

By the Committee on Criminal Justice; and Senator Perry

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1 A bill to be entitled
2 An act relating to criminal convictions; amending s.
3 455.213, F.S.; revising the timeframe when a
4 conviction, or any other adjudication, for a crime may
5 not be grounds for denial of licensure in specified
6 professions; removing a provision requiring good moral
7 character for licensure in such professions; requiring
8 the applicable board to approve certain education
9 program credits offered to inmates in correctional
10 institutions or facilities to satisfy training
11 requirements for licensure in specified professions;
12 amending s. 921.002, F.S.; revising the principles
13 that the Criminal Punishment Code embodies as it
14 relates to punishment and rehabilitation; conforming
15 provisions to changes made by the act; amending s.
16 944.02, F.S.; defining the term "gain-time"; amending
17 s. 944.275, F.S.; authorizing the Department of
18 Corrections to grant deductions from sentences in the
19 form of good behavior time, rehabilitation credits,
20 and outstanding deed awards, rather than solely for
21 gain-time, for specified purposes; revising a
22 prisoner's "tentative release date" that the
23 department must calculate for each prisoner based on
24 his or her good behavior time, rehabilitation credits,
25 and outstanding deed awards; requiring the department
26 to grant good behavior time, rather than basic gain-
27 time, as a means of encouraging satisfactory behavior
28 and developing character traits necessary for
29 successful reentry to the community, subject to

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30 certain conditions; authorizing the department to
31 grant rehabilitation credits, rather than incentive
32 gain-time, for each month during which a prisoner
33 engages in specified activities; revising the rates of
34 eligibility to earn rehabilitation credits; increasing
35 the authorized amount of outstanding deed awards which
36 a prisoner may be granted per outstanding deed
37 performed; authorizing the department to grant a
38 specified number of additional days of rehabilitation
39 credit for successful completion of specified
40 programs; defining the term "life skills program";
41 providing for retroactivity of specified
42 rehabilitation credits; authorizing the department to
43 grant up to a certain additional amount of days per
44 month to prisoners serving sentences for certain
45 violations; providing for retroactivity of specified
46 good behavior time; prohibiting certain prisoners from
47 being eligible to earn or receive good behavior time
48 or outstanding deed awards in an amount that would
49 cause a sentence to expire, end, or terminate, or that
50 would result in a prisoner's release, before he or she
51 serves a specified minimum percentage of the sentence
52 imposed; prohibiting certain prisoners from earning or
53 receiving rehabilitation credits in an amount that
54 would cause a sentence to expire, end, or terminate,
55 or that would result in a prisoner's release, before
56 he or she serves a specified minimum percentage of the
57 sentence imposed; providing that gain-time may be
58 forfeited according to law after due process if a

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59 prisoner is found guilty of an infraction of certain
60 laws or rules; requiring the department to adopt rules
61 in accordance with the changes made by the act;
62 conforming provisions to changes made by the act;
63 making technical changes; amending ss. 316.027,
64 775.0845, 775.0847, 775.0861, 775.0862, 775.087,
65 775.0875, 777.03, 777.04, 794.011, 794.023, 817.568,
66 831.032, 843.22, 874.04, 944.281, 944.473, and 944.70,
67 F.S.; conforming provisions to changes made by the
68 act; reenacting ss. 775.084(4)(k), 900.05(2)(v) and
69 (3)(e), 944.28, 944.605(1), 944.607(6), 947.005(15),
70 and 985.4815(6)(a), F.S., relating to gain-time
71 granted by the department, the definition of "gain-
72 time credit earned" and gain-time data that the
73 department must collect, the forfeiture of gain-time
74 and the right to earn gain-time in the future, a
75 required notification of expiration of sentence, a
76 requirement that a digitized photograph of sexual
77 offenders be taken within a certain time before
78 release, the definition of "tentative release date,"
79 and a requirement that a digitized photograph of
80 sexual offenders be taken within a certain time before
81 release, respectively, to incorporate the amendment
82 made to s. 944.275, F.S., in references thereto;
83 providing an effective date.

84
85 Be It Enacted by the Legislature of the State of Florida:

86
87 Section 1. Paragraph (b) of subsection (3) of section

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88 455.213, Florida Statutes, is amended, and paragraph (f) is
89 added to that subsection, to read:

90 455.213 General licensing provisions.—

91 (3)

92 (b)~~1~~. A conviction, or any other adjudication, for a crime
93 more than 2 5 years before the date the application is received
94 by the applicable board may not be grounds for denial of a
95 license specified in paragraph (a). For purposes of this
96 paragraph, the term "conviction" means a determination of guilt
97 that is the result of a plea or trial, regardless of whether
98 adjudication is withheld. This paragraph does not limit the
99 applicable board from considering an applicant's criminal
100 history that includes a crime listed in s. 775.21(4)(a)1. or s.
101 776.08 at any time, but only if such criminal history has been
102 found to relate to the practice of the applicable profession.

103 ~~2. The applicable board may consider the criminal history~~
104 ~~of an applicant for licensure under subparagraph (a)3. if such~~
105 ~~criminal history has been found to relate to good moral~~
106 ~~character.~~

107 (f) The applicable board shall approve educational programs
108 credits offered to inmates in any correctional institution or
109 correctional facility, whether offered as vocational training or
110 through an industry certification program, for the purposes of
111 satisfying applicable training requirements for licensure in a
112 profession specified in paragraph (a).

113 Section 2. Subsection (1) of section 921.002, Florida
114 Statutes, is amended to read:

115 921.002 The Criminal Punishment Code.—The Criminal
116 Punishment Code shall apply to all felony offenses, except

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117 capital felonies, committed on or after October 1, 1998.

118 (1) The provision of criminal penalties and of limitations
119 upon the application of such penalties is a matter of
120 predominantly substantive law and, as such, is a matter properly
121 addressed by the Legislature. The Legislature, in the exercise
122 of its authority and responsibility to establish sentencing
123 criteria, to provide for the imposition of criminal penalties,
124 and to make the best use of state prisons so that ~~violent~~
125 criminal offenders are appropriately punished and rehabilitated
126 ~~incarcerated~~, has determined that it is in the best interest of
127 the state to develop, implement, and revise a sentencing policy.
128 The Criminal Punishment Code embodies the principles that:

129 (a) Sentencing is neutral with respect to race, gender, and
130 social and economic status.

131 (b) The dual purposes ~~primary purpose~~ of sentencing in the
132 criminal justice system are ~~is~~ to punish the offender and
133 rehabilitate the offender so that he or she can successfully
134 transition back into the community. ~~Rehabilitation is a desired~~
135 ~~goal of the criminal justice system but is subordinate to the~~
136 ~~goal of punishment.~~

137 (c) The penalty imposed is commensurate with the severity
138 of the primary offense and the circumstances surrounding the
139 primary offense.

140 (d) The severity of the sentence increases with the length
141 and nature of the offender's prior record.

142 (e) The sentence imposed by the sentencing judge reflects
143 the length of actual time to be served, shortened only by the
144 application of good behavior time, rehabilitation credits, and
145 outstanding deed awards, ~~incentive and meritorious gain time~~ as

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146 provided by law, and may not be shortened if the defendant would
147 consequently serve less than 85 percent of his or her term of
148 imprisonment upon the application of good behavior time and
149 outstanding deed awards or 65 percent of his or her term of
150 imprisonment upon the application of rehabilitation credits, as
151 provided in s. 944.275(4). The provisions of chapter 947,
152 relating to parole, do not ~~shall not~~ apply to persons sentenced
153 under the Criminal Punishment Code.

154 (f) Departures below the lowest permissible sentence
155 established by the code must be articulated in writing by the
156 trial court judge and made only when circumstances or factors
157 reasonably justify the mitigation of the sentence. The level of
158 proof necessary to establish facts that support a departure from
159 the lowest permissible sentence is a preponderance of the
160 evidence.

161 (g) The trial court judge may impose a sentence up to and
162 including the statutory maximum for any offense, including an
163 offense that is before the court due to a violation of probation
164 or community control.

165 (h) A sentence may be appealed on the basis that it departs
166 from the Criminal Punishment Code only if the sentence is below
167 the lowest permissible sentence or as enumerated in s.
168 924.06(1).

169 (i) Use of incarcerative sanctions is prioritized toward
170 offenders convicted of serious offenses and certain offenders
171 who have long prior records, in order to maximize the finite
172 capacities of state and local correctional facilities.

173 Section 3. Present subsections (5) through (8) of section
174 944.02, Florida Statutes, are redesignated as subsections (6)

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175 through (9), respectively, and a new subsection (5) is added to
176 that section, to read:

177 944.02 Definitions.—The following words and phrases used in
178 this chapter shall, unless the context clearly indicates
179 otherwise, have the following meanings:

180 (5) "Gain-time" means good behavior time, rehabilitation
181 credits, and outstanding deed awards, collectively.

182 Section 4. Section 944.275, Florida Statutes, is amended to
183 read:

184 944.275 Good behavior time; rehabilitation credits;
185 outstanding deed awards ~~gain-time~~.—

186 (1) The department is authorized to grant deductions from
187 sentences in the form of good behavior time, rehabilitation
188 credits, and outstanding deed awards ~~gain-time~~ in order to
189 encourage satisfactory prisoner behavior, to provide incentive
190 for prisoners to participate in productive activities, and to
191 reward prisoners who perform outstanding deeds or services.

