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

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

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

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

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

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

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

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

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

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

241

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

243

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

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

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

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

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

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

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

264 782.04 Murder.—

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

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

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

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

271 b. Arson,

272 c. Sexual battery,

273 d. Robbery,

274 e. Burglary,

275 f. Kidnapping,

276 g. Escape,

277 h. Aggravated child abuse,

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

280 j. Aircraft piracy,

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

283 l. Carjacking,

284 m. Home-invasion robbery,

285 n. Aggravated stalking,

286 o. Murder of another human being,

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

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

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

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

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

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

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

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

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

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

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365 16 years of age.

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

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

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

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

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

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

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

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

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

390 (a) Section 787.01, relating to kidnapping.

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

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

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

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

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

426

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

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

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

442 (a) Section 787.01, relating to kidnapping.

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

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

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

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

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

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

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

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

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

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

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

491 796.07 Prohibiting prostitution and related acts.—

492 (2) It is unlawful:

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

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495 or assignation.

496 (5)

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

500 1. Perform 100 hours of community service; and

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

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

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

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

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

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

523 775.21 The Florida Sexual Predators Act.—

524 (4) SEXUAL PREDATOR CRITERIA.—

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

530 1. The felony is:

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

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

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

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

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

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

572 943.0435 Sexual offenders required to register with the

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573 department; penalty.—

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

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

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

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

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

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

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

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

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651 the offender at the time of the offense.

652

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

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

665 944.606 Sexual offenders; notification upon release.—

666 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

747 (6) LOCATION INFORMATION.—

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

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755 effective date of the exemption.

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

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

767 960.065 Eligibility for awards.—

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

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

777 39.806 Grounds for termination of parental rights.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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885 civil action.

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

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

894 (1)

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

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

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

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

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

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

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

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

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937 exceeding life imprisonment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1066 948.062 Reviewing and reporting serious offenses committed

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1067 by offenders placed on probation or community control.—

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

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

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

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

1078 (3)

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

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

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

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

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

1104 (d) Section 782.04, relating to murder.

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

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

1112 (2)

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

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1119 one of the following offenses:

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

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

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

1128 4. Section 775.30, relating to terrorism.

1129 5. Section 782.04, relating to murder.

1130 6. Section 787.01, relating to kidnapping.

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

1133 8. Section 826.04, relating to incest.

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

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

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

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

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

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

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

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

1170 921.0022 Criminal Punishment Code; offense severity

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1171	ranking chart.—		
1172	(3) OFFENSE SEVERITY RANKING CHART		
1173	(i) LEVEL 9		
1174			
	Florida	Felony	
	Statute	Degree	Description
1175	316.193	1st	DUI manslaughter; failing to render aid or give information.
	(3) (c) 3.b.		
1176	327.35	1st	BUI manslaughter; failing to render aid or give information.
	(3) (c) 3.b.		
1177	409.920	1st	Medicaid provider fraud;
	(2) (b) 1.c.		\$50,000 or more.
1178	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
1179	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
1180	560.125 (5) (c)	1st	Money transmitter business by

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			unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
1181	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
1182	775.0844	1st	Aggravated white collar crime.
1183	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
1184	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.
1185	782.051 (1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3).

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

1187

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

1188

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

1189

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

1190

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.

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

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

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

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

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

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

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

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

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

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

1235 947.146 Control Release Authority.—

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

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

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

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

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

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

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

1277 (9) "Sexually violent offense" means:

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

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

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

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

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

1294 60.05 Abatement of nuisances.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1374 term:

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

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

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

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

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

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

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

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

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

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

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

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

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- 1426 gang.
- 1427 23. Section 777.03, relating to commission of crimes by
- 1428 accessories after the fact.
- 1429 24. Chapter 782, relating to homicide.
- 1430 25. Chapter 784, relating to assault and battery.
- 1431 26. Chapter 787, relating to kidnapping or human
- 1432 trafficking.
- 1433 27. Chapter 790, relating to weapons and firearms.
- 1434 28. Chapter 794, relating to sexual battery, but only if
- 1435 such crime was committed with the intent to benefit, promote, or
- 1436 further the interests of a criminal gang, or for the purpose of
- 1437 increasing a criminal gang member's own standing or position
- 1438 within a criminal gang.
- 1439 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
- 1440 796.05, or s. 796.07, relating to prostitution.
- 1441 30. Chapter 806, relating to arson and criminal mischief.
- 1442 31. Chapter 810, relating to burglary and trespass.
- 1443 32. Chapter 812, relating to theft, robbery, and related
- 1444 crimes.
- 1445 33. Chapter 815, relating to computer-related crimes.
- 1446 34. Chapter 817, relating to fraudulent practices, false
- 1447 pretenses, fraud generally, and credit card crimes.
- 1448 35. Chapter 825, relating to abuse, neglect, or
- 1449 exploitation of an elderly person or disabled adult.
- 1450 36. Section 827.071, relating to commercial sexual
- 1451 exploitation of children.

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

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

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

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

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

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

1510 39.0139 Visitation or other contact; restrictions.—

1511 (3) PRESUMPTION OF DETRIMENT.—

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

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

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

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

1523 b. Section 794.011, relating to sexual battery;

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

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

1528 e. Section 826.04, relating to incest; or

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

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

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

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

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

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

1555 Section 39. For the purpose of incorporating the amendment

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

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

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

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

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

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

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

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

1624 68.07 Change of name.—

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

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

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

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

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

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

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

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

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

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

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

1691 397.4872 Exemption from disqualification; publication.—

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

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

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

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

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

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

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

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

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

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

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

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1738 reenacted to read:

1739 775.261 The Florida Career Offender Registration Act.—

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

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

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

1754 794.075 Sexual predators; erectile dysfunction drugs.—

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

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

1763 903.0351 Restrictions on pretrial release pending

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

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

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

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

1783 903.046 Purpose of and criteria for bail determination.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2007 944.609 Career offenders; notification upon release.—

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

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

2021 947.1405 Conditional release program.—

2022 (2) Any inmate who:

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

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

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

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2076 warrants revocation of the conditional release.

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

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

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

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

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

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

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

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

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

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

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

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

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

2195 (8)

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

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

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

2205 3. Felony probation or community control for any offense

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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2414 the court.

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

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

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

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2440 Statutes, is reenacted to read:

2441 985.04 Oaths; records; confidential information.—

2442 (6)

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

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

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

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

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

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2466 to read:

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

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

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

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

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

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

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

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

2489 775.21 The Florida Sexual Predators Act.—

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

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

2517 (10) PENALTIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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