10), and (12), F.S.,
169 relating to the conditional release program, to
170 incorporate the amendments made by this act to ss.
171 775.21 and 943.0435, F.S., in references thereto;
172 reenacting s. 948.06(4) and (8)(b), (c), and (d),
173 F.S., relating to violation of probation or community
174 control, to incorporate the amendments made by this
175 act to ss. 782.04, 775.21, 943.0435, and 944.607,
176 F.S., in references thereto; reenacting s. 948.063,
177 F.S., relating to violations of probation or community
178 control by designated sexual offenders and sexual
179 predators, to incorporate the amendments made by this
180 act to ss. 775.21, 943.0435, and 944.607, F.S., in
181 references thereto; reenacting s. 948.064(4), F.S.,
182 relating to notification of status as a violent felony

183 offender of special concern, and s. 948.12(3), F.S.,
184 relating to intensive supervision for postprison
185 release of violent offenders, to incorporate the
186 amendment made by the act to s. 775.21, F.S., in
187 references thereto; reenacting s. 948.30(3)(b) and
188 (4), F.S., relating to additional terms and conditions
189 of probation or community control for certain sex
190 offenses, to incorporate the amendments made by this
191 act to ss. 775.21 and 943.0435, F.S., in references
192 thereto; reenacting s. 948.31, F.S., relating to
193 evaluation and treatment of sexual predators and
194 offenders on probation or community control, and s.
195 985.04(6)(b), F.S., relating to oaths, records, and
196 confidential information, to incorporate the
197 amendments made by the act to ss. 775.21, 943.0435,
198 944.606, and 944.607, F.S., in references thereto;
199 reenacting s. 985.4815(9), F.S., relating to
200 notification to the Department of Law Enforcement of
201 information on juvenile sexual offenders, to
202 incorporate the amendments made by this act to ss.
203 775.21 and 943.0435, F.S., in references thereto;
204 reenacting s. 92.55(1)(b), F.S., relating to judicial
205 or other proceedings involving certain victims,
206 witnesses, and persons, to incorporate the amendments
207 made by this act to ss. 775.21 and 943.0435, F.S., in
208 references thereto; reenacting s. 394.9125(2)(a),

209 F.S., relating to state attorney authority to refer a
210 person for civil commitment, to incorporate the
211 amendment made by the act to s. 943.0435, F.S., in a
212 reference thereto; reenacting s. 775.21(5)(d) and
213 (10)(c), F.S., relating to the Florida Sexual
214 Predators Act, to incorporate the amendments made by
215 this act to ss. 943.0435 and 944.607, F.S., in
216 references thereto; reenacting s. 775.24(2), F.S.,
217 relating to the duty of the court to uphold laws
218 governing sexual predators and sexual offenders, to
219 incorporate the amendments made by this act to ss.
220 943.0435, 944.606, and 944.607, F.S., in references
221 thereto; reenacting s. 943.0436(2), F.S., relating to
222 the duty of the court to uphold laws governing sexual
223 predators and sexual offenders, to incorporate the
224 amendments made by this act to ss. 775.21, 943.0435,
225 944.606, and 944.607, F.S., in references thereto;
226 reenacting s. 775.0862(2), F.S., relating to
227 reclassification of sexual offenses against students
228 by authority figures, to incorporate the amendment
229 made by the act to s. 943.0435, F.S., in a reference
230 thereto; providing an effective date.

231

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

233

234 Section 1. Paragraph (g) of subsection (69) of section

235 39.01, Florida Statutes, is amended to read:

236 39.01 Definitions.—When used in this chapter, unless the
237 context otherwise requires:

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

240 (g) The sexual exploitation of a child, which includes the
241 act of a child offering to engage in or engaging in
242 prostitution, ~~provided that the child is not under arrest or is~~
243 ~~not being prosecuted in a delinquency or criminal proceeding for~~
244 ~~a violation of any offense in chapter 796 based on such~~
245 ~~behavior;~~ or the act of allowing, encouraging, or forcing a
246 child to:

- 247 1. Solicit for or engage in prostitution;
- 248 2. Engage in a sexual performance, as defined by chapter
249 827; or
- 250 3. Participate in the trade of human trafficking as
251 provided in s. 787.06(3)(g).

252 Section 2. Paragraph (a) of subsection (1) of section
253 782.04, Florida Statutes, is amended to read:

254 782.04 Murder.—

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

- 256 1. When perpetrated from a premeditated design to effect
257 the death of the person killed or any human being;
- 258 2. When committed by a person engaged in the perpetration
259 of, or in the attempt to perpetrate, any:
 - 260 a. Trafficking offense prohibited by s. 893.135(1),

- 261 b. Arson,
- 262 c. Sexual battery,
- 263 d. Robbery,
- 264 e. Burglary,
- 265 f. Kidnapping,
- 266 g. Escape,
- 267 h. Aggravated child abuse,
- 268 i. Aggravated abuse of an elderly person or disabled
- 269 adult,
- 270 j. Aircraft piracy,
- 271 k. Unlawful throwing, placing, or discharging of a
- 272 destructive device or bomb,
- 273 l. Carjacking,
- 274 m. Home-invasion robbery,
- 275 n. Aggravated stalking,
- 276 o. Murder of another human being,
- 277 p. Resisting an officer with violence to his or her
- 278 person,
- 279 q. Aggravated fleeing or eluding with serious bodily
- 280 injury or death,
- 281 r. Felony that is an act of terrorism or is in furtherance
- 282 of an act of terrorism,
- 283 s. Human trafficking; or
- 284 3. Which resulted from the unlawful distribution of any
- 285 substance controlled under s. 893.03(1), cocaine as described in
- 286 s. 893.03(2)(a)4., opium or any synthetic or natural salt,

287 compound, derivative, or preparation of opium, or methadone by a
 288 person 18 years of age or older, when such drug is proven to be
 289 the proximate cause of the death of the user,

290
 291 is murder in the first degree and constitutes a capital felony,
 292 punishable as provided in s. 775.082.

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

297 787.06 Human trafficking.—

298 (4)

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

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

312 (a) A felony of the second degree shall be reclassified as

313 a felony of the first degree.

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

316 Section 4. Paragraphs (m) through (s) of subsection (7) of
317 section 480.041, Florida Statutes, are redesignated as
318 paragraphs (n) through (t), respectively, and a new paragraph
319 (m) is added to that subsection to read:

320 480.041 Massage therapists; qualifications; licensure;
321 endorsement.—

322 (7) The board shall deny an application for a new or
323 renewal license if an applicant has been convicted or found
324 guilty of, or enters a plea of guilty or nolo contendere to,
325 regardless of adjudication, a felony offense under any of the
326 following provisions of state law or a similar provision in
327 another jurisdiction:

328 (m) Section 796.07(7), relating to owning, establishing,
329 maintaining, or operating a specified massage establishment for
330 the purpose of lewdness, assignation, or prostitution.

331 Section 5. Paragraphs (m) through (s) of subsection (8) of
332 section 480.043, Florida Statutes, are redesignated as
333 paragraphs (n) through (t), respectively, and a new paragraph
334 (m) is added to that subsection to read:

335 480.043 Massage establishments; requisites; licensure;
336 inspection.—

337 (8) The department shall deny an application for a new or
338 renewal license if a person with an ownership interest in the

339 establishment or, for a corporation that has more than \$250,000
340 of business assets in this state, the owner, officer, or
341 individual directly involved in the management of the
342 establishment has been convicted or found guilty of, or entered
343 a plea of guilty or nolo contendere to, regardless of
344 adjudication, a felony offense under any of the following
345 provisions of state law or a similar provision in another
346 jurisdiction:

347 (m) Section 796.07(7), relating to owning, establishing,
348 maintaining, or operating a specified massage establishment for
349 the purpose of lewdness, assignation, or prostitution.

350 Section 6. Subsection (2) of section 796.06, Florida
351 Statutes, is amended to read:

352 796.06 Renting space to be used for lewdness, assignation,
353 or prostitution.—

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

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

357 (b) A felony ~~misdemeanor~~ of the third ~~first~~ degree for a
358 second or subsequent violation, punishable as provided in s.
359 775.082, or s. 775.083, or s. 775.084.

360 Section 7. Paragraph (e) of subsection (2) and paragraph
361 (b) of subsection (5) of section 796.07, Florida Statutes, are
362 amended, and a new subsection (7) is added to that section, to
363 read:

364 796.07 Prohibiting prostitution and related acts.—

365 (2) It is unlawful:

366 (e) For a person 18 years of age or older to offer to

367 commit, or to commit, or to engage in, prostitution, lewdness,

368 or assignation.

369 (5)

370 (b) In addition to any other penalty imposed, the court

371 shall order a person convicted of a violation of paragraph

372 (2) (f) to:

373 1. Perform 100 hours of community service; and

374 2. Pay for and attend an educational program about the

375 negative effects of prostitution and human trafficking, such as

376 a sexual violence prevention education program, including such

377 programs offered by faith-based providers, if such programs

378 exist ~~program exists~~ in the judicial circuit in which the

379 offender is sentenced.

380 (7) If the place, structure, building, or conveyance that

381 is owned, established, maintained, or operated in violation of

382 paragraph (2) (a) is a massage establishment required to be

383 licensed under s. 480.043, the offense shall be reclassified as

384 a felony of the third degree, punishable as provided in s.

385 775.082, s. 775.083, or s. 775.084.

386 Section 8. Paragraph (a) of subsection (4) of section

387 775.21, Florida Statutes, is amended to read:

388 775.21 The Florida Sexual Predators Act.—

389 (4) SEXUAL PREDATOR CRITERIA.—

390 (a) For a current offense committed on or after October 1,

391 1993, upon conviction, an offender shall be designated as a
 392 "sexual predator" under subsection (5), and subject to
 393 registration under subsection (6) and community and public
 394 notification under subsection (7) if:

395 1. The felony is:

396 a. A capital, life, or first degree felony violation, or
 397 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
 398 is a minor and the defendant is not the victim's parent or
 399 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
 400 violation of a similar law of another jurisdiction; or

401 b. Any felony violation, or any attempt thereof, of s.
 402 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 403 787.025(2)(c), where the victim is a minor and the defendant is
 404 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
 405 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.
 406 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
 407 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s. 847.0135,
 408 excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court
 409 makes a written finding that the racketeering activity involved
 410 at least one sexual offense listed in this sub-subparagraph or
 411 at least one offense listed in this sub-subparagraph with sexual
 412 intent or motive; s. 916.1075(2); or s. 985.701(1); or a
 413 violation of a similar law of another jurisdiction, and the
 414 offender has previously been convicted of or found to have
 415 committed, or has pled nolo contendere or guilty to, regardless
 416 of adjudication, any violation of s. 393.135(2); s. 394.4593(2);

417 s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
 418 minor and the defendant is not the victim's parent or guardian;
 419 s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 420 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 421 former s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.
 422 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s.
 423 895.03, if the court makes a written finding that the
 424 racketeering activity involved at least one sexual offense
 425 listed in this sub-subparagraph or at least one offense listed
 426 in this sub-subparagraph with sexual intent or motive; s.
 427 916.1075(2); or s. 985.701(1); or a violation of a similar law
 428 of another jurisdiction;

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

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

435 Section 9. Paragraph (a) of subsection (1) of section
 436 943.0435, Florida Statutes, is amended to read:

437 943.0435 Sexual offenders required to register with the
 438 department; penalty.—

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

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

443 a.(I) Has been convicted of committing, or attempting,
444 soliciting, or conspiring to commit, any of the criminal
445 offenses proscribed in the following statutes in this state or
446 similar offenses in another jurisdiction: s. 393.135(2); s.
447 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
448 the victim is a minor and the defendant is not the victim's
449 parent or guardian; s. 787.06(3)(b), (d), (f), or (g); former s.
450 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05;
451 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);
452 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
453 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
454 if the court makes a written finding that the racketeering
455 activity involved at least one sexual offense listed in this
456 sub-sub-subparagraph or at least one offense listed in this sub-
457 sub-subparagraph with sexual intent or motive; s. 916.1075(2);
458 or s. 985.701(1); or any similar offense committed in this state
459 which has been redesignated from a former statute number to one
460 of those listed in this sub-sub-subparagraph; and
461 (II) Has been released on or after October 1, 1997, from
462 the sanction imposed for any conviction of an offense described
463 in sub-sub-subparagraph (I). For purposes of sub-sub-
464 subparagraph (I), a sanction imposed in this state or in any
465 other jurisdiction includes, but is not limited to, a fine,
466 probation, community control, parole, conditional release,
467 control release, or incarceration in a state prison, federal
468 prison, private correctional facility, or local detention

469 facility;

470 b. Establishes or maintains a residence in this state and
471 who has not been designated as a sexual predator by a court of
472 this state but who has been designated as a sexual predator, as
473 a sexually violent predator, or by another sexual offender
474 designation in another state or jurisdiction and was, as a
475 result of such designation, subjected to registration or
476 community or public notification, or both, or would be if the
477 person were a resident of that state or jurisdiction, without
478 regard to whether the person otherwise meets the criteria for
479 registration as a sexual offender;

480 c. Establishes or maintains a residence in this state who
481 is in the custody or control of, or under the supervision of,
482 any other state or jurisdiction as a result of a conviction for
483 committing, or attempting, soliciting, or conspiring to commit,
484 any of the criminal offenses proscribed in the following
485 statutes or similar offense in another jurisdiction: s.
486 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
487 787.025(2)(c), where the victim is a minor and the defendant is
488 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
489 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.
490 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
491 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.
492 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
493 847.0145; s. 895.03, if the court makes a written finding that
494 the racketeering activity involved at least one sexual offense

495 listed in this sub-subparagraph or at least one offense listed
 496 in this sub-subparagraph with sexual intent or motive; s.
 497 916.1075(2); or s. 985.701(1); or any similar offense committed
 498 in this state which has been redesignated from a former statute
 499 number to one of those listed in this sub-subparagraph; or
 500 d. On or after July 1, 2007, has been adjudicated
 501 delinquent for committing, or attempting, soliciting, or
 502 conspiring to commit, any of the criminal offenses proscribed in
 503 the following statutes in this state or similar offenses in
 504 another jurisdiction when the juvenile was 14 years of age or
 505 older at the time of the offense:
 506 (I) Section 794.011, excluding s. 794.011(10);
 507 (II) Section 800.04(4)(a)2. where the victim is under 12
 508 years of age or where the court finds sexual activity by the use
 509 of force or coercion;
 510 (III) Section 800.04(5)(c)1. where the court finds
 511 molestation involving unclothed genitals; or
 512 (IV) Section 800.04(5)(d) where the court finds the use of
 513 force or coercion and unclothed genitals.
 514 2. For all qualifying offenses listed in sub-subparagraph
 515 (1)(a)1.d., the court shall make a written finding of the age of
 516 the offender at the time of the offense.
 517
 518 For each violation of a qualifying offense listed in this
 519 subsection, except for a violation of s. 794.011, the court
 520 shall make a written finding of the age of the victim at the

521 time of the offense. For a violation of s. 800.04(4), the court
522 shall also make a written finding indicating whether the offense
523 involved sexual activity and indicating whether the offense
524 involved force or coercion. For a violation of s. 800.04(5), the
525 court shall also make a written finding that the offense did or
526 did not involve unclothed genitals or genital area and that the
527 offense did or did not involve the use of force or coercion.