192 (2) (a) The department shall establish for each prisoner
193 sentenced to a term of years a "maximum sentence expiration
194 date," which shall be the date when the sentence or combined
195 sentences imposed on a prisoner will expire. In establishing
196 this date, the department shall reduce the total time to be
197 served by any time lawfully credited.

198 (b) When a prisoner with an established maximum sentence
199 expiration date is sentenced to an additional term or terms
200 without having been released from custody, the department shall
201 extend the maximum sentence expiration date by the length of
202 time imposed in the new sentence or sentences, less lawful
203 credits.

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204 (c) When an escaped prisoner or a parole violator is
205 returned to the custody of the department, the maximum sentence
206 expiration date in effect when the escape occurred or the parole
207 was effective shall be extended by the amount of time the
208 prisoner was not in custody plus the time imposed in any new
209 sentence or sentences, but reduced by any lawful credits.

210 (3) (a) The department shall also establish for each
211 prisoner sentenced to a term of years a "tentative release date"
212 which shall be the date projected for the prisoner's release
213 from custody by virtue of good behavior time, rehabilitation
214 credits, or outstanding deed awards ~~gain-time~~ granted or
215 forfeited as described in this section. The initial tentative
216 release date shall be determined by deducting good behavior time
217 ~~basic gain-time~~ granted from the maximum sentence expiration
218 date. Rehabilitation credits and outstanding deed awards ~~Other~~
219 ~~gain-time~~ shall be applied when granted or restored to make the
220 tentative release date proportionately earlier; and forfeitures
221 of gain-time, when ordered, shall be applied to make the
222 tentative release date proportionately later.

223 (b) When an initial tentative release date is reestablished
224 because of additional sentences imposed before the prisoner has
225 completely served all prior sentences, any good behavior time,
226 rehabilitation credits, and outstanding deed awards ~~gain-time~~
227 granted during service of a prior sentence and not forfeited
228 shall be applied.

229 (c) The tentative release date may not be later than the
230 maximum sentence expiration date.

231 (4) (a) As a means of encouraging satisfactory behavior and
232 developing character traits necessary for successful reentry to

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233 the community, the department shall grant good behavior time
234 ~~basic gain time~~ at the rate of 10 days for each month of each
235 sentence imposed on a prisoner, subject to the following:

236 1. Portions of any sentences to be served concurrently
237 shall be treated as a single sentence when determining good
238 behavior time ~~basic gain time~~.

239 2. Good behavior time ~~Basic gain time~~ for a partial month
240 shall be prorated on the basis of a 30-day month.

241 3. When a prisoner receives a new maximum sentence
242 expiration date because of additional sentences imposed, good
243 behavior time ~~basic gain time~~ shall be granted for the amount of
244 time the maximum sentence expiration date was extended.

245 (b) For each month in which a prisoner ~~an inmate~~ works
246 diligently, participates in training or education, uses time
247 constructively, or otherwise engages in positive activities, the
248 department may grant rehabilitation credits ~~incentive gain time~~
249 in accordance with this paragraph. The rate of rehabilitation
250 credits ~~incentive gain time~~ in effect on the date the prisoner
251 ~~inmate~~ committed the offense that ~~which~~ resulted in his or her
252 incarceration shall be the prisoner's ~~inmate's~~ rate of
253 eligibility to earn rehabilitation credits ~~incentive gain time~~
254 throughout the period of incarceration and may ~~shall~~ not be
255 altered by a subsequent change in the severity level of the
256 offense for which the prisoner ~~inmate~~ was sentenced.

257 1. For sentences imposed for offenses committed before
258 ~~prior to~~ January 1, 1994, and on or after October 1, 1995, up to
259 20 days of rehabilitation credits ~~incentive gain time~~ may be
260 granted. If granted, such rehabilitation credits ~~gain time~~ shall
261 be credited and applied monthly.

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262 2. For sentences imposed for offenses committed on or after
263 January 1, 1994, and before October 1, 1995:

264 a. For offenses ranked in offense severity levels 1 through
265 7, under former s. 921.0012 or former s. 921.0013, up to 25 days
266 of rehabilitation credits ~~incentive gain-time~~ may be granted. If
267 granted, such rehabilitation credits ~~gain-time~~ shall be credited
268 and applied monthly.

269 b. For offenses ranked in offense severity levels 8, 9, and
270 10, under former s. 921.0012 or former s. 921.0013, up to 20
271 days of rehabilitation credits ~~incentive gain-time~~ may be
272 granted. If granted, such rehabilitation credits ~~gain-time~~ shall
273 be credited and applied monthly.

274 ~~3. For sentences imposed for offenses committed on or after
275 October 1, 1995, the department may grant up to 10 days per
276 month of incentive gain-time.~~

277 (c) A prisoner ~~An inmate~~ who performs some outstanding
278 deed, such as saving a life or assisting in recapturing an
279 escaped prisoner ~~inmate~~, or who in some manner performs an
280 outstanding service that would merit the granting of additional
281 deductions from the term of his or her sentence may be granted
282 an outstanding deed award ~~meritorious gain-time~~ of from 30 ~~±~~ to
283 60 days per outstanding deed performed.

284 (d) Notwithstanding the monthly maximum awards of
285 rehabilitation credits under subparagraphs (b)1. and 2.,
286 ~~incentive gain-time~~ under subparagraphs (b)1., 2., and 3., the
287 education program manager shall recommend, and the department ~~of~~
288 ~~Corrections~~ may grant, to a prisoner who is otherwise eligible,
289 ~~a one-time award of~~ 60 additional days of rehabilitation credits
290 for each of the following successfully completed by a prisoner:

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291 ~~incentive gain time to an inmate who is otherwise eligible and~~
292 ~~who successfully completes requirements for and is, or has been~~
293 ~~during the current commitment, awarded a high school equivalency~~
294 ~~diploma, a college degree, a ~~or~~ vocational certificate, a drug~~
295 ~~treatment program, a life skills program, a reentry program, or~~
296 ~~other evidence-based program approved by the department that~~
297 ~~serves the purpose of reducing recidivism and assisting a~~
298 ~~prisoner reintegrate into society. For purposes of this~~
299 ~~paragraph, a "life skills program" means a program, approved by~~
300 ~~the department, which consists of at least 60 hours designed to~~
301 ~~reduce recidivism by addressing, at a minimum, education, job~~
302 ~~skill, interpersonal skills, stress and anger management, and~~
303 ~~personal development. Additionally, the department shall grant 5~~
304 ~~additional days of rehabilitation credits for successful~~
305 ~~completion of any other department-approved program, including~~
306 ~~prisoner-developed programs or a passing grade in each online or~~
307 ~~in-person educational course, as approved by the department.~~
308 ~~Rehabilitation credits under this paragraph are retroactive.~~

309 (e) Notwithstanding the monthly maximum awards of
310 rehabilitation credits under subparagraphs (b)1. and 2., the
311 department may grant up to 2 additional days per month of good
312 behavior time to prisoners serving sentences for violations of
313 s. 893.13 or s. 893.135. Good behavior time under this paragraph
314 is retroactive ~~Under no circumstances may an inmate receive more~~
315 ~~than 60 days for educational attainment pursuant to this~~
316 ~~section.~~

317 (f) ~~(e)~~ Notwithstanding subparagraph (b)1. subparagraph
318 ~~(b)3.,~~ for sentences imposed for offenses committed on or after
319 October 1, 2014, the department may not grant rehabilitation

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320 ~~credits incentive gain-time~~ if the offense is a violation of s.
321 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or
322 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; s.
323 825.1025; or s. 847.0135(5).

324 (g)1.~~(f)~~ A prisoner ~~An inmate~~ who is subject to this
325 subsection and who is serving a sentence imposed for an offense
326 committed on or after October 1, 1995, subparagraph (b)3. is not
327 eligible to earn or receive good behavior time or outstanding
328 deed awards ~~gain-time under paragraph (a), paragraph (b),~~
329 ~~paragraph (c), or paragraph (d) or any other type of gain-time~~
330 in an amount that would cause a sentence to expire, end, or
331 terminate, or that would result in a prisoner's release, before
332 he or she serves ~~prior to serving~~ a minimum of 85 percent of the
333 sentence imposed.

334 2. A prisoner who is subject to this subsection may not
335 earn or receive rehabilitation credits in an amount that would
336 cause a sentence to expire, end, or terminate, or that would
337 result in a prisoner's release, before he or she serves a
338 minimum of 65 percent of the sentence imposed.

339 3. For purposes of this paragraph, credits awarded by the
340 court for time physically incarcerated shall be credited toward
341 satisfaction of ~~85 percent of~~ the sentence imposed. Except as
342 provided by this section, a prisoner serving a sentence imposed
343 for an offense committed on or after October 1, 1995, may not
344 accumulate further good behavior time ~~gain-time awards~~ at any
345 point when the tentative release date is the same as that date
346 at which the prisoner will have served 85 percent of the
347 sentence imposed. A prisoner may not accumulate further
348 rehabilitation credits or outstanding deed awards at any point

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349 when the tentative release date is the same as that date at
350 which the prisoner will have served 65 percent of the sentence
351 imposed. State prisoners sentenced to life imprisonment shall be
352 incarcerated for the rest of their natural lives, unless granted
353 pardon or clemency.

354 (5) ~~If~~ When a prisoner is found guilty of an infraction of
355 the laws of this state or the rules of the department, gain-time
356 may be forfeited according to law after due process.

357 (6) (a) Good behavior time ~~Basic gain-time~~ under this
358 section shall be computed on and applied to all sentences
359 imposed for offenses committed on or after July 1, 1978, ~~and~~
360 ~~before January 1, 1994.~~

361 (b) All good behavior time, rehabilitation credits, and
362 outstanding deed awards are ~~incentive and meritorious gain-time~~
363 ~~is~~ granted according to this section.

364 (c) All additional gain-time previously awarded under
365 former subsections (2) and (3) and all forfeitures ordered
366 before ~~prior to~~ the effective date of the act that created this
367 section shall remain in effect and be applied in establishing an
368 initial tentative release date.

369 (7) The department shall adopt rules to implement the
370 granting, forfeiture, restoration, and deletion of good behavior
371 time, rehabilitation credits, and outstanding deed awards, ~~gain-~~
372 ~~time.~~

373 Section 5. Subsection (2) of section 316.027, Florida
374 Statutes, is amended to read:

375 316.027 Crash involving death or personal injuries.—

376 (2) (a) The driver of a vehicle involved in a crash
377 occurring on public or private property which results in injury

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378 to a person other than serious bodily injury shall immediately
379 stop the vehicle at the scene of the crash, or as close thereto
380 as possible, and shall remain at the scene of the crash until he
381 or she has fulfilled the requirements of s. 316.062. A person
382 who willfully violates this paragraph commits a felony of the
383 third degree, punishable as provided in s. 775.082, s. 775.083,
384 or s. 775.084.

385 (b) The driver of a vehicle involved in a crash occurring
386 on public or private property which results in serious bodily
387 injury to a person shall immediately stop the vehicle at the
388 scene of the crash, or as close thereto as possible, and shall
389 remain at the scene of the crash until he or she has fulfilled
390 the requirements of s. 316.062. A person who willfully violates
391 this paragraph commits a felony of the second degree, punishable
392 as provided in s. 775.082, s. 775.083, or s. 775.084.

393 (c) The driver of a vehicle involved in a crash occurring
394 on public or private property which results in the death of a
395 person shall immediately stop the vehicle at the scene of the
396 crash, or as close thereto as possible, and shall remain at the
397 scene of the crash until he or she has fulfilled the
398 requirements of s. 316.062. A person who is arrested for a
399 violation of this paragraph and who has previously been
400 convicted of a violation of this section, s. 316.061, s.
401 316.191, or s. 316.193, or a felony violation of s. 322.34,
402 shall be held in custody until brought before the court for
403 admittance to bail in accordance with chapter 903. A person who
404 willfully violates this paragraph commits a felony of the first
405 degree, punishable as provided in s. 775.082, s. 775.083, or s.
406 775.084, and shall be sentenced to a mandatory minimum term of

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407 imprisonment of 4 years. A person who willfully commits such a
408 violation while driving under the influence as set forth in s.
409 316.193(1) shall be sentenced to a mandatory minimum term of
410 imprisonment of 4 years.

411 (d) Notwithstanding s. 775.089(1)(a), if the driver of a
412 vehicle violates paragraph (a), paragraph (b), or paragraph (c),
413 the court shall order the driver to make restitution to the
414 victim for any damage or loss unless the court finds clear and
415 compelling reasons not to order the restitution. Restitution may
416 be monetary or nonmonetary restitution. The court shall make the
417 payment of restitution a condition of probation in accordance
418 with s. 948.03. An order requiring the defendant to make
419 restitution to a victim does not remove or diminish the
420 requirement that the court order payment to the Crimes
421 Compensation Trust Fund under chapter 960. Payment of an award
422 by the Crimes Compensation Trust Fund creates an order of
423 restitution to the Crimes Compensation Trust Fund unless
424 specifically waived in accordance with s. 775.089(1)(b).

425 (e) A driver who violates paragraph (a), paragraph (b), or
426 paragraph (c) shall have his or her driver license revoked for
427 at least 3 years as provided in s. 322.28(4).

428 1. A person convicted of violating paragraph (a), paragraph
429 (b), or paragraph (c) shall, before his or her driving privilege
430 may be reinstated, present to the department proof of completion
431 of a victim's impact panel session in a judicial circuit if such
432 a panel exists, or if such a panel does not exist, a department-
433 approved driver improvement course relating to the rights of
434 vulnerable road users relative to vehicles on the roadway as
435 provided in s. 322.0261(2).

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436 2. The department may reinstate an offender's driving
437 privilege after he or she satisfies the 3-year revocation period
438 as provided in s. 322.28(4) and successfully completes either a
439 victim's impact panel session or a department-approved driver
440 improvement course relating to the rights of vulnerable road
441 users relative to vehicles on the roadway as provided in s.
442 322.0261(2).

443 3. For purposes of this paragraph, an offender's driving
444 privilege may be reinstated only after the department verifies
445 that the offender participated in and successfully completed a
446 victim's impact panel session or a department-approved driver
447 improvement course.

448 (f) For purposes of sentencing under chapter 921 and
449 determining ~~incentive gain time~~ eligibility for rehabilitation
450 credits under chapter 944, an offense listed in this subsection
451 is ranked one level above the ranking specified in s. 921.0022
452 or s. 921.0023 for the offense committed if the victim of the
453 offense was a vulnerable road user.

454 (g) The defendant may move to depart from the mandatory
455 minimum term of imprisonment prescribed in paragraph (c) unless
456 the violation was committed while the defendant was driving
457 under the influence. The state may object to this departure. The
458 court may grant the motion only if it finds that a factor,
459 consideration, or circumstance clearly demonstrates that
460 imposing a mandatory minimum term of imprisonment would
461 constitute or result in an injustice. The court shall state in
462 open court the basis for granting the motion.

463 Section 6. Section 775.0845, Florida Statutes, is amended
464 to read:

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465 775.0845 Wearing mask while committing offense;
466 reclassification.—The felony or misdemeanor degree of any
467 criminal offense, other than a violation of ss. 876.12-876.15,
468 shall be reclassified to the next higher degree as provided in
469 this section if, while committing the offense, the offender was
470 wearing a hood, mask, or other device that concealed his or her
471 identity.

472 (1) (a) In the case of a misdemeanor of the second degree,
473 the offense is reclassified to a misdemeanor of the first
474 degree.

475 (b) In the case of a misdemeanor of the first degree, the
476 offense is reclassified to a felony of the third degree. For
477 purposes of sentencing under chapter 921 and determining
478 ~~incentive gain-time~~ eligibility for rehabilitation credits under
479 chapter 944, such offense is ranked in level 2 of the offense
480 severity ranking chart.

481 (2) (a) In the case of a felony of the third degree, the
482 offense is reclassified to a felony of the second degree.

483 (b) In the case of a felony of the second degree, the
484 offense is reclassified to a felony of the first degree.

485
486 For purposes of sentencing under chapter 921 and determining
487 ~~incentive gain-time~~ eligibility for rehabilitation credits under
488 chapter 944, a felony offense that is reclassified under this
489 subsection is ranked one level above the ranking under former s.
490 921.0012, former s. 921.0013, s. 921.0022, or s. 921.0023 of the
491 offense committed.

492 Section 7. Section 775.0847, Florida Statutes, is amended
493 to read:

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494 775.0847 Possession or promotion of certain images of child
495 pornography; reclassification.—

496 (1) For purposes of this section:

497 (a) "Child" means any person, whose identity is known or
498 unknown, less than 18 years of age.

499 (b) "Child pornography" means any image depicting a minor
500 engaged in sexual conduct.

501 (c) "Sadomasochistic abuse" means flagellation or torture
502 by or upon a person or the condition of being fettered, bound,
503 or otherwise physically restrained, for the purpose of deriving
504 sexual satisfaction, or satisfaction brought about as a result
505 of sadistic violence, from inflicting harm on another or
506 receiving such harm oneself.

507 (d) "Sexual battery" means oral, anal, or vaginal
508 penetration by, or union with, the sexual organ of another or
509 the anal or vaginal penetration of another by any other object;
510 however, sexual battery does not include an act done for a bona
511 fide medical purpose.

512 (e) "Sexual bestiality" means any sexual act, actual or
513 simulated, between a person and an animal involving the sex
514 organ of the one and the mouth, anus, or vagina of the other.

515 (f) "Sexual conduct" means actual or simulated sexual
516 intercourse, deviate sexual intercourse, sexual bestiality,
517 masturbation, or sadomasochistic abuse; actual lewd exhibition
518 of the genitals; actual physical contact with a person's clothed
519 or unclothed genitals, pubic area, buttocks, or, if such person
520 is a female, breast with the intent to arouse or gratify the
521 sexual desire of either party; or any act or conduct which
522 constitutes sexual battery or simulates that sexual battery is

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523 being or will be committed. A mother's breastfeeding of her baby
524 does not under any circumstance constitute "sexual conduct."

525 (2) A violation of s. 827.071, s. 847.0135, s. 847.0137, or
526 s. 847.0138 shall be reclassified to the next higher degree as
527 provided in subsection (3) if:

528 (a) The offender possesses 10 or more images of any form of
529 child pornography regardless of content; and

530 (b) The content of at least one image contains one or more
531 of the following:

532 1. A child who is younger than the age of 5.