528 Section 10. Paragraph (b) of subsection (1) of section
529 944.606, Florida Statutes, is amended to read:

530 944.606 Sexual offenders; notification upon release.—

531 (1) As used in this section:

532 (b) "Sexual offender" means a person who has been
533 convicted of committing, or attempting, soliciting, or
534 conspiring to commit, any of the criminal offenses proscribed in
535 the following statutes in this state or similar offenses in
536 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
537 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
538 the defendant is not the victim's parent or guardian; s.
539 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
540 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
541 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
542 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
543 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
544 makes a written finding that the racketeering activity involved
545 at least one sexual offense listed in this paragraph or at least
546 one offense listed in this paragraph with sexual intent or

547 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
548 committed in this state which has been redesignated from a
549 former statute number to one of those listed in this subsection,
550 when the department has received verified information regarding
551 such conviction; an offender's computerized criminal history
552 record is not, in and of itself, verified information.

553 Section 11. Paragraph (a) of subsection (1) of section
554 944.607, Florida Statutes, is amended to read:

555 944.607 Notification to Department of Law Enforcement of
556 information on sexual offenders.—

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

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

561 1. On or after October 1, 1997, as a result of a
562 conviction for committing, or attempting, soliciting, or
563 conspiring to commit, any of the criminal offenses proscribed in
564 the following statutes in this state or similar offenses in
565 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
566 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
567 the defendant is not the victim's parent or guardian; s.
568 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
569 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
570 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
571 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
572 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court

573 makes a written finding that the racketeering activity involved
574 at least one sexual offense listed in this subparagraph or at
575 least one offense listed in this subparagraph with sexual intent
576 or motive; s. 916.1075(2); or s. 985.701(1); or any similar
577 offense committed in this state which has been redesignated from
578 a former statute number to one of those listed in this
579 paragraph; or

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

590 Section 12. For the purpose of incorporating the amendment
591 made by this act to section 39.01, Florida Statutes, in a
592 reference thereto, paragraph (p) of subsection (4) of section
593 394.495, Florida Statutes, is reenacted to read:

594 394.495 Child and adolescent mental health system of care;
595 programs and services.—

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

598 (p) Trauma-informed services for children who have

599 | suffered sexual exploitation as defined in s. 39.01(69)(g).

600 | Section 13. For the purpose of incorporating the amendment
601 | made by this act to section 39.01, Florida Statutes, in
602 | references thereto, paragraph (c) of subsection (1) and
603 | paragraphs (a) and (b) of subsection (6) of section 409.1678,
604 | Florida Statutes, are reenacted to read:

605 | 409.1678 Specialized residential options for children who
606 | are victims of sexual exploitation.—

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

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

612 | (6) LOCATION INFORMATION.—

613 | (a) Information about the location of a safe house, safe
614 | foster home, or other residential facility serving victims of
615 | sexual exploitation, as defined in s. 39.01(69)(g), which is
616 | held by an agency, as defined in s. 119.011, is confidential and
617 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State
618 | Constitution. This exemption applies to such confidential and
619 | exempt information held by an agency before, on, or after the
620 | effective date of the exemption.

621 | (b) Information about the location of a safe house, safe
622 | foster home, or other residential facility serving victims of
623 | sexual exploitation, as defined in s. 39.01(69)(g), may be
624 | provided to an agency, as defined in s. 119.011, as necessary to

625 maintain health and safety standards and to address emergency
626 situations in the safe house, safe foster home, or other
627 residential facility.

628 Section 14. For the purpose of incorporating the amendment
629 made by this act to section 39.01, Florida Statutes, in a
630 reference thereto, subsection (5) of section 960.065, Florida
631 Statutes, is reenacted to read:

632 960.065 Eligibility for awards.—

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

637 Section 15. For the purpose of incorporating the
638 amendments made by this act to sections 775.21 and 782.04,
639 Florida Statutes, in references thereto, paragraphs (d) and (n)
640 of subsection (1) of section 39.806, Florida Statutes, are
641 reenacted to read:

642 39.806 Grounds for termination of parental rights.—

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

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

646 1. The period of time for which the parent is expected to
647 be incarcerated will constitute a significant portion of the
648 child's minority. When determining whether the period of time is
649 significant, the court shall consider the child's age and the
650 child's need for a permanent and stable home. The period of time

651 begins on the date that the parent enters into incarceration;

652 2. The incarcerated parent has been determined by the
653 court to be a violent career criminal as defined in s. 775.084,
654 a habitual violent felony offender as defined in s. 775.084, or
655 a sexual predator as defined in s. 775.21; has been convicted of
656 first degree or second degree murder in violation of s. 782.04
657 or a sexual battery that constitutes a capital, life, or first
658 degree felony violation of s. 794.011; or has been convicted of
659 an offense in another jurisdiction which is substantially
660 similar to one of the offenses listed in this paragraph. As used
661 in this section, the term "substantially similar offense" means
662 any offense that is substantially similar in elements and
663 penalties to one of those listed in this subparagraph, and that
664 is in violation of a law of any other jurisdiction, whether that
665 of another state, the District of Columbia, the United States or
666 any possession or territory thereof, or any foreign
667 jurisdiction; or

668 3. The court determines by clear and convincing evidence
669 that continuing the parental relationship with the incarcerated
670 parent would be harmful to the child and, for this reason, that
671 termination of the parental rights of the incarcerated parent is
672 in the best interest of the child. When determining harm, the
673 court shall consider the following factors:

- 674 a. The age of the child.
675 b. The relationship between the child and the parent.
676 c. The nature of the parent's current and past provision

677 for the child's developmental, cognitive, psychological, and
678 physical needs.

679 d. The parent's history of criminal behavior, which may
680 include the frequency of incarceration and the unavailability of
681 the parent to the child due to incarceration.

682 e. Any other factor the court deems relevant.

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

685 Section 16. For the purpose of incorporating the
686 amendments made by this act to sections 775.21 and 782.04,
687 Florida Statutes, in references thereto, paragraph (b) of
688 subsection (4) of section 63.089, Florida Statutes, is reenacted
689 to read:

690 63.089 Proceeding to terminate parental rights pending
691 adoption; hearing; grounds; dismissal of petition; judgment.—

692 (4) FINDING OF ABANDONMENT.—A finding of abandonment
693 resulting in a termination of parental rights must be based upon
694 clear and convincing evidence that a parent or person having
695 legal custody has abandoned the child in accordance with the
696 definition contained in s. 63.032. A finding of abandonment may
697 also be based upon emotional abuse or a refusal to provide
698 reasonable financial support, when able, to a birth mother
699 during her pregnancy or on whether the person alleged to have
700 abandoned the child, while being able, failed to establish
701 contact with the child or accept responsibility for the child's
702 welfare.

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

706 1. The period of time for which the parent has been or is
707 expected to be incarcerated will constitute a significant
708 portion of the child's minority. In determining whether the
709 period of time is significant, the court shall consider the
710 child's age and the child's need for a permanent and stable
711 home. The period of time begins on the date that the parent
712 enters into incarceration;

713 2. The incarcerated parent has been determined by a court
714 of competent jurisdiction to be a violent career criminal as
715 defined in s. 775.084, a habitual violent felony offender as
716 defined in s. 775.084, convicted of child abuse as defined in s.
717 827.03, or a sexual predator as defined in s. 775.21; has been
718 convicted of first degree or second degree murder in violation
719 of s. 782.04 or a sexual battery that constitutes a capital,
720 life, or first degree felony violation of s. 794.011; or has
721 been convicted of a substantially similar offense in another
722 jurisdiction. As used in this section, the term "substantially
723 similar offense" means any offense that is substantially similar
724 in elements and penalties to one of those listed in this
725 subparagraph, and that is in violation of a law of any other
726 jurisdiction, whether that of another state, the District of
727 Columbia, the United States or any possession or territory
728 thereof, or any foreign jurisdiction; or

729 3. The court determines by clear and convincing evidence
730 that continuing the parental relationship with the incarcerated
731 parent would be harmful to the child and, for this reason,
732 termination of the parental rights of the incarcerated parent is
733 in the best interests of the child.

734 Section 17. For the purpose of incorporating the amendment
735 made by this act to section 782.04, Florida Statutes, in
736 references thereto, subsection (10) of section 95.11, Florida
737 Statutes, is reenacted to read:

738 95.11 Limitations other than for the recovery of real
739 property.—Actions other than for recovery of real property shall
740 be commenced as follows:

741 (10) FOR INTENTIONAL TORTS RESULTING IN DEATH FROM ACTS
742 DESCRIBED IN S. 782.04 OR S. 782.07.—Notwithstanding paragraph
743 (4) (d), an action for wrongful death seeking damages authorized
744 under s. 768.21 brought against a natural person for an
745 intentional tort resulting in death from acts described in s.
746 782.04 or s. 782.07 may be commenced at any time. This
747 subsection shall not be construed to require an arrest, the
748 filing of formal criminal charges, or a conviction for a
749 violation of s. 782.04 or s. 782.07 as a condition for filing a
750 civil action.

751 Section 18. For the purpose of incorporating the amendment
752 made by this act to section 782.04, Florida Statutes, in
753 references thereto, paragraph (b) of subsection (1) and
754 paragraphs (a), (b), and (c) of subsection (3) of section

755 775.082, Florida Statutes, are reenacted to read:

756 775.082 Penalties; applicability of sentencing structures;
 757 mandatory minimum sentences for certain reoffenders previously
 758 released from prison.—

759 (1)

760 (b)1. A person who actually killed, intended to kill, or
 761 attempted to kill the victim and who is convicted under s.
 762 782.04 of a capital felony, or an offense that was reclassified
 763 as a capital felony, which was committed before the person
 764 attained 18 years of age shall be punished by a term of
 765 imprisonment for life if, after a sentencing hearing conducted
 766 by the court in accordance with s. 921.1401, the court finds
 767 that life imprisonment is an appropriate sentence. If the court
 768 finds that life imprisonment is not an appropriate sentence,
 769 such person shall be punished by a term of imprisonment of at
 770 least 40 years. A person sentenced pursuant to this subparagraph
 771 is entitled to a review of his or her sentence in accordance
 772 with s. 921.1402(2)(a).

773 2. A person who did not actually kill, intend to kill, or
 774 attempt to kill the victim and who is convicted under s. 782.04
 775 of a capital felony, or an offense that was reclassified as a
 776 capital felony, which was committed before the person attained
 777 18 years of age may be punished by a term of imprisonment for
 778 life or by a term of years equal to life if, after a sentencing
 779 hearing conducted by the court in accordance with s. 921.1401,
 780 the court finds that life imprisonment is an appropriate

781 sentence. A person who is sentenced to a term of imprisonment of
782 more than 15 years is entitled to a review of his or her
783 sentence in accordance with s. 921.1402(2)(c).

784 3. The court shall make a written finding as to whether a
785 person is eligible for a sentence review hearing under s.
786 921.1402(2)(a) or (c). Such a finding shall be based upon
787 whether the person actually killed, intended to kill, or
788 attempted to kill the victim. The court may find that multiple
789 defendants killed, intended to kill, or attempted to kill the
790 victim.

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

793 (a)1. For a life felony committed before October 1, 1983,
794 by a term of imprisonment for life or for a term of at least 30
795 years.

796 2. For a life felony committed on or after October 1,
797 1983, by a term of imprisonment for life or by a term of
798 imprisonment not exceeding 40 years.

799 3. Except as provided in subparagraph 4., for a life
800 felony committed on or after July 1, 1995, by a term of
801 imprisonment for life or by imprisonment for a term of years not
802 exceeding life imprisonment.

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

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

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

811 b. For a life felony committed on or after July 1, 2008,
812 which is a person's second or subsequent violation of s.
813 800.04(5)(b), by a term of imprisonment for life.

814 5. Notwithstanding subparagraphs 1.-4., a person who is
815 convicted under s. 782.04 of an offense that was reclassified as
816 a life felony which was committed before the person attained 18
817 years of age may be punished by a term of imprisonment for life
818 or by a term of years equal to life imprisonment if the judge
819 conducts a sentencing hearing in accordance with s. 921.1401 and
820 finds that life imprisonment or a term of years equal to life
821 imprisonment is an appropriate sentence.

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

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

830 c. The court shall make a written finding as to whether a
831 person is eligible for a sentence review hearing under s.
832 921.1402(2)(b) or (c). Such a finding shall be based upon

833 whether the person actually killed, intended to kill, or
834 attempted to kill the victim. The court may find that multiple
835 defendants killed, intended to kill, or attempted to kill the
836 victim.

837 6. For a life felony committed on or after October 1,
838 2014, which is a violation of s. 787.06(3)(g), by a term of
839 imprisonment for life.

840 (b)1. For a felony of the first degree, by a term of
841 imprisonment not exceeding 30 years or, when specifically
842 provided by statute, by imprisonment for a term of years not
843 exceeding life imprisonment.

844 2. Notwithstanding subparagraph 1., a person convicted
845 under s. 782.04 of a first degree felony punishable by a term of
846 years not exceeding life imprisonment, or an offense that was
847 reclassified as a first degree felony punishable by a term of
848 years not exceeding life, which was committed before the person
849 attained 18 years of age may be punished by a term of years
850 equal to life imprisonment if the judge conducts a sentencing
851 hearing in accordance with s. 921.1401 and finds that a term of
852 years equal to life imprisonment is an appropriate sentence.

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

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

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

861 c. The court shall make a written finding as to whether a
862 person is eligible for a sentence review hearing under s.
863 921.1402(2)(b) or (c). Such a finding shall be based upon
864 whether the person actually killed, intended to kill, or
865 attempted to kill the victim. The court may find that multiple
866 defendants killed, intended to kill, or attempted to kill the
867 victim.

868 (c) Notwithstanding paragraphs (a) and (b), a person
869 convicted of an offense that is not included in s. 782.04 but
870 that is an offense that is a life felony or is punishable by a
871 term of imprisonment for life or by a term of years not
872 exceeding life imprisonment, or an offense that was reclassified
873 as a life felony or an offense punishable by a term of
874 imprisonment for life or by a term of years not exceeding life
875 imprisonment, which was committed before the person attained 18
876 years of age may be punished by a term of imprisonment for life
877 or a term of years equal to life imprisonment if the judge
878 conducts a sentencing hearing in accordance with s. 921.1401 and
879 finds that life imprisonment or a term of years equal to life
880 imprisonment is an appropriate sentence. A person who is
881 sentenced to a term of imprisonment of more than 20 years is
882 entitled to a review of his or her sentence in accordance with
883 s. 921.1402(2)(d).

884 Section 19. For the purpose of incorporating the amendment

885 made by this act to section 782.04, Florida Statutes, in
886 references thereto, section 782.065, Florida Statutes, is
887 reenacted to read:

888 782.065 Murder; law enforcement officer, correctional
889 officer, correctional probation officer.—Notwithstanding ss.
890 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant
891 shall be sentenced to life imprisonment without eligibility for
892 release upon findings by the trier of fact that, beyond a
893 reasonable doubt:

894 (1) The defendant committed murder in the first degree in
895 violation of s. 782.04(1) and a death sentence was not imposed;
896 murder in the second or third degree in violation of s.
897 782.04(2), (3), or (4); attempted murder in the first or second
898 degree in violation of s. 782.04(1)(a)1. or (2); or attempted
899 felony murder in violation of s. 782.051; and

900 (2) The victim of any offense described in subsection (1)
901 was a law enforcement officer, part-time law enforcement
902 officer, auxiliary law enforcement officer, correctional
903 officer, part-time correctional officer, auxiliary correctional
904 officer, correctional probation officer, part-time correctional
905 probation officer, or auxiliary correctional probation officer,
906 as those terms are defined in s. 943.10, engaged in the lawful
907 performance of a legal duty.

908 Section 20. For the purpose of incorporating the amendment
909 made by this act to section 782.04, Florida Statutes, in a
910 reference thereto, subsection (1) of section 921.16, Florida

911 Statutes, is reenacted to read:

912 921.16 When sentences to be concurrent and when
913 consecutive.—

914 (1) A defendant convicted of two or more offenses charged
915 in the same indictment, information, or affidavit or in
916 consolidated indictments, informations, or affidavits shall
917 serve the sentences of imprisonment concurrently unless the
918 court directs that two or more of the sentences be served
919 consecutively. Sentences of imprisonment for offenses not
920 charged in the same indictment, information, or affidavit shall
921 be served consecutively unless the court directs that two or
922 more of the sentences be served concurrently. Any sentence for
923 sexual battery as defined in chapter 794 or murder as defined in
924 s. 782.04 must be imposed consecutively to any other sentence
925 for sexual battery or murder which arose out of a separate
926 criminal episode or transaction.

927 Section 21. For the purpose of incorporating the amendment
928 made by this act to section 782.04, Florida Statutes, in a
929 reference thereto, paragraph (a) of subsection (1) of section
930 948.062, Florida Statutes, is reenacted to read:

931 948.062 Reviewing and reporting serious offenses committed
932 by offenders placed on probation or community control.—

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

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

937 Section 22. For the purpose of incorporating the amendment
 938 made by this act to section 782.04, Florida Statutes, in a
 939 reference thereto, paragraph (b) of subsection (3) of section
 940 985.265, Florida Statutes, is reenacted to read:

941 985.265 Detention transfer and release; education; adult
 942 jails.—

943 (3)

944 (b) When a juvenile is released from secure detention or
 945 transferred to nonsecure detention, detention staff shall
 946 immediately notify the appropriate law enforcement agency,
 947 school personnel, and victim if the juvenile is charged with
 948 committing any of the following offenses or attempting to commit
 949 any of the following offenses:

- 950 1. Murder, under s. 782.04;
- 951 2. Sexual battery, under chapter 794;
- 952 3. Stalking, under s. 784.048; or
- 953 4. Domestic violence, as defined in s. 741.28.

954 Section 23. For the purpose of incorporating the amendment
 955 made by this act to section 782.04, Florida Statutes, in a
 956 reference thereto, paragraph (d) of subsection (1) of section
 957 1012.315, Florida Statutes, is reenacted to read:

958 1012.315 Disqualification from employment.—A person is
 959 ineligible for educator certification, and instructional
 960 personnel and school administrators, as defined in s. 1012.01,
 961 are ineligible for employment in any position that requires
 962 direct contact with students in a district school system,

963 charter school, or private school that accepts scholarship
 964 students under s. 1002.39 or s. 1002.395, if the person,
 965 instructional personnel, or school administrator has been
 966 convicted of:

967 (1) Any felony offense prohibited under any of the
 968 following statutes:

969 (d) Section 782.04, relating to murder.

970 Section 24. For the purpose of incorporating the amendment
 971 made by this act to sections 782.04 and 943.0435, Florida
 972 Statutes, in references thereto, paragraph (g) of subsection (2)
 973 of section 1012.467, Florida Statutes, is reenacted to read:

974 1012.467 Noninstructional contractors who are permitted
 975 access to school grounds when students are present; background
 976 screening requirements.—

977 (2)

978 (g) A noninstructional contractor for whom a criminal
 979 history check is required under this section may not have been
 980 convicted of any of the following offenses designated in the
 981 Florida Statutes, any similar offense in another jurisdiction,
 982 or any similar offense committed in this state which has been
 983 redesignated from a former provision of the Florida Statutes to
 984 one of the following offenses:

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

987 2. Section 393.135, relating to sexual misconduct with
 988 certain developmentally disabled clients and the reporting of

989 such sexual misconduct.

990 3. Section 394.4593, relating to sexual misconduct with
 991 certain mental health patients and the reporting of such sexual
 992 misconduct.

993 4. Section 775.30, relating to terrorism.

994 5. Section 782.04, relating to murder.

995 6. Section 787.01, relating to kidnapping.

996 7. Any offense under chapter 800, relating to lewdness and
 997 indecent exposure.

998 8. Section 826.04, relating to incest.

999 9. Section 827.03, relating to child abuse, aggravated
 1000 child abuse, or neglect of a child.

1001 Section 25. For the purpose of incorporating the amendment
 1002 made by this act to section 782.04, Florida Statutes, in
 1003 references thereto, subsections (1) and (2) of section 775.0823,
 1004 Florida Statutes, are reenacted to read:

1005 775.0823 Violent offenses committed against law
 1006 enforcement officers, correctional officers, state attorneys,
 1007 assistant state attorneys, justices, or judges.—The Legislature
 1008 does hereby provide for an increase and certainty of penalty for
 1009 any person convicted of a violent offense against any law
 1010 enforcement or correctional officer, as defined in s. 943.10(1),
 1011 (2), (3), (6), (7), (8), or (9); against any state attorney
 1012 elected pursuant to s. 27.01 or assistant state attorney
 1013 appointed under s. 27.181; or against any justice or judge of a
 1014 court described in Art. V of the State Constitution, which

1015 offense arises out of or in the scope of the officer's duty as a
 1016 law enforcement or correctional officer, the state attorney's or
 1017 assistant state attorney's duty as a prosecutor or investigator,
 1018 or the justice's or judge's duty as a judicial officer, as
 1019 follows:

1020 (1) For murder in the first degree as described in s.
 1021 782.04(1), if the death sentence is not imposed, a sentence of
 1022 imprisonment for life without eligibility for release.

1023 (2) For attempted murder in the first degree as described
 1024 in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083,
 1025 or s. 775.084.

1026
 1027 Notwithstanding the provisions of s. 948.01, with respect to any
 1028 person who is found to have violated this section, adjudication
 1029 of guilt or imposition of sentence shall not be suspended,
 1030 deferred, or withheld.

1031 Section 26. For the purpose of incorporating the amendment
 1032 made by this act to section 782.04, Florida Statutes, in a
 1033 reference thereto, paragraph (i) of subsection (3) of section
 1034 921.0022, Florida Statutes, is reenacted to read:

1035 921.0022 Criminal Punishment Code; offense severity
 1036 ranking chart.—

1037 (3) OFFENSE SEVERITY RANKING CHART

1038 (i) LEVEL 9

1039

Florida	Felony	Description
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	Statute	Degree	
1040	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
1041	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
1042	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
1043	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
1044	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
1045	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
1046	655.50 (10) (b) 3.	1st	Failure to report financial

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			transactions totaling or exceeding \$100,000 by financial institution.
1047	775.0844	1st	Aggravated white collar crime.
1048	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
1049	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.
1050	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
1051	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
1052			

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1053	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
1054	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
1055	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
1056	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.
1057	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

1058			coercion for commercial sexual activity of an unauthorized adult alien.
	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.
1059			
	790.161	1st	Attempted capital destructive device offense.
1060			
	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
1061			
	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
1062			
	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
1063			

1064	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.
1065	794.011 (4) (b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
1066	794.011 (4) (c)	1st	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
1067	794.011 (4) (d)	1st, PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
	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.

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1068	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
1069	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
1070	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
1071	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
1072	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
1073	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
1074	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document;

			defendant is incarcerated or under supervision.
1075	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.
1076	817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
1077	827.03 (2) (a)	1st	Aggravated child abuse.
1078	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
1079	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.

1080	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.
1081	893.135	1st	Attempted capital trafficking offense.
1082	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
1083	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
1084	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
1085	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.

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1086

893.135 1st Trafficking in oxycodone, 100
 (1) (c) 3.d. grams or more, less than 30
 kilograms.

1087

893.135 1st Trafficking in phencyclidine,
 (1) (d) 1.c. more than 400 grams.

1088

893.135 1st Trafficking in methaqualone,
 (1) (e) 1.c. more than 25 kilograms.

1089

893.135 1st Trafficking in amphetamine,
 (1) (f) 1.c. more than 200 grams.

1090

893.135 1st Trafficking in gamma-
 (1) (h) 1.c. hydroxybutyric acid (GHB), 10
 kilograms or more.

1091

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

1092

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

1093

896.101 (5) (c) 1st Money laundering, financial
 instruments totaling or

exceeding \$100,000.

1094

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

1095

1096 Section 27. For the purpose of incorporating the amendment
 1097 made by this act to section 782.04, Florida Statutes, in a
 1098 reference thereto, paragraph (i) of subsection (3) of section
 1099 947.146, Florida Statutes, is reenacted to read:

1100 947.146 Control Release Authority.—

1101 (3) Within 120 days prior to the date the state
 1102 correctional system is projected pursuant to s. 216.136 to
 1103 exceed 99 percent of total capacity, the authority shall
 1104 determine eligibility for and establish a control release date
 1105 for an appropriate number of parole ineligible inmates committed
 1106 to the department and incarcerated within the state who have
 1107 been determined by the authority to be eligible for
 1108 discretionary early release pursuant to this section. In
 1109 establishing control release dates, it is the intent of the
 1110 Legislature that the authority prioritize consideration of
 1111 eligible inmates closest to their tentative release date. The
 1112 authority shall rely upon commitment data on the offender
 1113 information system maintained by the department to initially

1114 identify inmates who are to be reviewed for control release
1115 consideration. The authority may use a method of objective risk
1116 assessment in determining if an eligible inmate should be
1117 released. Such assessment shall be a part of the department's
1118 management information system. However, the authority shall have
1119 sole responsibility for determining control release eligibility,
1120 establishing a control release date, and effectuating the
1121 release of a sufficient number of inmates to maintain the inmate
1122 population between 99 percent and 100 percent of total capacity.
1123 Inmates who are ineligible for control release are inmates who
1124 are parole eligible or inmates who:

1125 (i) Are convicted, or have been previously convicted, of
1126 committing or attempting to commit murder in the first, second,
1127 or third degree under s. 782.04(1), (2), (3), or (4), or have
1128 ever been convicted of any degree of murder or attempted murder
1129 in another jurisdiction;

1130
1131 In making control release eligibility determinations under this
1132 subsection, the authority may rely on any document leading to or
1133 generated during the course of the criminal proceedings,
1134 including, but not limited to, any presentence or postsentence
1135 investigation or any information contained in arrest reports
1136 relating to circumstances of the offense.