533 2. Sadomasochistic abuse involving a child.

534 3. Sexual battery involving a child.

535 4. Sexual bestiality involving a child.

536 5. Any movie involving a child, regardless of length and
537 regardless of whether the movie contains sound.

538 (3) (a) In the case of a felony of the third degree, the
539 offense is reclassified to a felony of the second degree.

540 (b) In the case of a felony of the second degree, the
541 offense is reclassified to a felony of the first degree.

542

543 For purposes of sentencing under chapter 921 and determining
544 ~~incentive gain-time~~ eligibility for rehabilitation credits under
545 chapter 944, a felony offense that is reclassified under this
546 section is ranked one level above the ranking under s. 921.0022
547 or s. 921.0023 of the offense committed.

548 Section 8. Section 775.0861, Florida Statutes, is amended
549 to read:

550 775.0861 Offenses against persons on the grounds of
551 religious institutions; reclassification.-

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- 552 (1) For purposes of this section, the term:
- 553 (a) "Religious institution" is as defined in s. 496.404.
- 554 (b) "Religious service" is a religious ceremony, prayer, or
555 other activity according to a form and order prescribed for
556 worship, including a service related to a particular occasion.
- 557 (2) The felony or misdemeanor degree of any violation of:
- 558 (a) Section 784.011, relating to assault;
- 559 (b) Section 784.021, relating to aggravated assault;
- 560 (c) Section 784.03, relating to battery;
- 561 (d) Section 784.041, relating to felony battery;
- 562 (e) A statute defining any offense listed in s.
563 775.084(1)(b)1.; or
- 564 (f) Any other statute defining an offense that involves the
565 use or threat of physical force or violence against any
566 individual
- 567
- 568 shall be reclassified as provided in this section if the offense
569 is committed on the property of a religious institution while
570 the victim is on the property for the purpose of participating
571 in or attending a religious service.
- 572 (3)(a) In the case of a misdemeanor of the second degree,
573 the offense is reclassified to a misdemeanor of the first
574 degree.
- 575 (b) In the case of a misdemeanor of the first degree, the
576 offense is reclassified to a felony of the third degree. For
577 purposes of sentencing under chapter 921, such offense is ranked
578 in level 2 of the offense severity ranking chart.
- 579 (c) In the case of a felony of the third degree, the
580 offense is reclassified to a felony of the second degree.

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581 (d) In the case of a felony of the second degree, the
582 offense is reclassified to a felony of the first degree.

583 (e) In the case of a felony of the first degree, the
584 offense is reclassified to a life felony.

585

586 For purposes of sentencing under chapter 921 and determining
587 ~~incentive gain-time~~ eligibility for rehabilitation credits under
588 chapter 944, a felony offense that is reclassified under this
589 subsection is ranked one level above the ranking under s.
590 921.0022 or s. 921.0023 of the offense committed.

591 Section 9. Section 775.0862, Florida Statutes, is amended
592 to read:

593 775.0862 Sexual offenses against students by authority
594 figures; reclassification.-

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

596 (a) "Authority figure" means a person 18 years of age or
597 older who is employed by, volunteering at, or under contract
598 with a school.

599 (b) "School" has the same meaning as provided in s. 1003.01
600 and includes a private school as defined in s. 1002.01, a
601 voluntary prekindergarten education program as described in s.
602 1002.53(3), early learning programs, a public school as
603 described in s. 402.3025(1), the Florida School for the Deaf and
604 the Blind, and the Florida Virtual School established under s.
605 1002.37. The term does not include facilities dedicated
606 exclusively to the education of adults.

607 (c) "Student" means a person younger than 18 years of age
608 who is enrolled at a school.

609 (2) The felony degree of a violation of an offense listed

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610 in s. 943.0435(1)(h)1.a., unless the offense is a violation of
611 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified
612 as provided in this section if the offense is committed by an
613 authority figure of a school against a student of the school.

614 (3)(a) In the case of a felony of the third degree, the
615 offense is reclassified to a felony of the second degree.

616 (b) In the case of a felony of the second degree, the
617 offense is reclassified to a felony of the first degree.

618 (c) In the case of a felony of the first degree, the
619 offense is reclassified to a life felony.

620

621 For purposes of sentencing under chapter 921 and determining
622 ~~incentive gain-time~~ eligibility for rehabilitation credits under
623 chapter 944, a felony offense that is reclassified under this
624 subsection is ranked one level above the ranking under s.
625 921.0022 or s. 921.0023 of the offense committed.

626 Section 10. Subsections (1) and (3) of section 775.087,
627 Florida Statutes, are amended to read:

628 775.087 Possession or use of weapon; aggravated battery;
629 felony reclassification; minimum sentence.—

630 (1) Unless otherwise provided by law, whenever a person is
631 charged with a felony, except a felony in which the use of a
632 weapon or firearm is an essential element, and during the
633 commission of such felony the defendant carries, displays, uses,
634 threatens to use, or attempts to use any weapon or firearm, or
635 during the commission of such felony the defendant commits an
636 aggravated battery, the felony for which the person is charged
637 shall be reclassified as follows:

638 (a) In the case of a felony of the first degree, to a life

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639 felony.

640 (b) In the case of a felony of the second degree, to a
641 felony of the first degree.

642 (c) In the case of a felony of the third degree, to a
643 felony of the second degree.

644

645 For purposes of sentencing under chapter 921 and determining
646 ~~incentive gain-time~~ eligibility for rehabilitation credits under
647 chapter 944, a felony offense which is reclassified under this
648 section is ranked one level above the ranking under s. 921.0022
649 or s. 921.0023 of the felony offense committed.

650 (3) (a) 1. Any person who is convicted of a felony or an
651 attempt to commit a felony, regardless of whether the use of a
652 firearm is an element of the felony, and the conviction was for:

653 a. Murder;

654 b. Sexual battery;

655 c. Robbery;

656 d. Burglary;

657 e. Arson;

658 f. Aggravated battery;

659 g. Kidnapping;

660 h. Escape;

661 i. Sale, manufacture, delivery, or intent to sell,

662 manufacture, or deliver any controlled substance;

663 j. Aircraft piracy;

664 k. Aggravated child abuse;

665 l. Aggravated abuse of an elderly person or disabled adult;

666 m. Unlawful throwing, placing, or discharging of a

667 destructive device or bomb;

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668 n. Carjacking;
669 o. Home-invasion robbery;
670 p. Aggravated stalking; or
671 q. Trafficking in cannabis, trafficking in cocaine, capital
672 importation of cocaine, trafficking in illegal drugs, capital
673 importation of illegal drugs, trafficking in phencyclidine,
674 capital importation of phencyclidine, trafficking in
675 methaqualone, capital importation of methaqualone, trafficking
676 in amphetamine, capital importation of amphetamine, trafficking
677 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
678 (GHB), trafficking in 1,4-Butanediol, trafficking in
679 Phenethylamines, or other violation of s. 893.135(1);

680
681 and during the commission of the offense, such person possessed
682 a semiautomatic firearm and its high-capacity detachable box
683 magazine or a machine gun as defined in s. 790.001, shall be
684 sentenced to a minimum term of imprisonment of 15 years.

685 2. Any person who is convicted of a felony or an attempt to
686 commit a felony listed in subparagraph (a)1., regardless of
687 whether the use of a weapon is an element of the felony, and
688 during the course of the commission of the felony such person
689 discharged a semiautomatic firearm and its high-capacity box
690 magazine or a "machine gun" as defined in s. 790.001 shall be
691 sentenced to a minimum term of imprisonment of 20 years.

692 3. Any person who is convicted of a felony or an attempt to
693 commit a felony listed in subparagraph (a)1., regardless of
694 whether the use of a weapon is an element of the felony, and
695 during the course of the commission of the felony such person
696 discharged a semiautomatic firearm and its high-capacity box

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697 magazine or a "machine gun" as defined in s. 790.001 and, as the
698 result of the discharge, death or great bodily harm was
699 inflicted upon any person, the convicted person shall be
700 sentenced to a minimum term of imprisonment of not less than 25
701 years and not more than a term of imprisonment of life in
702 prison.

703 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph
704 (a)3. does not prevent a court from imposing a longer sentence
705 of incarceration as authorized by law in addition to the minimum
706 mandatory sentence, or from imposing a sentence of death
707 pursuant to other applicable law. Subparagraph (a)1.,
708 subparagraph (a)2., or subparagraph (a)3. does not authorize a
709 court to impose a lesser sentence than otherwise required by
710 law.

711
712 Notwithstanding s. 948.01, adjudication of guilt or imposition
713 of sentence shall not be suspended, deferred, or withheld, and
714 the defendant is not eligible for statutory gain-time under s.
715 944.275 or any form of discretionary early release, other than
716 pardon or executive clemency, or conditional medical release
717 under s. 947.149, prior to serving the minimum sentence.

718 (c) If the minimum mandatory terms of imprisonment imposed
719 pursuant to this section exceed the maximum sentences authorized
720 by s. 775.082, s. 775.084, or the Criminal Punishment Code under
721 chapter 921, then the mandatory minimum sentence must be
722 imposed. If the mandatory minimum terms of imprisonment pursuant
723 to this section are less than the sentences that could be
724 imposed as authorized by s. 775.082, s. 775.084, or the Criminal
725 Punishment Code under chapter 921, then the sentence imposed by

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726 the court must include the mandatory minimum term of
727 imprisonment as required in this section.