1137 Section 28. For the purpose of incorporating the amendment
1138 made by this act to section 782.04, Florida Statutes, in a
1139 reference thereto, paragraph (a) of subsection (9) of section

1140 394.912, Florida Statutes, is reenacted to read:

1141 394.912 Definitions.—As used in this part, the term:

1142 (9) "Sexually violent offense" means:

1143 (a) Murder of a human being while engaged in sexual
 1144 battery in violation of s. 782.04(1)(a)2.;

1145 Section 29. For the purpose of incorporating the amendment
 1146 made by this act to section 787.06, Florida Statutes, in a
 1147 reference thereto, subsection (19) of section 775.15, Florida
 1148 Statutes, is reenacted to read:

1149 775.15 Time limitations; general time limitations;
 1150 exceptions.—

1151 (19) A prosecution for a violation of s. 787.06 may be
 1152 commenced at any time. This subsection applies to any such
 1153 offense except an offense the prosecution of which would have
 1154 been barred by subsection (2) on or before October 1, 2014.

1155 Section 30. For the purpose of incorporating the amendment
 1156 made by this act to section 796.07, Florida Statutes, in a
 1157 reference thereto, subsection (4) of section 60.05, Florida
 1158 Statutes, is reenacted to read:

1159 60.05 Abatement of nuisances.—

1160 (4) On trial if the existence of a nuisance is shown, the
 1161 court shall issue a permanent injunction and order the costs to
 1162 be paid by the persons establishing or maintaining the nuisance
 1163 and shall adjudge that the costs are a lien on all personal
 1164 property found in the place of the nuisance and on the failure
 1165 of the property to bring enough to pay the costs, then on the

1166 real estate occupied by the nuisance. No lien shall attach to
1167 the real estate of any other than said persons unless 5 days'
1168 written notice has been given to the owner or his or her agent
1169 who fails to begin to abate the nuisance within said 5 days. In
1170 a proceeding abating a nuisance pursuant to s. 823.10 or s.
1171 823.05, if a tenant has been convicted of an offense under
1172 chapter 893 or s. 796.07, the court may order the tenant to
1173 vacate the property within 72 hours if the tenant and owner of
1174 the premises are parties to the nuisance abatement action and
1175 the order will lead to the abatement of the nuisance.

1176 Section 31. For the purpose of incorporating the amendment
1177 made by this act to section 796.07, Florida Statutes, in a
1178 reference thereto, paragraph (m) of subsection (1) of section
1179 775.0877, Florida Statutes, is reenacted to read:

1180 775.0877 Criminal transmission of HIV; procedures;
1181 penalties.—

1182 (1) In any case in which a person has been convicted of or
1183 has pled nolo contendere or guilty to, regardless of whether
1184 adjudication is withheld, any of the following offenses, or the
1185 attempt thereof, which offense or attempted offense involves the
1186 transmission of body fluids from one person to another:

1187 (m) Sections 796.07 and 796.08, relating to prostitution;
1188

1189 the court shall order the offender to undergo HIV testing, to be
1190 performed under the direction of the Department of Health in
1191 accordance with s. 381.004, unless the offender has undergone

1192 HIV testing voluntarily or pursuant to procedures established in
 1193 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
 1194 rule providing for HIV testing of criminal offenders or inmates,
 1195 subsequent to her or his arrest for an offense enumerated in
 1196 paragraphs (a)-(n) for which she or he was convicted or to which
 1197 she or he pled nolo contendere or guilty. The results of an HIV
 1198 test performed on an offender pursuant to this subsection are
 1199 not admissible in any criminal proceeding arising out of the
 1200 alleged offense.

1201 Section 32. For the purpose of incorporating the amendment
 1202 made by this act to section 796.07, Florida Statutes, in
 1203 references thereto, subsections (2) and (3) of section 796.08,
 1204 Florida Statutes, are reenacted to read:

1205 796.08 Screening for HIV and sexually transmissible
 1206 diseases; providing penalties.—

1207 (2) A person arrested under s. 796.07 may request
 1208 screening for a sexually transmissible disease under direction
 1209 of the Department of Health and, if infected, shall submit to
 1210 appropriate treatment and counseling. A person who requests
 1211 screening for a sexually transmissible disease under this
 1212 subsection must pay any costs associated with such screening.

1213 (3) A person convicted under s. 796.07 of prostitution or
 1214 procuring another to commit prostitution must undergo screening
 1215 for a sexually transmissible disease, including, but not limited
 1216 to, screening to detect exposure to the human immunodeficiency
 1217 virus, under direction of the Department of Health. If the

1218 person is infected, he or she must submit to treatment and
 1219 counseling prior to release from probation, community control,
 1220 or incarceration. Notwithstanding the provisions of s. 384.29,
 1221 the results of tests conducted pursuant to this subsection shall
 1222 be made available by the Department of Health to the offender,
 1223 medical personnel, appropriate state agencies, state attorneys,
 1224 and courts of appropriate jurisdiction in need of such
 1225 information in order to enforce the provisions of this chapter.

1226 Section 33. For the purpose of incorporating the amendment
 1227 made by this act to section 796.07, Florida Statutes, in a
 1228 reference thereto, subsection (2) of section 796.09, Florida
 1229 Statutes, is reenacted to read:

1230 796.09 Coercion; civil cause of action; evidence;
 1231 defenses; attorney's fees.—

1232 (2) As used in this section, the term "prostitution" has
 1233 the same meaning as in s. 796.07.

1234 Section 34. For the purpose of incorporating the amendment
 1235 made by this act to section 796.07, Florida Statutes, in a
 1236 reference thereto, paragraph (a) of subsection (1) of section
 1237 895.02, Florida Statutes, is reenacted to read:

1238 895.02 Definitions.—As used in ss. 895.01-895.08, the
 1239 term:

1240 (1) "Racketeering activity" means to commit, to attempt to
 1241 commit, to conspire to commit, or to solicit, coerce, or
 1242 intimidate another person to commit:

1243 (a) Any crime that is chargeable by petition, indictment,

1244 or information under the following provisions of the Florida
 1245 Statutes:

- 1246 1. Section 210.18, relating to evasion of payment of
 1247 cigarette taxes.
- 1248 2. Section 316.1935, relating to fleeing or attempting to
 1249 elude a law enforcement officer and aggravated fleeing or
 1250 eluding.
- 1251 3. Section 403.727(3)(b), relating to environmental
 1252 control.
- 1253 4. Section 409.920 or s. 409.9201, relating to Medicaid
 1254 fraud.
- 1255 5. Section 414.39, relating to public assistance fraud.
- 1256 6. Section 440.105 or s. 440.106, relating to workers'
 1257 compensation.
- 1258 7. Section 443.071(4), relating to creation of a
 1259 fictitious employer scheme to commit reemployment assistance
 1260 fraud.
- 1261 8. Section 465.0161, relating to distribution of medicinal
 1262 drugs without a permit as an Internet pharmacy.
- 1263 9. Section 499.0051, relating to crimes involving
 1264 contraband and adulterated drugs.
- 1265 10. Part IV of chapter 501, relating to telemarketing.
- 1266 11. Chapter 517, relating to sale of securities and
 1267 investor protection.
- 1268 12. Section 550.235 or s. 550.3551, relating to dogracing
 1269 and horseracing.

- 1270 | 13. Chapter 550, relating to jai alai frontons.
- 1271 | 14. Section 551.109, relating to slot machine gaming.
- 1272 | 15. Chapter 552, relating to the manufacture,
- 1273 | distribution, and use of explosives.
- 1274 | 16. Chapter 560, relating to money transmitters, if the
- 1275 | violation is punishable as a felony.
- 1276 | 17. Chapter 562, relating to beverage law enforcement.
- 1277 | 18. Section 624.401, relating to transacting insurance
- 1278 | without a certificate of authority, s. 624.437(4)(c)1., relating
- 1279 | to operating an unauthorized multiple-employer welfare
- 1280 | arrangement, or s. 626.902(1)(b), relating to representing or
- 1281 | aiding an unauthorized insurer.
- 1282 | 19. Section 655.50, relating to reports of currency
- 1283 | transactions, when such violation is punishable as a felony.
- 1284 | 20. Chapter 687, relating to interest and usurious
- 1285 | practices.
- 1286 | 21. Section 721.08, s. 721.09, or s. 721.13, relating to
- 1287 | real estate timeshare plans.
- 1288 | 22. Section 775.13(5)(b), relating to registration of
- 1289 | persons found to have committed any offense for the purpose of
- 1290 | benefiting, promoting, or furthering the interests of a criminal
- 1291 | gang.
- 1292 | 23. Section 777.03, relating to commission of crimes by
- 1293 | accessories after the fact.
- 1294 | 24. Chapter 782, relating to homicide.
- 1295 | 25. Chapter 784, relating to assault and battery.

- 1296 26. Chapter 787, relating to kidnapping or human
1297 trafficking.
- 1298 27. Chapter 790, relating to weapons and firearms.
- 1299 28. Chapter 794, relating to sexual battery, but only if
1300 such crime was committed with the intent to benefit, promote, or
1301 further the interests of a criminal gang, or for the purpose of
1302 increasing a criminal gang member's own standing or position
1303 within a criminal gang.
- 1304 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
1305 796.05, or s. 796.07, relating to prostitution.
- 1306 30. Chapter 806, relating to arson and criminal mischief.
- 1307 31. Chapter 810, relating to burglary and trespass.
- 1308 32. Chapter 812, relating to theft, robbery, and related
1309 crimes.
- 1310 33. Chapter 815, relating to computer-related crimes.
- 1311 34. Chapter 817, relating to fraudulent practices, false
1312 pretenses, fraud generally, and credit card crimes.
- 1313 35. Chapter 825, relating to abuse, neglect, or
1314 exploitation of an elderly person or disabled adult.
- 1315 36. Section 827.071, relating to commercial sexual
1316 exploitation of children.
- 1317 37. Section 828.122, relating to fighting or baiting
1318 animals.
- 1319 38. Chapter 831, relating to forgery and counterfeiting.
- 1320 39. Chapter 832, relating to issuance of worthless checks
1321 and drafts.

- 1322 40. Section 836.05, relating to extortion.
- 1323 41. Chapter 837, relating to perjury.
- 1324 42. Chapter 838, relating to bribery and misuse of public
1325 office.
- 1326 43. Chapter 843, relating to obstruction of justice.
- 1327 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
1328 s. 847.07, relating to obscene literature and profanity.
- 1329 45. Chapter 849, relating to gambling, lottery, gambling
1330 or gaming devices, slot machines, or any of the provisions
1331 within that chapter.
- 1332 46. Chapter 874, relating to criminal gangs.
- 1333 47. Chapter 893, relating to drug abuse prevention and
1334 control.
- 1335 48. Chapter 896, relating to offenses related to financial
1336 transactions.
- 1337 49. Sections 914.22 and 914.23, relating to tampering with
1338 or harassing a witness, victim, or informant, and retaliation
1339 against a witness, victim, or informant.
- 1340 50. Sections 918.12 and 918.13, relating to tampering with
1341 jurors and evidence.
- 1342 Section 35. For the purpose of incorporating the amendment
1343 made by this act to section 796.07, Florida Statutes, in a
1344 reference thereto, paragraph (a) of subsection (1) of section
1345 948.16, Florida Statutes, is reenacted to read:
- 1346 948.16 Misdemeanor pretrial substance abuse education and
1347 treatment intervention program; misdemeanor pretrial veterans'

1348 treatment intervention program.—

1349 (1) (a) A person who is charged with a nonviolent,
1350 nontraffic-related misdemeanor and identified as having a
1351 substance abuse problem or who is charged with a misdemeanor for
1352 possession of a controlled substance or drug paraphernalia under
1353 chapter 893, prostitution under s. 796.07, possession of alcohol
1354 while under 21 years of age under s. 562.111, or possession of a
1355 controlled substance without a valid prescription under s.
1356 499.03, and who has not previously been convicted of a felony,
1357 is eligible for voluntary admission into a misdemeanor pretrial
1358 substance abuse education and treatment intervention program,
1359 including a treatment-based drug court program established
1360 pursuant to s. 397.334, approved by the chief judge of the
1361 circuit, for a period based on the program requirements and the
1362 treatment plan for the offender, upon motion of either party or
1363 the court's own motion, except, if the state attorney believes
1364 the facts and circumstances of the case suggest the defendant is
1365 involved in dealing and selling controlled substances, the court
1366 shall hold a preadmission hearing. If the state attorney
1367 establishes, by a preponderance of the evidence at such hearing,
1368 that the defendant was involved in dealing or selling controlled
1369 substances, the court shall deny the defendant's admission into
1370 the pretrial intervention program.

1371 Section 36. For the purpose of incorporating the amendment
1372 made by this act to section 775.21, Florida Statutes, in a
1373 reference thereto, paragraph (a) of subsection (3) of section

1374 39.0139, Florida Statutes, is reenacted to read:
 1375 39.0139 Visitation or other contact; restrictions.—
 1376 (3) PRESUMPTION OF DETRIMENT.—
 1377 (a) A rebuttable presumption of detriment to a child is
 1378 created when:
 1379 1. A court of competent jurisdiction has found probable
 1380 cause exists that a parent or caregiver has sexually abused a
 1381 child as defined in s. 39.01;
 1382 2. A parent or caregiver has been found guilty of,
 1383 regardless of adjudication, or has entered a plea of guilty or
 1384 nolo contendere to, charges under the following statutes or
 1385 substantially similar statutes of other jurisdictions:
 1386 a. Section 787.04, relating to removing minors from the
 1387 state or concealing minors contrary to court order;
 1388 b. Section 794.011, relating to sexual battery;
 1389 c. Section 798.02, relating to lewd and lascivious
 1390 behavior;
 1391 d. Chapter 800, relating to lewdness and indecent
 1392 exposure;
 1393 e. Section 826.04, relating to incest; or
 1394 f. Chapter 827, relating to the abuse of children; or
 1395 3. A court of competent jurisdiction has determined a
 1396 parent or caregiver to be a sexual predator as defined in s.
 1397 775.21 or a parent or caregiver has received a substantially
 1398 similar designation under laws of another jurisdiction.
 1399 Section 37. For the purpose of incorporating the amendment

1400 made by this act to section 775.21, Florida Statutes, in a
 1401 reference thereto, paragraph (b) of subsection (6) of section
 1402 39.509, Florida Statutes, is reenacted to read:

1403 39.509 Grandparents rights.—Notwithstanding any other
 1404 provision of law, a maternal or paternal grandparent as well as
 1405 a stepgrandparent is entitled to reasonable visitation with his
 1406 or her grandchild who has been adjudicated a dependent child and
 1407 taken from the physical custody of the parent unless the court
 1408 finds that such visitation is not in the best interest of the
 1409 child or that such visitation would interfere with the goals of
 1410 the case plan. Reasonable visitation may be unsupervised and,
 1411 where appropriate and feasible, may be frequent and continuing.
 1412 Any order for visitation or other contact must conform to the
 1413 provisions of s. 39.0139.

1414 (6) In determining whether grandparental visitation is not
 1415 in the child's best interest, consideration may be given to the
 1416 following:

1417 (b) The designation by a court as a sexual predator as
 1418 defined in s. 775.21 or a substantially similar designation
 1419 under laws of another jurisdiction.

1420 Section 38. For the purpose of incorporating the amendment
 1421 made by this act to section 775.21, Florida Statutes, in a
 1422 reference thereto, subsection (3) of section 63.092, Florida
 1423 Statutes, is reenacted to read:

1424 63.092 Report to the court of intended placement by an
 1425 adoption entity; at-risk placement; preliminary study.—

1426 (3) PRELIMINARY HOME STUDY.—Before placing the minor in
1427 the intended adoptive home, a preliminary home study must be
1428 performed by a licensed child-placing agency, a child-caring
1429 agency registered under s. 409.176, a licensed professional, or
1430 an agency described in s. 61.20(2), unless the adoptee is an
1431 adult or the petitioner is a stepparent or a relative. If the
1432 adoptee is an adult or the petitioner is a stepparent or a
1433 relative, a preliminary home study may be required by the court
1434 for good cause shown. The department is required to perform the
1435 preliminary home study only if there is no licensed child-
1436 placing agency, child-caring agency registered under s. 409.176,
1437 licensed professional, or agency described in s. 61.20(2), in
1438 the county where the prospective adoptive parents reside. The
1439 preliminary home study must be made to determine the suitability
1440 of the intended adoptive parents and may be completed prior to
1441 identification of a prospective adoptive minor. A favorable
1442 preliminary home study is valid for 1 year after the date of its
1443 completion. Upon its completion, a signed copy of the home study
1444 must be provided to the intended adoptive parents who were the
1445 subject of the home study. A minor may not be placed in an
1446 intended adoptive home before a favorable preliminary home study
1447 is completed unless the adoptive home is also a licensed foster
1448 home under s. 409.175. The preliminary home study must include,
1449 at a minimum:

- 1450 (a) An interview with the intended adoptive parents;
1451 (b) Records checks of the department's central abuse

1452 registry and criminal records correspondence checks under s.
 1453 39.0138 through the Department of Law Enforcement on the
 1454 intended adoptive parents;

1455 (c) An assessment of the physical environment of the home;

1456 (d) A determination of the financial security of the
 1457 intended adoptive parents;

1458 (e) Documentation of counseling and education of the
 1459 intended adoptive parents on adoptive parenting;

1460 (f) Documentation that information on adoption and the
 1461 adoption process has been provided to the intended adoptive
 1462 parents;

1463 (g) Documentation that information on support services
 1464 available in the community has been provided to the intended
 1465 adoptive parents; and

1466 (h) A copy of each signed acknowledgment of receipt of
 1467 disclosure required by s. 63.085.

1468
 1469 If the preliminary home study is favorable, a minor may be
 1470 placed in the home pending entry of the judgment of adoption. A
 1471 minor may not be placed in the home if the preliminary home
 1472 study is unfavorable. If the preliminary home study is
 1473 unfavorable, the adoption entity may, within 20 days after
 1474 receipt of a copy of the written recommendation, petition the
 1475 court to determine the suitability of the intended adoptive
 1476 home. A determination as to suitability under this subsection
 1477 does not act as a presumption of suitability at the final

1478 hearing. In determining the suitability of the intended adoptive
1479 home, the court must consider the totality of the circumstances
1480 in the home. A minor may not be placed in a home in which there
1481 resides any person determined by the court to be a sexual
1482 predator as defined in s. 775.21 or to have been convicted of an
1483 offense listed in s. 63.089(4)(b)2.

1484 Section 39. For the purpose of incorporating the
1485 amendments made by this act to sections 775.21 and 943.0435,
1486 Florida Statutes, in references thereto, paragraph (i) of
1487 subsection (3) and subsection (6) of section 68.07, Florida
1488 Statutes, are reenacted to read:

1489 68.07 Change of name.—

1490 (3) Each petition shall be verified and show:

1491 (i) Whether the petitioner has ever been required to
1492 register as a sexual predator under s. 775.21 or as a sexual
1493 offender under s. 943.0435.

1494 (6) The clerk of the court must, within 5 business days
1495 after the filing of the final judgment, send a report of the
1496 judgment to the Department of Law Enforcement on a form to be
1497 furnished by that department. If the petitioner is required to
1498 register as a sexual predator or a sexual offender pursuant to
1499 s. 775.21 or s. 943.0435, the clerk of court shall
1500 electronically notify the Department of Law Enforcement of the
1501 name change, in a manner prescribed by that department, within 2
1502 business days after the filing of the final judgment. The
1503 Department of Law Enforcement must send a copy of the report to

1504 the Department of Highway Safety and Motor Vehicles, which may
1505 be delivered by electronic transmission. The report must contain
1506 sufficient information to identify the petitioner, including the
1507 results of the criminal history records check if applicable, the
1508 new name of the petitioner, and the file number of the judgment.
1509 The Department of Highway Safety and Motor Vehicles shall
1510 monitor the records of any sexual predator or sexual offender
1511 whose name has been provided to it by the Department of Law
1512 Enforcement. If the sexual predator or sexual offender does not
1513 obtain a replacement driver license or identification card
1514 within the required time as specified in s. 775.21 or s.
1515 943.0435, the Department of Highway Safety and Motor Vehicles
1516 shall notify the Department of Law Enforcement. The Department
1517 of Law Enforcement shall notify applicable law enforcement
1518 agencies of the predator's or offender's failure to comply with
1519 registration requirements. Any information retained by the
1520 Department of Law Enforcement and the Department of Highway
1521 Safety and Motor Vehicles may be revised or supplemented by said
1522 departments to reflect changes made by the final judgment. With
1523 respect to a person convicted of a felony in another state or of
1524 a federal offense, the Department of Law Enforcement must send
1525 the report to the respective state's office of law enforcement
1526 records or to the office of the Federal Bureau of Investigation.
1527 The Department of Law Enforcement may forward the report to any
1528 other law enforcement agency it believes may retain information
1529 related to the petitioner.

1530 Section 40. For the purpose of incorporating the
 1531 amendments made by this act to sections 775.21, 943.0435, and
 1532 944.607, Florida Statutes, in references thereto, subsection (3)
 1533 of section 322.141, Florida Statutes, is reenacted to read:

1534 322.141 Color or markings of certain licenses or
 1535 identification cards.—

1536 (3) All licenses for the operation of motor vehicles or
 1537 identification cards originally issued or reissued by the
 1538 department to persons who are designated as sexual predators
 1539 under s. 775.21 or subject to registration as sexual offenders
 1540 under s. 943.0435 or s. 944.607, or who have a similar
 1541 designation or are subject to a similar registration under the
 1542 laws of another jurisdiction, shall have on the front of the
 1543 license or identification card the following:

1544 (a) For a person designated as a sexual predator under s.
 1545 775.21 or who has a similar designation under the laws of
 1546 another jurisdiction, the marking "SEXUAL PREDATOR."

1547 (b) For a person subject to registration as a sexual
 1548 offender under s. 943.0435 or s. 944.607, or subject to a
 1549 similar registration under the laws of another jurisdiction, the
 1550 marking "943.0435, F.S."

1551 Section 41. For the purpose of incorporating the
 1552 amendments made by this act to sections 775.21 and 943.0435,
 1553 Florida Statutes, in references thereto, paragraphs (a) and (c)
 1554 of subsection (2) of section 397.4872, Florida Statutes, are
 1555 reenacted to read:

1556 397.4872 Exemption from disqualification; publication.—
 1557 (2) The department may exempt a person from ss. 397.487(6)
 1558 and 397.4871(5) if it has been at least 3 years since the person
 1559 has completed or been lawfully released from confinement,
 1560 supervision, or sanction for the disqualifying offense. An
 1561 exemption from the disqualifying offenses may not be given under
 1562 any circumstances for any person who is a:

- 1563 (a) Sexual predator pursuant to s. 775.21;
- 1564 (c) Sexual offender pursuant to s. 943.0435, unless the
 1565 requirement to register as a sexual offender has been removed
 1566 pursuant to s. 943.04354.

1567 Section 42. For the purpose of incorporating the
 1568 amendments made by this act to sections 775.21, 943.0435, and
 1569 944.607, Florida Statutes, in references thereto, paragraphs (e)
 1570 and (f) of subsection (4) of section 775.13, Florida Statutes,
 1571 are reenacted to read:

1572 775.13 Registration of convicted felons, exemptions;
 1573 penalties.—

- 1574 (4) This section does not apply to an offender:
- 1575 (e) Who is a sexual predator and has registered as
 1576 required under s. 775.21;
- 1577 (f) Who is a sexual offender and has registered as
 1578 required in s. 943.0435 or s. 944.607; or

1579 Section 43. For the purpose of incorporating the
 1580 amendments made by this act to sections 775.21, 943.0435,
 1581 944.606, and 944.607, Florida Statutes, in references thereto,

1582 section 775.25, Florida Statutes, is reenacted to read:

1583 775.25 Prosecutions for acts or omissions.—A sexual
 1584 predator or sexual offender who commits any act or omission in
 1585 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
 1586 944.607, or former s. 947.177 may be prosecuted for the act or
 1587 omission in the county in which the act or omission was
 1588 committed, in the county of the last registered address of the
 1589 sexual predator or sexual offender, in the county in which the
 1590 conviction occurred for the offense or offenses that meet the
 1591 criteria for designating a person as a sexual predator or sexual
 1592 offender, in the county where the sexual predator or sexual
 1593 offender was released from incarceration, or in the county of
 1594 the intended address of the sexual predator or sexual offender
 1595 as reported by the predator or offender prior to his or her
 1596 release from incarceration. In addition, a sexual predator may
 1597 be prosecuted for any such act or omission in the county in
 1598 which he or she was designated a sexual predator.

1599 Section 44. For the purpose of incorporating the
 1600 amendments made by this act to sections 775.21, 943.0435, and
 1601 944.607, Florida Statutes, in references thereto, paragraph (b)
 1602 of subsection (3) of section 775.261, Florida Statutes, is
 1603 reenacted to read:

1604 775.261 The Florida Career Offender Registration Act.—

1605 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

1606 (b) This section does not apply to any person who has been
 1607 designated as a sexual predator and required to register under

1608 s. 775.21 or who is required to register as a sexual offender
 1609 under s. 943.0435 or s. 944.607. However, if a person is no
 1610 longer required to register as a sexual predator under s. 775.21
 1611 or as a sexual offender under s. 943.0435 or s. 944.607, the
 1612 person must register as a career offender under this section if
 1613 the person is otherwise designated as a career offender as
 1614 provided in this section.

1615 Section 45. For the purpose of incorporating the amendment
 1616 made by this act to section 775.21, Florida Statutes, in a
 1617 reference thereto, subsection (1) of section 794.075, Florida
 1618 Statutes, is reenacted to read:

1619 794.075 Sexual predators; erectile dysfunction drugs.—

1620 (1) A person may not possess a prescription drug, as
 1621 defined in s. 499.003(43), for the purpose of treating erectile
 1622 dysfunction if the person is designated as a sexual predator
 1623 under s. 775.21.

1624 Section 46. For the purpose of incorporating the amendment
 1625 made by this act to section 775.21, Florida Statutes, in a
 1626 reference thereto, paragraph (c) of subsection (1) of section
 1627 903.0351, Florida Statutes, is reenacted to read:

1628 903.0351 Restrictions on pretrial release pending
 1629 probation-violation hearing or community-control-violation
 1630 hearing.—

1631 (1) In the instance of an alleged violation of felony
 1632 probation or community control, bail or any other form of
 1633 pretrial release shall not be granted prior to the resolution of

1634 the probation-violation hearing or the community-control-
 1635 violation hearing to:

1636 (c) A person who is on felony probation or community
 1637 control and has previously been found by a court to be a
 1638 habitual violent felony offender as defined in s. 775.084(1)(b),
 1639 a three-time violent felony offender as defined in s.
 1640 775.084(1)(c), or a sexual predator under s. 775.21, and who is
 1641 arrested for committing a qualifying offense as defined in s.
 1642 948.06(8)(c) on or after the effective date of this act.

1643 Section 47. For the purpose of incorporating the
 1644 amendments made by this act to sections 775.21 and 943.0435,
 1645 Florida Statutes, in references thereto, paragraph (m) of
 1646 subsection (2) of section 903.046, Florida Statutes, is
 1647 reenacted to read:

1648 903.046 Purpose of and criteria for bail determination.—

1649 (2) When determining whether to release a defendant on
 1650 bail or other conditions, and what that bail or those conditions
 1651 may be, the court shall consider:

1652 (m) Whether the defendant, other than a defendant whose
 1653 only criminal charge is a misdemeanor offense under chapter 316,
 1654 is required to register as a sexual offender under s. 943.0435
 1655 or a sexual predator under s. 775.21; and, if so, he or she is
 1656 not eligible for release on bail or surety bond until the first
 1657 appearance on the case in order to ensure the full participation
 1658 of the prosecutor and the protection of the public.