728 (d) It is the intent of the Legislature that offenders who
729 possess, carry, display, use, threaten to use, or attempt to use
730 a semiautomatic firearm and its high-capacity detachable box
731 magazine or a machine gun as defined in s. 790.001 be punished
732 to the fullest extent of the law, and the minimum terms of
733 imprisonment imposed pursuant to this subsection shall be
734 imposed for each qualifying felony count for which the person is
735 convicted. The court shall impose any term of imprisonment
736 provided for in this subsection consecutively to any other term
737 of imprisonment imposed for any other felony offense.

738 (e) As used in this subsection, the term:

739 1. "High-capacity detachable box magazine" means any
740 detachable box magazine, for use in a semiautomatic firearm,
741 which is capable of being loaded with more than 20 centerfire
742 cartridges.

743 2. "Semiautomatic firearm" means a firearm which is capable
744 of firing a series of rounds by separate successive depressions
745 of the trigger and which uses the energy of discharge to perform
746 a portion of the operating cycle.

747 Section 11. Section 775.0875, Florida Statutes, is amended
748 to read:

749 775.0875 Unlawful taking, possession, or use of law
750 enforcement officer's firearm; crime reclassification;
751 penalties.—

752 (1) A person who, without authorization, takes a firearm
753 from a law enforcement officer lawfully engaged in law
754 enforcement duties commits a felony of the third degree,

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755 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

756 (2) If a person violates subsection (1) and commits any
757 other crime involving the firearm taken from the law enforcement
758 officer, such crime shall be reclassified as follows:

759 (a)1. In the case of a felony of the first degree, to a
760 life felony.

761 2. In the case of a felony of the second degree, to a
762 felony of the first degree.

763 3. In the case of a felony of the third degree, to a felony
764 of the second degree.

765
766 For purposes of sentencing under chapter 921 and determining
767 ~~incentive gain-time~~ eligibility for rehabilitation credits under
768 chapter 944, a felony offense that is reclassified under this
769 paragraph is ranked one level above the ranking under s.
770 921.0022 or s. 921.0023 of the felony offense committed.

771 (b) In the case of a misdemeanor, to a felony of the third
772 degree. For purposes of sentencing under chapter 921 and
773 determining ~~incentive gain-time~~ eligibility for rehabilitation
774 credits under chapter 944, such offense is ranked in level 2 of
775 the offense severity ranking chart.

776 (3) A person who possesses a firearm that he or she knows
777 was unlawfully taken from a law enforcement officer commits a
778 misdemeanor of the first degree, punishable as provided in s.
779 775.082 or s. 775.083.

780 Section 12. Section 777.03, Florida Statutes, is amended to
781 read:

782 777.03 Accessory after the fact.—

783 (1) (a) Any person not standing in the relation of husband

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784 or wife, parent or grandparent, child or grandchild, brother or
785 sister, by consanguinity or affinity to the offender, who
786 maintains or assists the principal or an accessory before the
787 fact, or gives the offender any other aid, knowing that the
788 offender had committed a crime and such crime was a third degree
789 felony, or had been an accessory thereto before the fact, with
790 the intent that the offender avoids or escapes detection,
791 arrest, trial, or punishment, is an accessory after the fact.

792 (b) Any person who maintains or assists the principal or
793 accessory before the fact, or gives the offender any other aid,
794 knowing that the offender had committed the offense of child
795 abuse, neglect of a child, aggravated child abuse, aggravated
796 manslaughter of a child under 18 years of age, or murder of a
797 child under 18 years of age, or had been an accessory thereto
798 before the fact, with the intent that the offender avoids or
799 escapes detection, arrest, trial, or punishment, is an accessory
800 after the fact unless the court finds that the person is a
801 victim of domestic violence.

802 (c) Any person who maintains or assists the principal or an
803 accessory before the fact, or gives the offender any other aid,
804 knowing that the offender had committed a crime and such crime
805 was a capital, life, first degree, or second degree felony, or
806 had been an accessory thereto before the fact, with the intent
807 that the offender avoids or escapes detection, arrest, trial, or
808 punishment, is an accessory after the fact.

809 (2) (a) If the felony offense committed is a capital felony,
810 the offense of accessory after the fact is a felony of the first
811 degree, punishable as provided in s. 775.082, s. 775.083, or s.
812 775.084.

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813 (b) If the felony offense committed is a life felony or a
814 felony of the first degree, the offense of accessory after the
815 fact is a felony of the second degree, punishable as provided in
816 s. 775.082, s. 775.083, or s. 775.084.

817 (c) If the felony offense committed is a felony of the
818 second degree or a felony of the third degree ranked in level 3,
819 4, 5, 6, 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023, the
820 offense of accessory after the fact is a felony of the third
821 degree, punishable as provided in s. 775.082, s. 775.083, or s.
822 775.084.

823 (d) If the felony offense committed is a felony of the
824 third degree ranked in level 1 or level 2 under s. 921.0022 or
825 s. 921.0023, the offense of accessory after the fact is a
826 misdemeanor of the first degree, punishable as provided in s.
827 775.082, s. 775.083, or s. 775.084.

828 (3) Except as otherwise provided in s. 921.0022, for
829 purposes of sentencing under chapter 921 and determining
830 ~~incentive gain time~~ eligibility for rehabilitation credits under
831 chapter 944, the offense of accessory after the fact is ranked
832 two levels below the ranking under s. 921.0022 or s. 921.0023 of
833 the felony offense committed.

834 Section 13. Section 777.04, Florida Statutes, is amended to
835 read:

836 777.04 Attempts, solicitation, and conspiracy.—

837 (1) A person who attempts to commit an offense prohibited
838 by law and in such attempt does any act toward the commission of
839 such offense, but fails in the perpetration or is intercepted or
840 prevented in the execution thereof, commits the offense of
841 criminal attempt, ranked for purposes of sentencing as provided

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842 in subsection (4). Criminal attempt includes the act of an adult
843 who, with intent to commit an offense prohibited by law,
844 allures, seduces, coaxes, or induces a child under the age of 12
845 to engage in an offense prohibited by law.

846 (2) A person who solicits another to commit an offense
847 prohibited by law and in the course of such solicitation
848 commands, encourages, hires, or requests another person to
849 engage in specific conduct which would constitute such offense
850 or an attempt to commit such offense commits the offense of
851 criminal solicitation, ranked for purposes of sentencing as
852 provided in subsection (4).

853 (3) A person who agrees, conspires, combines, or
854 confederates with another person or persons to commit any
855 offense commits the offense of criminal conspiracy, ranked for
856 purposes of sentencing as provided in subsection (4).

857 (4) (a) Except as otherwise provided in ss. 104.091(2),
858 379.2431(1), 828.125(2), 849.25(4), 893.135(5), and 921.0022,
859 the offense of criminal attempt, criminal solicitation, or
860 criminal conspiracy is ranked for purposes of sentencing under
861 chapter 921 and determining ~~incentive gain time~~ eligibility for
862 rehabilitation credits under chapter 944 one level below the
863 ranking under s. 921.0022 or s. 921.0023 of the offense
864 attempted, solicited, or conspired to. If the criminal attempt,
865 criminal solicitation, or criminal conspiracy is of an offense
866 ranked in level 1 or level 2 under s. 921.0022 or s. 921.0023,
867 such offense is a misdemeanor of the first degree, punishable as
868 provided in s. 775.082 or s. 775.083.

869 (b) If the offense attempted, solicited, or conspired to is
870 a capital felony, the offense of criminal attempt, criminal

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871 solicitation, or criminal conspiracy is a felony of the first
872 degree, punishable as provided in s. 775.082, s. 775.083, or s.
873 775.084.

874 (c) Except as otherwise provided in s. 893.135(5), if the
875 offense attempted, solicited, or conspired to is a life felony
876 or a felony of the first degree, the offense of criminal
877 attempt, criminal solicitation, or criminal conspiracy is a
878 felony of the second degree, punishable as provided in s.
879 775.082, s. 775.083, or s. 775.084.

880 (d) Except as otherwise provided in s. 104.091(2), s.
881 379.2431(1), s. 828.125(2), or s. 849.25(4), if the offense
882 attempted, solicited, or conspired to is a:

- 883 1. Felony of the second degree;
- 884 2. Burglary that is a felony of the third degree; or
- 885 3. Felony of the third degree ranked in level 3, 4, 5, 6,
886 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,

887
888 the offense of criminal attempt, criminal solicitation, or
889 criminal conspiracy is a felony of the third degree, punishable
890 as provided in s. 775.082, s. 775.083, or s. 775.084.

891 (e) Except as otherwise provided in s. 104.091(2), s.
892 379.2431(1), s. 849.25(4), or paragraph (d), if the offense
893 attempted, solicited, or conspired to is a felony of the third
894 degree, the offense of criminal attempt, criminal solicitation,
895 or criminal conspiracy is a misdemeanor of the first degree,
896 punishable as provided in s. 775.082 or s. 775.083.