1659 Section 48. For the purpose of incorporating the amendment

1660 made by this act to section 775.21, Florida Statutes, in a
 1661 reference thereto, paragraph (o) of subsection (5) of section
 1662 921.141, Florida Statutes, is reenacted to read:

1663 921.141 Sentence of death or life imprisonment for capital
 1664 felonies; further proceedings to determine sentence.—

1665 (5) AGGRAVATING CIRCUMSTANCES.—Aggravating circumstances
 1666 shall be limited to the following:

1667 (o) The capital felony was committed by a person
 1668 designated as a sexual predator pursuant to s. 775.21 or a
 1669 person previously designated as a sexual predator who had the
 1670 sexual predator designation removed.

1671 Section 49. For the purpose of incorporating the
 1672 amendments made by this act to sections 775.21 and 943.0435,
 1673 Florida Statutes, in references thereto, subsection (1) of
 1674 section 938.10, Florida Statutes, is reenacted to read:

1675 938.10 Additional court cost imposed in cases of certain
 1676 crimes.—

1677 (1) If a person pleads guilty or nolo contendere to, or is
 1678 found guilty of, regardless of adjudication, any offense against
 1679 a minor in violation of s. 784.085, chapter 787, chapter 794,
 1680 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.
 1681 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,
 1682 s. 893.147(3), or s. 985.701, or any offense in violation of s.
 1683 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
 1684 court shall impose a court cost of \$151 against the offender in
 1685 addition to any other cost or penalty required by law.

1686 Section 50. For the purpose of incorporating the
1687 amendments made by this act to sections 775.21, 944.606, and
1688 944.607, Florida Statutes, in references thereto, subsections
1689 (3), (4), and (5) of section 943.0435, Florida Statutes, are
1690 reenacted to read:

1691 943.0435 Sexual offenders required to register with the
1692 department; penalty.—

1693 (3) Within 48 hours after the report required under
1694 subsection (2), a sexual offender shall report in person at a
1695 driver license office of the Department of Highway Safety and
1696 Motor Vehicles, unless a driver license or identification card
1697 that complies with the requirements of s. 322.141(3) was
1698 previously secured or updated under s. 944.607. At the driver
1699 license office the sexual offender shall:

1700 (a) If otherwise qualified, secure a Florida driver
1701 license, renew a Florida driver license, or secure an
1702 identification card. The sexual offender shall identify himself
1703 or herself as a sexual offender who is required to comply with
1704 this section and shall provide proof that the sexual offender
1705 reported as required in subsection (2). The sexual offender
1706 shall provide any of the information specified in subsection
1707 (2), if requested. The sexual offender shall submit to the
1708 taking of a photograph for use in issuing a driver license,
1709 renewed license, or identification card, and for use by the
1710 department in maintaining current records of sexual offenders.

1711 (b) Pay the costs assessed by the Department of Highway

1712 Safety and Motor Vehicles for issuing or renewing a driver
1713 license or identification card as required by this section. The
1714 driver license or identification card issued must be in
1715 compliance with s. 322.141(3).

1716 (c) Provide, upon request, any additional information
1717 necessary to confirm the identity of the sexual offender,
1718 including a set of fingerprints.

1719 (4) (a) Each time a sexual offender's driver license or
1720 identification card is subject to renewal, and, without regard
1721 to the status of the offender's driver license or identification
1722 card, within 48 hours after any change in the offender's
1723 permanent, temporary, or transient residence or change in the
1724 offender's name by reason of marriage or other legal process,
1725 the offender shall report in person to a driver license office,
1726 and is subject to the requirements specified in subsection (3).
1727 The Department of Highway Safety and Motor Vehicles shall
1728 forward to the department all photographs and information
1729 provided by sexual offenders. Notwithstanding the restrictions
1730 set forth in s. 322.142, the Department of Highway Safety and
1731 Motor Vehicles may release a reproduction of a color-photograph
1732 or digital-image license to the Department of Law Enforcement
1733 for purposes of public notification of sexual offenders as
1734 provided in this section and ss. 943.043 and 944.606. A sexual
1735 offender who is unable to secure or update a driver license or
1736 identification card with the Department of Highway Safety and
1737 Motor Vehicles as provided in subsection (3) and this subsection

1738 shall also report any change in the sexual offender's permanent,
1739 temporary, or transient residence or change in the offender's
1740 name by reason of marriage or other legal process within 48
1741 hours after the change to the sheriff's office in the county
1742 where the offender resides or is located and provide
1743 confirmation that he or she reported such information to the
1744 Department of Highway Safety and Motor Vehicles.

1745 (b)1. A sexual offender who vacates a permanent,
1746 temporary, or transient residence and fails to establish or
1747 maintain another permanent, temporary, or transient residence
1748 shall, within 48 hours after vacating the permanent, temporary,
1749 or transient residence, report in person to the sheriff's office
1750 of the county in which he or she is located. The sexual offender
1751 shall specify the date upon which he or she intends to or did
1752 vacate such residence. The sexual offender must provide or
1753 update all of the registration information required under
1754 paragraph (2) (b). The sexual offender must provide an address
1755 for the residence or other place that he or she is or will be
1756 located during the time in which he or she fails to establish or
1757 maintain a permanent or temporary residence.

1758 2. A sexual offender shall report in person at the
1759 sheriff's office in the county in which he or she is located
1760 within 48 hours after establishing a transient residence and
1761 thereafter must report in person every 30 days to the sheriff's
1762 office in the county in which he or she is located while
1763 maintaining a transient residence. The sexual offender must

1764 provide the addresses and locations where he or she maintains a
1765 transient residence. Each sheriff's office shall establish
1766 procedures for reporting transient residence information and
1767 provide notice to transient registrants to report transient
1768 residence information as required in this subparagraph.
1769 Reporting to the sheriff's office as required by this
1770 subparagraph does not exempt registrants from any reregistration
1771 requirement. The sheriff may coordinate and enter into
1772 agreements with police departments and other governmental
1773 entities to facilitate additional reporting sites for transient
1774 residence registration required in this subparagraph. The
1775 sheriff's office shall, within 2 business days, electronically
1776 submit and update all information provided by the sexual
1777 offender to the department.

1778 (c) A sexual offender who remains at a permanent,
1779 temporary, or transient residence after reporting his or her
1780 intent to vacate such residence shall, within 48 hours after the
1781 date upon which the offender indicated he or she would or did
1782 vacate such residence, report in person to the agency to which
1783 he or she reported pursuant to paragraph (b) for the purpose of
1784 reporting his or her address at such residence. When the sheriff
1785 receives the report, the sheriff shall promptly convey the
1786 information to the department. An offender who makes a report as
1787 required under paragraph (b) but fails to make a report as
1788 required under this paragraph commits a felony of the second
1789 degree, punishable as provided in s. 775.082, s. 775.083, or s.

1790 775.084.

1791 (d) The failure of a sexual offender who maintains a
 1792 transient residence to report in person to the sheriff's office
 1793 every 30 days as required in subparagraph (b)2. is punishable as
 1794 provided in subsection (9).

1795 (e) A sexual offender shall register all electronic mail
 1796 addresses and Internet identifiers with the department before
 1797 using such electronic mail addresses and Internet identifiers.
 1798 The department shall establish an online system through which
 1799 sexual offenders may securely access and update all electronic
 1800 mail address and Internet identifier information.

1801 (5) This section does not apply to a sexual offender who
 1802 is also a sexual predator, as defined in s. 775.21. A sexual
 1803 predator must register as required under s. 775.21.

1804 Section 51. For the purpose of incorporating the
 1805 amendments made by this act to sections 775.21 and 943.0435,
 1806 Florida Statutes, in references thereto, paragraph (a) of
 1807 subsection (4) and subsection (9) of section 944.607, Florida
 1808 Statutes, are reenacted to read:

1809 944.607 Notification to Department of Law Enforcement of
 1810 information on sexual offenders.—

1811 (4) A sexual offender, as described in this section, who
 1812 is under the supervision of the Department of Corrections but is
 1813 not incarcerated shall register with the Department of
 1814 Corrections within 3 business days after sentencing for a
 1815 registrable offense and otherwise provide information as

1816 required by this subsection.

1817 (a) The sexual offender shall provide his or her name;
 1818 date of birth; social security number; race; sex; height;
 1819 weight; hair and eye color; tattoos or other identifying marks;
 1820 all electronic mail addresses and Internet identifiers required
 1821 to be provided pursuant to s. 943.0435(4)(e); all home telephone
 1822 numbers and cellular telephone numbers; the make, model, color,
 1823 vehicle identification number (VIN), and license tag number of
 1824 all vehicles owned; permanent or legal residence and address of
 1825 temporary residence within the state or out of state while the
 1826 sexual offender is under supervision in this state, including
 1827 any rural route address or post office box; if no permanent or
 1828 temporary address, any transient residence within the state; and
 1829 address, location or description, and dates of any current or
 1830 known future temporary residence within the state or out of
 1831 state. The sexual offender shall also produce his or her
 1832 passport, if he or she has a passport, and, if he or she is an
 1833 alien, shall produce or provide information about documents
 1834 establishing his or her immigration status. The sexual offender
 1835 shall also provide information about any professional licenses
 1836 he or she has. The Department of Corrections shall verify the
 1837 address of each sexual offender in the manner described in ss.
 1838 775.21 and 943.0435. The department shall report to the
 1839 Department of Law Enforcement any failure by a sexual predator
 1840 or sexual offender to comply with registration requirements.

1841 (9) A sexual offender, as described in this section, who

1842 is under the supervision of the Department of Corrections but
1843 who is not incarcerated shall, in addition to the registration
1844 requirements provided in subsection (4), register and obtain a
1845 distinctive driver license or identification card in the manner
1846 provided in s. 943.0435(3), (4), and (5), unless the sexual
1847 offender is a sexual predator, in which case he or she shall
1848 register and obtain a distinctive driver license or
1849 identification card as required under s. 775.21. A sexual
1850 offender who fails to comply with the requirements of s.
1851 943.0435 is subject to the penalties provided in s. 943.0435(9).

1852 Section 52. For the purpose of incorporating the
1853 amendments made by this act to sections 775.21 and 944.607,
1854 Florida Statutes, in references thereto, subsection (7) of
1855 section 944.608, Florida Statutes, is reenacted to read:

1856 944.608 Notification to Department of Law Enforcement of
1857 information on career offenders.—

1858 (7) A career offender who is under the supervision of the
1859 department but who is not incarcerated shall, in addition to the
1860 registration requirements provided in subsection (3), register
1861 in the manner provided in s. 775.261(4)(c), unless the career
1862 offender is a sexual predator, in which case he or she shall
1863 register as required under s. 775.21, or is a sexual offender,
1864 in which case he or she shall register as required in s.
1865 944.607. A career offender who fails to comply with the
1866 requirements of s. 775.261(4) is subject to the penalties
1867 provided in s. 775.261(8).

1868 Section 53. For the purpose of incorporating the amendment
 1869 made by this act to section 775.21, Florida Statutes, in
 1870 references thereto, subsection (4) of section 944.609, Florida
 1871 Statutes, is reenacted to read:

1872 944.609 Career offenders; notification upon release.—

1873 (4) The department or any law enforcement agency may
 1874 notify the community and the public of a career offender's
 1875 presence in the community. However, with respect to a career
 1876 offender who has been found to be a sexual predator under s.
 1877 775.21, the Department of Law Enforcement or any other law
 1878 enforcement agency must inform the community and the public of
 1879 the career offender's presence in the community, as provided in
 1880 s. 775.21.

1881 Section 54. For the purpose of incorporating the
 1882 amendments made by this act to sections 775.21 and 943.0435,
 1883 Florida Statutes, in references thereto, paragraph (c) of
 1884 subsection (2) and subsections (10) and (12) of section
 1885 947.1405, Florida Statutes, are reenacted to read:

1886 947.1405 Conditional release program.—

1887 (2) Any inmate who:

1888 (c) Is found to be a sexual predator under s. 775.21 or
 1889 former s. 775.23,

1890
 1891 shall, upon reaching the tentative release date or provisional
 1892 release date, whichever is earlier, as established by the
 1893 Department of Corrections, be released under supervision subject

1894 to specified terms and conditions, including payment of the cost
1895 of supervision pursuant to s. 948.09. Such supervision shall be
1896 applicable to all sentences within the overall term of sentences
1897 if an inmate's overall term of sentences includes one or more
1898 sentences that are eligible for conditional release supervision
1899 as provided herein. Effective July 1, 1994, and applicable for
1900 offenses committed on or after that date, the commission may
1901 require, as a condition of conditional release, that the
1902 releasee make payment of the debt due and owing to a county or
1903 municipal detention facility under s. 951.032 for medical care,
1904 treatment, hospitalization, or transportation received by the
1905 releasee while in that detention facility. The commission, in
1906 determining whether to order such repayment and the amount of
1907 such repayment, shall consider the amount of the debt, whether
1908 there was any fault of the institution for the medical expenses
1909 incurred, the financial resources of the releasee, the present
1910 and potential future financial needs and earning ability of the
1911 releasee, and dependents, and other appropriate factors. If any
1912 inmate placed on conditional release supervision is also subject
1913 to probation or community control, resulting from a probationary
1914 or community control split sentence within the overall term of
1915 sentences, the Department of Corrections shall supervise such
1916 person according to the conditions imposed by the court and the
1917 commission shall defer to such supervision. If the court revokes
1918 probation or community control and resentsences the offender to a
1919 term of incarceration, such revocation also constitutes a

1920 sufficient basis for the revocation of the conditional release
1921 supervision on any nonprobationary or noncommunity control
1922 sentence without further hearing by the commission. If any such
1923 supervision on any nonprobationary or noncommunity control
1924 sentence is revoked, such revocation may result in a forfeiture
1925 of all gain-time, and the commission may revoke the resulting
1926 deferred conditional release supervision or take other action it
1927 considers appropriate. If the term of conditional release
1928 supervision exceeds that of the probation or community control,
1929 then, upon expiration of the probation or community control,
1930 authority for the supervision shall revert to the commission and
1931 the supervision shall be subject to the conditions imposed by
1932 the commission. A panel of no fewer than two commissioners shall
1933 establish the terms and conditions of any such release. If the
1934 offense was a controlled substance violation, the conditions
1935 shall include a requirement that the offender submit to random
1936 substance abuse testing intermittently throughout the term of
1937 conditional release supervision, upon the direction of the
1938 correctional probation officer as defined in s. 943.10(3). The
1939 commission shall also determine whether the terms and conditions
1940 of such release have been violated and whether such violation
1941 warrants revocation of the conditional release.