897 (f) Except as otherwise provided in s. 104.091(2), if the
898 offense attempted, solicited, or conspired to is a misdemeanor
899 of the first or second degree, the offense of criminal attempt,

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900 criminal solicitation, or criminal conspiracy is a misdemeanor
901 of the second degree, punishable as provided in s. 775.082 or s.
902 775.083.

903 (5) It is a defense to a charge of criminal attempt,
904 criminal solicitation, or criminal conspiracy that, under
905 circumstances manifesting a complete and voluntary renunciation
906 of his or her criminal purpose, the defendant:

907 (a) Abandoned his or her attempt to commit the offense or
908 otherwise prevented its commission;

909 (b) After soliciting another person to commit an offense,
910 persuaded such other person not to do so or otherwise prevented
911 commission of the offense; or

912 (c) After conspiring with one or more persons to commit an
913 offense, persuaded such persons not to do so or otherwise
914 prevented commission of the offense.

915 Section 14. Subsection (7) of section 794.011, Florida
916 Statutes, is amended to read:

917 794.011 Sexual battery.—

918 (7) A person who is convicted of committing a sexual
919 battery on or after October 1, 1992, is not eligible for good
920 behavior ~~base~~ gain-time under s. 944.275. This subsection may
921 be cited as the "Junny Rios-Martinez, Jr. Act of 1992."

922 Section 15. Section 794.023, Florida Statutes, is amended
923 to read:

924 794.023 Sexual battery by multiple perpetrators;
925 reclassification of offenses.—

926 (1) The Legislature finds that an act of sexual battery,
927 when committed by more than one person, presents a great danger
928 to the public and is extremely offensive to civilized society.

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929 It is therefore the intent of the Legislature to reclassify
930 offenses for acts of sexual battery committed by more than one
931 person.

932 (2) A violation of s. 794.011 shall be reclassified as
933 provided in this subsection if it is charged and proven by the
934 prosecution that, during the same criminal transaction or
935 episode, more than one person committed an act of sexual battery
936 on the same victim.

937 (a) A felony of the second degree is reclassified to a
938 felony of the first degree.

939 (b) A felony of the first degree is reclassified to a life
940 felony.

941
942 This subsection does not apply to life felonies or capital
943 felonies. For purposes of sentencing under chapter 921 and
944 determining ~~incentive gain-time~~ eligibility for rehabilitation
945 credits under chapter 944, a felony offense that is reclassified
946 under this subsection is ranked one level above the ranking
947 under s. 921.0022 or s. 921.0023 of the offense committed.

948 Section 16. Subsection (5) of section 817.568, Florida
949 Statutes, is amended to read:

950 817.568 Criminal use of personal identification
951 information.—

952 (5) If an offense prohibited under this section was
953 facilitated or furthered by the use of a public record, as
954 defined in s. 119.011, the offense is reclassified to the next
955 higher degree as follows:

956 (a) A misdemeanor of the first degree is reclassified as a
957 felony of the third degree.

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958 (b) A felony of the third degree is reclassified as a
959 felony of the second degree.

960 (c) A felony of the second degree is reclassified as a
961 felony of the first degree.

962

963 For purposes of sentencing under chapter 921 and ~~incentive gain-~~
964 ~~time~~ eligibility for rehabilitation credits under chapter 944, a
965 felony offense that is reclassified under this subsection is
966 ranked one level above the ranking under s. 921.0022 of the
967 felony offense committed, and a misdemeanor offense that is
968 reclassified under this subsection is ranked in level 2 of the
969 offense severity ranking chart in s. 921.0022.

970 Section 17. Subsection (3) of section 831.032, Florida
971 Statutes, is amended to read:

972 831.032 Offenses involving forging or counterfeiting
973 private labels.—

974 (3) (a) Violation of subsection (1) or subsection (2) is a
975 misdemeanor of the first degree, punishable as provided in s.
976 775.082 or s. 775.083, except that:

977 1. A violation of subsection (1) or subsection (2) is a
978 felony of the third degree, punishable as provided in s.
979 775.082, s. 775.083, or s. 775.084, if the offense involves 100
980 or more but less than 1,000 items bearing one or more
981 counterfeit marks or if the goods involved in the offense have a
982 total retail value of more than \$2,500, but less than \$20,000.

983 2. A violation of subsection (1) or subsection (2) is a
984 felony of the second degree, punishable as provided in s.
985 775.082, s. 775.083, or s. 775.084, if the offense involves
986 1,000 or more items bearing one or more counterfeit marks or if

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987 the goods involved in the offense have a total retail value of
988 \$20,000 or more.

989 3. A violation of subsection (1) or subsection (2) is a
990 felony of the third degree, punishable as provided in s.
991 775.082, s. 775.083, or s. 775.084 if, during the commission or
992 as a result of the commission of the offense, the person
993 engaging in the offense knowingly or by culpable negligence
994 causes or allows to be caused bodily injury to another.

995 4. A violation of subsection (1) or subsection (2) is a
996 felony of the second degree, punishable as provided in s.
997 775.082, s. 775.083, or s. 775.084 if, during the commission or
998 as a result of the commission of the offense, the person
999 engaging in the offense knowingly or by culpable negligence
1000 causes or allows to be caused serious bodily injury to another.

1001 5. A violation of subsection (1) or subsection (2) is a
1002 felony of the first degree, punishable as provided in s.
1003 775.082, s. 775.083, or s. 775.084 if, during the commission or
1004 as a result of the commission of the offense, the person
1005 engaging in the offense knowingly or by culpable negligence
1006 causes or allows to be caused death to another.

1007 (b) For any person who, having previously been convicted
1008 for an offense under this section, is subsequently convicted for
1009 another offense under this section, such subsequent offense
1010 shall be reclassified as follows:

1011 1. In the case of a felony of the second degree, to a
1012 felony of the first degree.

1013 2. In the case of a felony of the third degree, to a felony
1014 of the second degree.

1015 3. In the case of a misdemeanor of the first degree, to a

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1016 felony of the third degree. For purposes of sentencing under
1017 chapter 921 and determining incentive gain-time eligibility
1018 under chapter 944, such offense is ranked in level 4 of the
1019 offense severity ranking chart.

1020
1021 For purposes of sentencing under chapter 921 and determining
1022 ~~incentive gain-time~~ eligibility for rehabilitation credits under
1023 chapter 944, a felony offense that is reclassified under this
1024 paragraph is ranked one level above the ranking under s.
1025 921.0022 or s. 921.0023 of the felony offense committed.

1026 (c) In lieu of a fine otherwise authorized by law, when any
1027 person has been convicted of an offense under this section, the
1028 court may fine the person up to three times the retail value of
1029 the goods seized, manufactured, or sold, whichever is greater,
1030 and may enter orders awarding court costs and the costs of
1031 investigation and prosecution, reasonably incurred. The court
1032 shall hold a hearing to determine the amount of the fine
1033 authorized by this paragraph.

1034 (d) When a person is convicted of an offense under this
1035 section, the court, pursuant to s. 775.089, shall order the
1036 person to pay restitution to the trademark owner and any other
1037 victim of the offense. In determining the value of the property
1038 loss to the trademark owner, the court shall include expenses
1039 incurred by the trademark owner in the investigation or
1040 prosecution of the offense as well as the disgorgement of any
1041 profits realized by a person convicted of the offense.

1042 Section 18. Section 843.22, Florida Statutes, is amended to
1043 read:

1044 843.22 Traveling across county lines with intent to commit

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1045 a burglary.—

1046 (1) As used in this section, the term:

1047 (a) "County of residence" means the county within this
1048 state in which a person resides. Evidence of a person's county
1049 of residence includes, but is not limited to:

1050 1. The address on a person's driver license or state
1051 identification card;

1052 2. Records of real property or mobile home ownership;

1053 3. Records of a lease agreement for residential property;

1054 4. The county in which a person's motor vehicle is
1055 registered;

1056 5. The county in which a person is enrolled in an
1057 educational institution; and

1058 6. The county in which a person is employed.

1059 (b) "Burglary" means burglary as defined in s. 810.02,
1060 including an attempt, solicitation, or conspiracy to commit such
1061 offense.

1062 (2) If a person who commits a burglary travels any distance
1063 with the intent to commit the burglary in a county in this state
1064 other than the person's county of residence, the degree of the
1065 burglary shall be reclassified to the next higher degree if the
1066 purpose of the person's travel is to thwart law enforcement
1067 attempts to track the items stolen in the burglary. For purposes
1068 of sentencing under chapter 921 and determining ~~incentive gain-~~
1069 ~~time~~ eligibility for rehabilitation credits under chapter 944, a
1070 burglary that is reclassified under this section is ranked one
1071 level above the ranking specified in s. 921.0022 or s. 921.0023
1072 for the burglary committed.

1073 Section 19. Section 874.04, Florida Statutes, is amended to

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1074 read:

1075 874.04 Gang-related offenses; enhanced penalties.—Upon a
1076 finding by the factfinder that the defendant committed the
1077 charged offense for the purpose of benefiting, promoting, or
1078 furthering the interests of a criminal gang, the penalty for any
1079 felony or misdemeanor, or any delinquent act or violation of law
1080 which would be a felony or misdemeanor if committed by an adult,
1081 may be enhanced. Penalty enhancement affects the applicable
1082 statutory maximum penalty only. Each of the findings required as
1083 a basis for such sentence shall be found beyond a reasonable
1084 doubt. The enhancement will be as follows:

1085 (1) (a) A misdemeanor of the second degree may be punished
1086 as if it were a misdemeanor of the first degree.