1942 (10) Effective for a releasee whose crime was committed on
1943 or after September 1, 2005, in violation of chapter 794, s.
1944 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the
1945 unlawful activity involved a victim who was 15 years of age or

1946 younger and the offender is 18 years of age or older or for a
 1947 releasee who is designated as a sexual predator pursuant to s.
 1948 775.21, in addition to any other provision of this section, the
 1949 commission must order electronic monitoring for the duration of
 1950 the releasee's supervision.

1951 (12) In addition to all other conditions imposed, for a
 1952 releasee who is subject to conditional release for a crime that
 1953 was committed on or after May 26, 2010, and who has been
 1954 convicted at any time of committing, or attempting, soliciting,
 1955 or conspiring to commit, any of the criminal offenses listed in
 1956 s. 943.0435(1)(a)1.a.(I), or a similar offense in another
 1957 jurisdiction against a victim who was under 18 years of age at
 1958 the time of the offense, if the releasee has not received a
 1959 pardon for any felony or similar law of another jurisdiction
 1960 necessary for the operation of this subsection, if a conviction
 1961 of a felony or similar law of another jurisdiction necessary for
 1962 the operation of this subsection has not been set aside in any
 1963 postconviction proceeding, or if the releasee has not been
 1964 removed from the requirement to register as a sexual offender or
 1965 sexual predator pursuant to s. 943.04354, the commission must
 1966 impose the following conditions:

1967 (a) A prohibition on visiting schools, child care
 1968 facilities, parks, and playgrounds without prior approval from
 1969 the releasee's supervising officer. The commission may also
 1970 designate additional prohibited locations to protect a victim.
 1971 The prohibition ordered under this paragraph does not prohibit

1972 the releasee from visiting a school, child care facility, park,
 1973 or playground for the sole purpose of attending a religious
 1974 service as defined in s. 775.0861 or picking up or dropping off
 1975 the releasee's child or grandchild at a child care facility or
 1976 school.

1977 (b) A prohibition on distributing candy or other items to
 1978 children on Halloween; wearing a Santa Claus costume, or other
 1979 costume to appeal to children, on or preceding Christmas;
 1980 wearing an Easter Bunny costume, or other costume to appeal to
 1981 children, on or preceding Easter; entertaining at children's
 1982 parties; or wearing a clown costume without prior approval from
 1983 the commission.

1984 Section 55. For the purpose of incorporating the
 1985 amendments made by this act to sections 782.04, 775.21,
 1986 943.0435, and 944.607, Florida Statutes, in references thereto,
 1987 subsection (4) and paragraphs (b), (c), and (d) of subsection
 1988 (8) of section 948.06, Florida Statutes, are reenacted to read:

1989 948.06 Violation of probation or community control;
 1990 revocation; modification; continuance; failure to pay
 1991 restitution or cost of supervision.—

1992 (4) Notwithstanding any other provision of this section, a
 1993 felony probationer or an offender in community control who is
 1994 arrested for violating his or her probation or community control
 1995 in a material respect may be taken before the court in the
 1996 county or circuit in which the probationer or offender was
 1997 arrested. That court shall advise him or her of the charge of a

1998 violation and, if such charge is admitted, shall cause him or
1999 her to be brought before the court that granted the probation or
2000 community control. If the violation is not admitted by the
2001 probationer or offender, the court may commit him or her or
2002 release him or her with or without bail to await further
2003 hearing. However, if the probationer or offender is under
2004 supervision for any criminal offense proscribed in chapter 794,
2005 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a
2006 registered sexual predator or a registered sexual offender, or
2007 is under supervision for a criminal offense for which he or she
2008 would meet the registration criteria in s. 775.21, s. 943.0435,
2009 or s. 944.607 but for the effective date of those sections, the
2010 court must make a finding that the probationer or offender is
2011 not a danger to the public prior to release with or without
2012 bail. In determining the danger posed by the offender's or
2013 probationer's release, the court may consider the nature and
2014 circumstances of the violation and any new offenses charged; the
2015 offender's or probationer's past and present conduct, including
2016 convictions of crimes; any record of arrests without conviction
2017 for crimes involving violence or sexual crimes; any other
2018 evidence of allegations of unlawful sexual conduct or the use of
2019 violence by the offender or probationer; the offender's or
2020 probationer's family ties, length of residence in the community,
2021 employment history, and mental condition; his or her history and
2022 conduct during the probation or community control supervision
2023 from which the violation arises and any other previous

2024 supervisions, including disciplinary records of previous
2025 incarcerations; the likelihood that the offender or probationer
2026 will engage again in a criminal course of conduct; the weight of
2027 the evidence against the offender or probationer; and any other
2028 facts the court considers relevant. The court, as soon as is
2029 practicable, shall give the probationer or offender an
2030 opportunity to be fully heard on his or her behalf in person or
2031 by counsel. After the hearing, the court shall make findings of
2032 fact and forward the findings to the court that granted the
2033 probation or community control and to the probationer or
2034 offender or his or her attorney. The findings of fact by the
2035 hearing court are binding on the court that granted the
2036 probation or community control. Upon the probationer or offender
2037 being brought before it, the court that granted the probation or
2038 community control may revoke, modify, or continue the probation
2039 or community control or may place the probationer into community
2040 control as provided in this section. However, the probationer or
2041 offender shall not be released and shall not be admitted to
2042 bail, but shall be brought before the court that granted the
2043 probation or community control if any violation of felony
2044 probation or community control other than a failure to pay costs
2045 or fines or make restitution payments is alleged to have been
2046 committed by:

2047 (a) A violent felony offender of special concern, as
2048 defined in this section;

2049 (b) A person who is on felony probation or community

2050 control for any offense committed on or after the effective date
 2051 of this act and who is arrested for a qualifying offense as
 2052 defined in this section; or

2053 (c) A person who is on felony probation or community
 2054 control and has previously been found by a court to be a
 2055 habitual violent felony offender as defined in s. 775.084(1)(b),
 2056 a three-time violent felony offender as defined in s.
 2057 775.084(1)(c), or a sexual predator under s. 775.21, and who is
 2058 arrested for committing a qualifying offense as defined in this
 2059 section on or after the effective date of this act.

2060 (8)

2061 (b) For purposes of this section and ss. 903.0351,
 2062 948.064, and 921.0024, the term "violent felony offender of
 2063 special concern" means a person who is on:

2064 1. Felony probation or community control related to the
 2065 commission of a qualifying offense committed on or after the
 2066 effective date of this act;

2067 2. Felony probation or community control for any offense
 2068 committed on or after the effective date of this act, and has
 2069 previously been convicted of a qualifying offense;

2070 3. Felony probation or community control for any offense
 2071 committed on or after the effective date of this act, and is
 2072 found to have violated that probation or community control by
 2073 committing a qualifying offense;

2074 4. Felony probation or community control and has
 2075 previously been found by a court to be a habitual violent felony

2076 offender as defined in s. 775.084(1)(b) and has committed a
 2077 qualifying offense on or after the effective date of this act;

2078 5. Felony probation or community control and has
 2079 previously been found by a court to be a three-time violent
 2080 felony offender as defined in s. 775.084(1)(c) and has committed
 2081 a qualifying offense on or after the effective date of this act;
 2082 or

2083 6. Felony probation or community control and has
 2084 previously been found by a court to be a sexual predator under
 2085 s. 775.21 and has committed a qualifying offense on or after the
 2086 effective date of this act.

2087 (c) For purposes of this section, the term "qualifying
 2088 offense" means any of the following:

2089 1. Kidnapping or attempted kidnapping under s. 787.01,
 2090 false imprisonment of a child under the age of 13 under s.
 2091 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
 2092 or (c).

2093 2. Murder or attempted murder under s. 782.04, attempted
 2094 felony murder under s. 782.051, or manslaughter under s. 782.07.

2095 3. Aggravated battery or attempted aggravated battery
 2096 under s. 784.045.

2097 4. Sexual battery or attempted sexual battery under s.
 2098 794.011(2), (3), (4), or (8)(b) or (c).

2099 5. Lewd or lascivious battery or attempted lewd or
 2100 lascivious battery under s. 800.04(4), lewd or lascivious
 2101 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious

2102 | conduct under s. 800.04(6)(b), lewd or lascivious exhibition
 2103 | under s. 800.04(7)(b), or lewd or lascivious exhibition on
 2104 | computer under s. 847.0135(5)(b).

2105 | 6. Robbery or attempted robbery under s. 812.13,
 2106 | carjacking or attempted carjacking under s. 812.133, or home
 2107 | invasion robbery or attempted home invasion robbery under s.
 2108 | 812.135.

2109 | 7. Lewd or lascivious offense upon or in the presence of
 2110 | an elderly or disabled person or attempted lewd or lascivious
 2111 | offense upon or in the presence of an elderly or disabled person
 2112 | under s. 825.1025.

2113 | 8. Sexual performance by a child or attempted sexual
 2114 | performance by a child under s. 827.071.

2115 | 9. Computer pornography under s. 847.0135(2) or (3),
 2116 | transmission of child pornography under s. 847.0137, or selling
 2117 | or buying of minors under s. 847.0145.

2118 | 10. Poisoning food or water under s. 859.01.

2119 | 11. Abuse of a dead human body under s. 872.06.

2120 | 12. Any burglary offense or attempted burglary offense
 2121 | that is either a first degree felony or second degree felony
 2122 | under s. 810.02(2) or (3).

2123 | 13. Arson or attempted arson under s. 806.01(1).

2124 | 14. Aggravated assault under s. 784.021.

2125 | 15. Aggravated stalking under s. 784.048(3), (4), (5), or
 2126 | (7).

2127 | 16. Aircraft piracy under s. 860.16.

2128 17. Unlawful throwing, placing, or discharging of a
 2129 destructive device or bomb under s. 790.161(2), (3), or (4).

2130 18. Treason under s. 876.32.

2131 19. Any offense committed in another jurisdiction which
 2132 would be an offense listed in this paragraph if that offense had
 2133 been committed in this state.

2134 (d) In the case of an alleged violation of probation or
 2135 community control other than a failure to pay costs, fines, or
 2136 restitution, the following individuals shall remain in custody
 2137 pending the resolution of the probation or community control
 2138 violation:

2139 1. A violent felony offender of special concern, as
 2140 defined in this section;

2141 2. A person who is on felony probation or community
 2142 control for any offense committed on or after the effective date
 2143 of this act and who is arrested for a qualifying offense as
 2144 defined in this section; or

2145 3. A person who is on felony probation or community
 2146 control and has previously been found by a court to be a
 2147 habitual violent felony offender as defined in s. 775.084(1)(b),
 2148 a three-time violent felony offender as defined in s.
 2149 775.084(1)(c), or a sexual predator under s. 775.21, and who is
 2150 arrested for committing a qualifying offense as defined in this
 2151 section on or after the effective date of this act.

2152
 2153 The court shall not dismiss the probation or community control

2154 violation warrant pending against an offender enumerated in this
2155 paragraph without holding a recorded violation-of-probation
2156 hearing at which both the state and the offender are
2157 represented.

2158 Section 56. For the purpose of incorporating the
2159 amendments made by this act to sections 775.21, 943.0435, and
2160 944.607, Florida Statutes, in references thereto, section
2161 948.063, Florida Statutes, is reenacted to read:

2162 948.063 Violations of probation or community control by
2163 designated sexual offenders and sexual predators.—

2164 (1) If probation or community control for any felony
2165 offense is revoked by the court pursuant to s. 948.06(2)(e) and
2166 the offender is designated as a sexual offender pursuant to s.
2167 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
2168 775.21 for unlawful sexual activity involving a victim 15 years
2169 of age or younger and the offender is 18 years of age or older,
2170 and if the court imposes a subsequent term of supervision
2171 following the revocation of probation or community control, the
2172 court must order electronic monitoring as a condition of the
2173 subsequent term of probation or community control.

2174 (2) If the probationer or offender is required to register
2175 as a sexual predator under s. 775.21 or as a sexual offender
2176 under s. 943.0435 or s. 944.607 for unlawful sexual activity
2177 involving a victim 15 years of age or younger and the
2178 probationer or offender is 18 years of age or older and has
2179 violated the conditions of his or her probation or community

2180 control, but the court does not revoke the probation or
2181 community control, the court shall nevertheless modify the
2182 probation or community control to include electronic monitoring
2183 for any probationer or offender not then subject to electronic
2184 monitoring.

2185 Section 57. For the purpose of incorporating the amendment
2186 made by this act to section 775.21, Florida Statutes, in a
2187 reference thereto, subsection (4) of section 948.064, Florida
2188 Statutes, is reenacted to read:

2189 948.064 Notification of status as a violent felony
2190 offender of special concern.—

2191 (4) The state attorney, or the statewide prosecutor if
2192 applicable, shall advise the court at each critical stage in the
2193 judicial process, at which the state attorney or statewide
2194 prosecutor is represented, whether an alleged or convicted
2195 offender is a violent felony offender of special concern; a
2196 person who is on felony probation or community control for any
2197 offense committed on or after the effective date of this act and
2198 who is arrested for a qualifying offense; or a person who is on
2199 felony probation or community control and has previously been
2200 found by a court to be a habitual violent felony offender as
2201 defined in s. 775.084(1)(b), a three-time violent felony
2202 offender as defined in s. 775.084(1)(c), or a sexual predator
2203 under s. 775.21, and who is arrested for committing a qualifying
2204 offense on or after the effective date of this act.

2205 Section 58. For the purpose of incorporating the amendment

2206 made by this act to section 775.21, Florida Statutes, in a
2207 reference thereto, subsection (3) of section 948.12, Florida
2208 Statutes, is reenacted to read:

2209 948.12 Intensive supervision for postprison release of
2210 violent offenders.—It is the finding of the Legislature that the
2211 population of violent offenders released from state prison into
2212 the community poses the greatest threat to the public safety of
2213 the groups of offenders under community supervision. Therefore,
2214 for the purpose of enhanced public safety, any offender released
2215 from state prison who:

2216 (3) Has been found to be a sexual predator pursuant to s.
2217 775.21,

2218
2219 and who has a term of probation to follow the period of
2220 incarceration shall be provided intensive supervision by
2221 experienced correctional probation officers. Subject to specific
2222 appropriation by the Legislature, caseloads may be restricted to
2223 a maximum of 40 offenders per officer to provide for enhanced
2224 public safety as well as to effectively monitor conditions of
2225 electronic monitoring or curfews, if such was ordered by the
2226 court.

2227 Section 59. For the purpose of incorporating the
2228 amendments made by this act to sections 775.21 and 943.0435,
2229 Florida Statutes, in references thereto, paragraph (b) of
2230 subsection (3) and subsection (4) of section 948.30, Florida
2231 Statutes, are reenacted to read:

2232 948.30 Additional terms and conditions of probation or
 2233 community control for certain sex offenses.—Conditions imposed
 2234 pursuant to this section do not require oral pronouncement at
 2235 the time of sentencing and shall be considered standard
 2236 conditions of probation or community control for offenders
 2237 specified in this section.

2238 (3) Effective for a probationer or community controllee
 2239 whose crime was committed on or after September 1, 2005, and
 2240 who:

2241 (b) Is designated a sexual predator pursuant to s. 775.21;
 2242 or

2243
 2244 the court must order, in addition to any other provision of this
 2245 section, mandatory electronic monitoring as a condition of the
 2246 probation or community control supervision.

2247 (4) In addition to all other conditions imposed, for a
 2248 probationer or community controllee who is subject to
 2249 supervision for a crime that was committed on or after May 26,
 2250 2010, and who has been convicted at any time of committing, or
 2251 attempting, soliciting, or conspiring to commit, any of the
 2252 criminal offenses listed in s. 943.0435(1)(a)1.a.(I), or a
 2253 similar offense in another jurisdiction, against a victim who
 2254 was under the age of 18 at the time of the offense; if the
 2255 offender has not received a pardon for any felony or similar law
 2256 of another jurisdiction necessary for the operation of this
 2257 subsection, if a conviction of a felony or similar law of

2258 another jurisdiction necessary for the operation of this
2259 subsection has not been set aside in any postconviction
2260 proceeding, or if the offender has not been removed from the
2261 requirement to register as a sexual offender or sexual predator
2262 pursuant to s. 943.04354, the court must impose the following
2263 conditions:

2264 (a) A prohibition on visiting schools, child care
2265 facilities, parks, and playgrounds, without prior approval from
2266 the offender's supervising officer. The court may also designate
2267 additional locations to protect a victim. The prohibition
2268 ordered under this paragraph does not prohibit the offender from
2269 visiting a school, child care facility, park, or playground for
2270 the sole purpose of attending a religious service as defined in
2271 s. 775.0861 or picking up or dropping off the offender's
2272 children or grandchildren at a child care facility or school.

2273 (b) A prohibition on distributing candy or other items to
2274 children on Halloween; wearing a Santa Claus costume, or other
2275 costume to appeal to children, on or preceding Christmas;
2276 wearing an Easter Bunny costume, or other costume to appeal to
2277 children, on or preceding Easter; entertaining at children's
2278 parties; or wearing a clown costume; without prior approval from
2279 the court.

2280 Section 60. For the purpose of incorporating the
2281 amendments made by this act to sections 775.21, 943.0435,
2282 944.606, and 944.607, Florida Statutes, in references thereto,
2283 section 948.31, Florida Statutes, is reenacted to read:

2284 948.31 Evaluation and treatment of sexual predators and
 2285 offenders on probation or community control.—The court may
 2286 require any probationer or community controllee who is required
 2287 to register as a sexual predator under s. 775.21 or sexual
 2288 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
 2289 an evaluation, at the probationer or community controllee's
 2290 expense, by a qualified practitioner to determine whether such
 2291 probationer or community controllee needs sexual offender
 2292 treatment. If the qualified practitioner determines that sexual
 2293 offender treatment is needed and recommends treatment, the
 2294 probationer or community controllee must successfully complete
 2295 and pay for the treatment. Such treatment must be obtained from
 2296 a qualified practitioner as defined in s. 948.001. Treatment may
 2297 not be administered by a qualified practitioner who has been
 2298 convicted or adjudicated delinquent of committing, or
 2299 attempting, soliciting, or conspiring to commit, any offense
 2300 that is listed in s. 943.0435(1)(a)1.a.(I).

2301 Section 61. For the purpose of incorporating the
 2302 amendments made by this act to sections 775.21, 943.0435,
 2303 944.606, and 944.607, Florida Statutes, in references thereto,
 2304 paragraph (b) of subsection (6) of section 985.04, Florida
 2305 Statutes, is reenacted to read:

2306 985.04 Oaths; records; confidential information.—

2307 (6)

2308 (b) Sexual offender and predator registration information
 2309 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,

2310 and 985.4815 is a public record pursuant to s. 119.07(1) and as
 2311 otherwise provided by law.

2312 Section 62. For the purpose of incorporating the
 2313 amendments made by this act to sections 775.21 and 943.0435,
 2314 Florida Statutes, in references thereto, subsection (9) of
 2315 section 985.4815, Florida Statutes, is reenacted to read:

2316 985.4815 Notification to Department of Law Enforcement of
 2317 information on juvenile sexual offenders.—

2318 (9) A sexual offender, as described in this section, who
 2319 is under the care, jurisdiction, or supervision of the
 2320 department but who is not incarcerated shall, in addition to the
 2321 registration requirements provided in subsection (4), register
 2322 in the manner provided in s. 943.0435(3), (4), and (5), unless
 2323 the sexual offender is a sexual predator, in which case he or
 2324 she shall register as required under s. 775.21. A sexual
 2325 offender who fails to comply with the requirements of s.
 2326 943.0435 is subject to the penalties provided in s. 943.0435(9).

2327 Section 63. For the purpose of incorporating the
 2328 amendments made by this act to sections 775.21 and 943.0435,
 2329 Florida Statutes, in references thereto, paragraph (b) of
 2330 subsection (1) of section 92.55, Florida Statutes, is reenacted
 2331 to read:

2332 92.55 Judicial or other proceedings involving victim or
 2333 witness under the age of 16, a person who has an intellectual
 2334 disability, or a sexual offense victim or witness; special
 2335 protections; use of registered service or therapy animals.—

2336 (1) For purposes of this section, the term:
 2337 (b) "Sexual offense" means any offense specified in s.
 2338 775.21(4)(a)1. or s. 943.0435(1)(a)1.a.(I).
 2339 Section 64. For the purpose of incorporating the amendment
 2340 made by this act to section 943.0435, Florida Statutes, in a
 2341 reference thereto, paragraph (a) of subsection (2) of section
 2342 394.9125, Florida Statutes, is reenacted to read:
 2343 394.9125 State attorney; authority to refer a person for
 2344 civil commitment.—
 2345 (2) A state attorney may refer a person to the department
 2346 for civil commitment proceedings if the person:
 2347 (a) Is required to register as a sexual offender pursuant
 2348 to s. 943.0435;
 2349 Section 65. For the purpose of incorporating the
 2350 amendments made by this act to sections 943.0435 and 944.607,
 2351 Florida Statutes, in references thereto, paragraph (d) of
 2352 subsection (5) and paragraph (c) of subsection (10) of section
 2353 775.21, Florida Statutes, are reenacted to read:
 2354 775.21 The Florida Sexual Predators Act.—
 2355 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
 2356 as a sexual predator as follows:
 2357 (d) A person who establishes or maintains a residence in
 2358 this state and who has not been designated as a sexual predator
 2359 by a court of this state but who has been designated as a sexual
 2360 predator, as a sexually violent predator, or by another sexual
 2361 offender designation in another state or jurisdiction and was,

2362 as a result of such designation, subjected to registration or
2363 community or public notification, or both, or would be if the
2364 person was a resident of that state or jurisdiction, without
2365 regard to whether the person otherwise meets the criteria for
2366 registration as a sexual offender, shall register in the manner
2367 provided in s. 943.0435 or s. 944.607 and shall be subject to
2368 community and public notification as provided in s. 943.0435 or
2369 s. 944.607. A person who meets the criteria of this section is
2370 subject to the requirements and penalty provisions of s.
2371 943.0435 or s. 944.607 until the person provides the department
2372 with an order issued by the court that designated the person as
2373 a sexual predator, as a sexually violent predator, or by another
2374 sexual offender designation in the state or jurisdiction in
2375 which the order was issued which states that such designation
2376 has been removed or demonstrates to the department that such
2377 designation, if not imposed by a court, has been removed by
2378 operation of law or court order in the state or jurisdiction in
2379 which the designation was made, and provided such person no
2380 longer meets the criteria for registration as a sexual offender
2381 under the laws of this state.

2382 (10) PENALTIES.—

2383 (c) Any person who misuses public records information
2384 relating to a sexual predator, as defined in this section, or a
2385 sexual offender, as defined in s. 943.0435 or s. 944.607, to
2386 secure a payment from such a predator or offender; who knowingly
2387 distributes or publishes false information relating to such a

2388 predator or offender which the person misrepresents as being
 2389 public records information; or who materially alters public
 2390 records information with the intent to misrepresent the
 2391 information, including documents, summaries of public records
 2392 information provided by law enforcement agencies, or public
 2393 records information displayed by law enforcement agencies on
 2394 websites or provided through other means of communication,
 2395 commits a misdemeanor of the first degree, punishable as
 2396 provided in s. 775.082 or s. 775.083.

2397 Section 66. For the purpose of incorporating the
 2398 amendments made by this act to sections 943.0435, 944.606, and
 2399 944.607, Florida Statutes, in references thereto, subsection (2)
 2400 of section 775.24, Florida Statutes, is reenacted to read:

2401 775.24 Duty of the court to uphold laws governing sexual
 2402 predators and sexual offenders.—

2403 (2) If a person meets the criteria in this chapter for
 2404 designation as a sexual predator or meets the criteria in s.
 2405 943.0435, s. 944.606, s. 944.607, or any other law for
 2406 classification as a sexual offender, the court may not enter an
 2407 order, for the purpose of approving a plea agreement or for any
 2408 other reason, which:

2409 (a) Exempts a person who meets the criteria for
 2410 designation as a sexual predator or classification as a sexual
 2411 offender from such designation or classification, or exempts
 2412 such person from the requirements for registration or community
 2413 and public notification imposed upon sexual predators and sexual

2414 offenders;

2415 (b) Restricts the compiling, reporting, or release of
 2416 public records information that relates to sexual predators or
 2417 sexual offenders; or

2418 (c) Prevents any person or entity from performing its
 2419 duties or operating within its statutorily conferred authority
 2420 as such duty or authority relates to sexual predators or sexual
 2421 offenders.

2422 Section 67. For the purpose of incorporating the
 2423 amendments made by this act to sections 775.21, 943.0435,
 2424 944.606 and 944.607, Florida Statutes, in references thereto,
 2425 subsection (2) of section 943.0436, Florida Statutes, is
 2426 reenacted to read:

2427 943.0436 Duty of the court to uphold laws governing sexual
 2428 predators and sexual offenders.—

2429 (2) If a person meets the criteria in chapter 775 for
 2430 designation as a sexual predator or meets the criteria in s.
 2431 943.0435, s. 944.606, s. 944.607, or any other law for
 2432 classification as a sexual offender, the court may not enter an
 2433 order, for the purpose of approving a plea agreement or for any
 2434 other reason, which:

2435 (a) Exempts a person who meets the criteria for
 2436 designation as a sexual predator or classification as a sexual
 2437 offender from such designation or classification, or exempts
 2438 such person from the requirements for registration or community
 2439 and public notification imposed upon sexual predators and sexual

2440 offenders;

2441 (b) Restricts the compiling, reporting, or release of
2442 public records information that relates to sexual predators or
2443 sexual offenders; or

2444 (c) Prevents any person or entity from performing its
2445 duties or operating within its statutorily conferred authority
2446 as such duty or authority relates to sexual predators or sexual
2447 offenders.

2448 Section 68. For the purpose of incorporating the amendment
2449 made by this act to section 943.0435, Florida Statutes, in a
2450 reference thereto, subsection (2) of section 775.0862, Florida
2451 Statutes, is reenacted to read:

2452 775.0862 Sexual offenses against students by authority
2453 figures; reclassification.—

2454 (2) The felony degree of a violation of an offense listed
2455 in s. 943.0435(1)(a)1.a., unless the offense is a violation of
2456 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified
2457 as provided in this section if the offense is committed by an
2458 authority figure of a school against a student of the school.

2459 Section 69. This act shall take effect October 1, 2016.