1087 (b) A misdemeanor of the first degree may be punished as if
1088 it were a felony of the third degree. For purposes of sentencing
1089 under chapter 921 and determining incentive gain-time
1090 eligibility under chapter 944, such offense is ranked in level 1
1091 of the offense severity ranking chart. The criminal gang
1092 multiplier in s. 921.0024 does not apply to misdemeanors
1093 enhanced under this paragraph.

1094 (2) (a) A felony of the third degree may be punished as if
1095 it were a felony of the second degree.

1096 (b) A felony of the second degree may be punished as if it
1097 were a felony of the first degree.

1098 (c) A felony of the first degree may be punished as if it
1099 were a life felony.

1100
1101 For purposes of sentencing under chapter 921 and determining
1102 ~~incentive gain-time~~ eligibility for rehabilitation credits under

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1103 chapter 944, such felony offense is ranked as provided in s.
1104 921.0022 or s. 921.0023, and without regard to the penalty
1105 enhancement in this subsection.

1106 Section 20. Section 944.281, Florida Statutes, is amended
1107 to read:

1108 944.281 Ineligibility to earn gain-time due to disciplinary
1109 action.—The department may declare that a prisoner who commits a
1110 violation of any law of the state or rule or regulation of the
1111 department or institution on or after January 1, 1996, and who
1112 is found guilty pursuant to s. 944.28(2), shall not be eligible
1113 to earn rehabilitation credits ~~incentive gain-time~~ for up to 6
1114 months following the month in which the violation occurred. The
1115 department shall adopt rules to administer the provisions of
1116 this section.

1117 Section 21. Subsection (1) of section 944.473, Florida
1118 Statutes, is amended to read:

1119 944.473 Inmate substance abuse testing program.—

1120 (1) RULES AND PROCEDURES.—The department shall establish
1121 programs for random and reasonable suspicion drug and alcohol
1122 testing by urinalysis or other noninvasive procedure for inmates
1123 to effectively identify those inmates abusing drugs, alcohol, or
1124 both. The department shall also adopt rules relating to fair,
1125 economical, and accurate operations and procedures of a random
1126 inmate substance abuse testing program and a reasonable
1127 suspicion substance abuse testing program by urinalysis or other
1128 noninvasive procedure which enumerate penalties for positive
1129 test results, including but not limited to the forfeiture of
1130 both good behavior time and rehabilitation credits ~~basic and~~
1131 ~~incentive gain-time~~, and which do not limit the number of times

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1132 an inmate may be tested in any one fiscal or calendar year.

1133 Section 22. Subsection (1) of section 944.70, Florida
1134 Statutes, is amended to read:

1135 944.70 Conditions for release from incarceration.—

1136 (1) (a) A person who is convicted of a crime committed on or
1137 after October 1, 1983, but before January 1, 1994, may be
1138 released from incarceration only:

1139 1. Upon expiration of the person's sentence;

1140 2. Upon expiration of the person's sentence as reduced by
1141 accumulated gain-time;

1142 3. As directed by an executive order granting clemency;

1143 4. Upon attaining the provisional release date;

1144 5. Upon placement in a conditional release program pursuant
1145 to s. 947.1405; or

1146 6. Upon the granting of control release pursuant to s.
1147 947.146.

1148 (b) A person who is convicted of a crime committed on or
1149 after January 1, 1994, may be released from incarceration only:

1150 1. Upon expiration of the person's sentence;

1151 2. Upon expiration of the person's sentence as reduced by
1152 accumulated rehabilitation credits and outstanding deed awards
1153 ~~meritorious or incentive gain-time~~;

1154 3. As directed by an executive order granting clemency;

1155 4. Upon placement in a conditional release program pursuant
1156 to s. 947.1405 or a conditional medical release program pursuant
1157 to s. 947.149; or

1158 5. Upon the granting of control release, including
1159 emergency control release, pursuant to s. 947.146.

1160 Section 23. For the purpose of incorporating the amendment

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1161 made by this act to section 944.275, Florida Statutes, in a
1162 reference thereto, paragraph (k) of subsection (4) of section
1163 775.084, Florida Statutes, is reenacted to read:

1164 775.084 Violent career criminals; habitual felony offenders
1165 and habitual violent felony offenders; three-time violent felony
1166 offenders; definitions; procedure; enhanced penalties or
1167 mandatory minimum prison terms.—

1168 (4)

1169 (k)1. A defendant sentenced under this section as a
1170 habitual felony offender, a habitual violent felony offender, or
1171 a violent career criminal is eligible for gain-time granted by
1172 the Department of Corrections as provided in s. 944.275(4)(b).

1173 2. For an offense committed on or after October 1, 1995, a
1174 defendant sentenced under this section as a violent career
1175 criminal is not eligible for any form of discretionary early
1176 release, other than pardon or executive clemency, or conditional
1177 medical release granted pursuant to s. 947.149.

1178 3. For an offense committed on or after July 1, 1999, a
1179 defendant sentenced under this section as a three-time violent
1180 felony offender shall be released only by expiration of sentence
1181 and shall not be eligible for parole, control release, or any
1182 form of early release.

1183 Section 24. For the purpose of incorporating the amendment
1184 made by this act to section 944.275, Florida Statutes, in
1185 references thereto, paragraph (v) of subsection (2) and
1186 paragraph (e) of subsection (3) of section 900.05, Florida
1187 Statutes, are reenacted to read:

1188 900.05 Criminal justice data collection.—

1189 (2) DEFINITIONS.—As used in this section, the term:

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1190 (v) "Gain-time credit earned" means a credit of time
1191 awarded to an inmate in a county detention facility in
1192 accordance with s. 951.21 or a state correctional institution or
1193 facility in accordance with s. 944.275.

1194 (3) DATA COLLECTION AND REPORTING.—An entity required to
1195 collect data in accordance with this subsection shall collect
1196 the specified data and report them in accordance with this
1197 subsection to the Department of Law Enforcement on a monthly
1198 basis.

1199 (e) *Department of Corrections.*—The Department of
1200 Corrections shall collect the following data:

1201 1. Information related to each inmate, including:

1202 a. Identifying information, including name, date of birth,
1203 race, ethnicity, gender, case number, and identification number
1204 assigned by the department.

1205 b. Highest education level.

1206 c. Date the inmate was admitted to the custody of the
1207 department for his or her current incarceration.

1208 d. Current institution placement and the security level
1209 assigned to the institution.

1210 e. Custody level assignment.

1211 f. Qualification for a flag designation as defined in this
1212 section, including sexual offender flag, habitual offender flag,
1213 habitual violent felony offender flag, prison releasee
1214 reoffender flag, three-time violent felony offender flag,
1215 violent career criminal flag, gang affiliation flag, or
1216 concurrent or consecutive sentence flag.

1217 g. County that committed the prisoner to the custody of the
1218 department.

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1219 h. Whether the reason for admission to the department is
1220 for a new conviction or a violation of probation, community
1221 control, or parole. For an admission for a probation, community
1222 control, or parole violation, the department shall report
1223 whether the violation was technical or based on a new violation
1224 of law.

1225 i. Specific statutory citation for which the inmate was
1226 committed to the department, including, for an inmate convicted
1227 of drug trafficking under s. 893.135, the statutory citation for
1228 each specific drug trafficked.

1229 j. Length of sentence served.

1230 k. Length of concurrent or consecutive sentences served.

1231 l. Tentative release date.

1232 m. Gain time earned in accordance with s. 944.275.

1233 n. Prior incarceration within the state.

1234 o. Disciplinary violation and action.

1235 p. Participation in rehabilitative or educational programs
1236 while in the custody of the department.

1237 q. Digitized sentencing scoresheet prepared in accordance
1238 with s. 921.0024.

1239 2. Information about each state correctional institution or
1240 facility, including:

1241 a. Budget for each state correctional institution or
1242 facility.

1243 b. Daily prison population of all inmates incarcerated in a
1244 state correctional institution or facility.

1245 c. Daily number of correctional officers for each state
1246 correctional institution or facility.

1247 3. Information related to persons supervised by the

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1248 department on probation or community control, including:

1249 a. Identifying information for each person supervised by
1250 the department on probation or community control, including his
1251 or her name, date of birth, race, ethnicity, gender, case
1252 number, and department-assigned case number.

1253 b. Length of probation or community control sentence
1254 imposed and amount of time that has been served on such
1255 sentence.

1256 c. Projected termination date for probation or community
1257 control.

1258 d. Revocation of probation or community control due to a
1259 violation, including whether the revocation is due to a
1260 technical violation of the conditions of supervision or from the
1261 commission of a new law violation.

1262 4. Per diem rates for:

1263 a. Prison bed.

1264 b. Probation.

1265 c. Community control.

1266
1267 This information only needs to be reported once annually at the
1268 time the most recent per diem rate is published.

1269 Section 25. For the purpose of incorporating the amendment
1270 made in this act to section 944.275, Florida statutes, in
1271 reference thereto, section 944.28, Florida Statutes, is
1272 reenacted to read:

1273 944.28 Forfeiture of gain-time and the right to earn gain-
1274 time in the future.—

1275 (1) If a prisoner is convicted of escape, or if the
1276 clemency, conditional release as described in chapter 947,

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1277 probation or community control as described in chapter 948,
1278 provisional release as described in s. 944.277, parole, or
1279 control release as described in s. 947.146 granted to the
1280 prisoner is revoked, the department may, without notice or
1281 hearing, declare a forfeiture of all gain-time earned according
1282 to the provisions of law by such prisoner prior to such escape
1283 or his or her release under such clemency, conditional release,
1284 probation, community control, provisional release, control
1285 release, or parole.

1286 (2) (a) All or any part of the gain-time earned by a
1287 prisoner according to the provisions of law is subject to
1288 forfeiture if such prisoner unsuccessfully attempts to escape;
1289 assaults another person; threatens or knowingly endangers the
1290 life or person of another person; refuses by action or word to
1291 carry out any instruction duly given to him or her; neglects to
1292 perform in a faithful, diligent, industrious, orderly, and
1293 peaceful manner the work, duties, and tasks assigned to him or
1294 her; is found by a court to have brought a frivolous suit,
1295 action, claim, proceeding, or appeal in any court; is found by a
1296 court to have knowingly or with reckless disregard for the truth
1297 brought false information or evidence before the court; or
1298 violates any law of the state or any rule or regulation of the
1299 department or institution.

1300 (b) A prisoner's right to earn gain-time during all or any
1301 part of the remainder of the sentence or sentences under which
1302 he or she is imprisoned may be declared forfeited because of the
1303 seriousness of a single instance of misconduct or because of the
1304 seriousness of an accumulation of instances of misconduct.

1305 (c) The method of declaring a forfeiture under paragraph

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1306 (a) or paragraph (b) shall be as follows: A written charge shall
1307 be prepared, which shall specify each instance of misconduct
1308 upon which it is based and the approximate date thereof. A copy
1309 of such charge shall be delivered to the prisoner, and he or she
1310 shall be given notice of a hearing before the disciplinary
1311 committee created under the authorization of rules heretofore or
1312 hereafter adopted by the department for the institution in which
1313 he or she is confined. The prisoner shall be present at the
1314 hearing. If at such hearing the prisoner pleads guilty to the
1315 charge or if the committee determines that the prisoner is
1316 guilty thereof upon the basis of proof presented at such
1317 hearing, it shall find him or her guilty. If the committee
1318 considers that all or part of the prisoner's gain-time and the
1319 prisoner's right to earn gain-time during all or any part of the
1320 sentence or sentences under which he or she is imprisoned shall
1321 be forfeited, it shall so recommend in its written report. Such
1322 report shall be presented to the warden of the institution, who
1323 may approve such recommendation in whole or in part by endorsing
1324 such approval on the report. In the event of approval, the
1325 warden shall forward the report to the department. Thereupon,
1326 the department may, in its discretion, declare the forfeiture
1327 thus approved by the warden or any specified part thereof.

1328 (3) Upon the recommendation of the warden, the department
1329 may, in its discretion, restore all or any part of any gain-time
1330 forfeited under this section.

1331 Section 26. For the purpose of incorporating the amendment
1332 made by this act to section 944.275, Florida Statutes, in a
1333 reference thereto, subsection (1) of section 944.605, Florida
1334 Statutes, is reenacted to read:

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1335 944.605 Inmate release; notification; identification card.-
1336 (1) Within 6 months before the release of an inmate from
1337 the custody of the Department of Corrections or a private
1338 correctional facility by expiration of sentence under s.
1339 944.275, any release program provided by law, or parole under
1340 chapter 947, or as soon as possible if the offender is released
1341 earlier than anticipated, notification of such anticipated
1342 release date shall be made known by the Department of
1343 Corrections to the chief judge of the circuit in which the
1344 offender was sentenced, the appropriate state attorney, the
1345 original arresting law enforcement agency, the Department of Law
1346 Enforcement, and the sheriff as chief law enforcement officer of
1347 the county in which the inmate plans to reside. In addition,
1348 unless otherwise requested by the victim, the victim's parent or
1349 guardian if the victim is a minor, the lawful representative of
1350 the victim or of the victim's parent or guardian if the victim
1351 is a minor, the victim's next of kin in the case of a homicide,
1352 the state attorney or the Department of Corrections, whichever
1353 is appropriate, shall notify such person within 6 months before
1354 the inmate's release, or as soon as possible if the offender is
1355 released earlier than anticipated, when the name and address of
1356 such victim, or the name and address of the parent, guardian,
1357 next of kin, or lawful representative of the victim has been
1358 furnished to the agency. The state attorney shall provide the
1359 latest address documented for the victim, or for the victim's
1360 parent, guardian, next of kin, or lawful representative, as
1361 applicable, to the sheriff with the other documents required by
1362 law for the delivery of inmates to those agencies for service of
1363 sentence. Upon request, within 30 days after an inmate is

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1364 approved for community work release, the state attorney, the
1365 victim, the victim's parent or guardian if the victim is a
1366 minor, the victim's next of kin in the case of a homicide, or
1367 the lawful representative of the victim or of the victim's
1368 parent or guardian if the victim is a minor shall be notified
1369 that the inmate has been approved for community work release.
1370 This section does not imply any repeal or modification of any
1371 provision of law relating to notification of victims.

1372 Section 27. For the purpose of incorporating the amendment
1373 made by this act to section 944.275, Florida Statutes, in a
1374 reference thereto, subsection (6) of section 944.607, Florida
1375 Statutes, is reenacted to read:

1376 944.607 Notification to Department of Law Enforcement of
1377 information on sexual offenders.-

1378 (6) The information provided to the Department of Law
1379 Enforcement must include:

1380 (a) The information obtained from the sexual offender under
1381 subsection (4);

1382 (b) The sexual offender's most current address, place of
1383 permanent, temporary, or transient residence within the state or
1384 out of state, and address, location or description, and dates of
1385 any current or known future temporary residence within the state
1386 or out of state, while the sexual offender is under supervision
1387 in this state, including the name of the county or municipality
1388 in which the offender permanently or temporarily resides, or has
1389 a transient residence, and address, location or description, and
1390 dates of any current or known future temporary residence within
1391 the state or out of state, and, if known, the intended place of
1392 permanent, temporary, or transient residence, and address,

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1393 location or description, and dates of any current or known
1394 future temporary residence within the state or out of state upon
1395 satisfaction of all sanctions;

1396 (c) The legal status of the sexual offender and the
1397 scheduled termination date of that legal status;

1398 (d) The location of, and local telephone number for, any
1399 Department of Corrections' office that is responsible for
1400 supervising the sexual offender;

1401 (e) An indication of whether the victim of the offense that
1402 resulted in the offender's status as a sexual offender was a
1403 minor;

1404 (f) The offense or offenses at conviction which resulted in
1405 the determination of the offender's status as a sex offender;
1406 and

1407 (g) A digitized photograph of the sexual offender which
1408 must have been taken within 60 days before the offender is
1409 released from the custody of the department or a private
1410 correctional facility by expiration of sentence under s. 944.275
1411 or must have been taken by January 1, 1998, or within 60 days
1412 after the onset of the department's supervision of any sexual
1413 offender who is on probation, community control, conditional
1414 release, parole, provisional release, or control release or who
1415 is supervised by the department under the Interstate Compact
1416 Agreement for Probationers and Parolees. If the sexual offender
1417 is in the custody of a private correctional facility, the
1418 facility shall take a digitized photograph of the sexual
1419 offender within the time period provided in this paragraph and
1420 shall provide the photograph to the department.

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1422 If any information provided by the department changes during the
1423 time the sexual offender is under the department's control,
1424 custody, or supervision, including any change in the offender's
1425 name by reason of marriage or other legal process, the
1426 department shall, in a timely manner, update the information and
1427 provide it to the Department of Law Enforcement in the manner
1428 prescribed in subsection (2).

1429 Section 28. For the purpose of incorporating the amendment
1430 made by this act to section 944.275, Florida Statutes, in a
1431 reference thereto, subsection (15) of section 947.005, Florida
1432 Statutes, is reenacted to read:

1433 947.005 Definitions.—As used in this chapter, unless the
1434 context clearly indicates otherwise:

1435 (15) "Tentative release date" means the date projected for
1436 the prisoner's release from custody by virtue of gain-time
1437 granted or forfeited pursuant to s. 944.275(3)(a).

1438 Section 29. For the purpose of incorporating the amendment
1439 made by this act to section 944.275, Florida Statutes, in a
1440 reference thereto, paragraph (a) of subsection (6) of section
1441 985.4815, Florida Statutes, is reenacted to read:

1442 985.4815 Notification to Department of Law Enforcement of
1443 information on juvenile sexual offenders.—

1444 (6)(a) The information provided to the Department of Law
1445 Enforcement must include the following:

1446 1. The information obtained from the sexual offender under
1447 subsection (4).

1448 2. The sexual offender's most current address and place of
1449 permanent, temporary, or transient residence within the state or
1450 out of state, and address, location or description, and dates of

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1451 any current or known future temporary residence within the state
1452 or out of state, while the sexual offender is in the care or
1453 custody or under the jurisdiction or supervision of the
1454 department in this state, including the name of the county or
1455 municipality in which the offender permanently or temporarily
1456 resides, or has a transient residence, and address, location or
1457 description, and dates of any current or known future temporary
1458 residence within the state or out of state; and, if known, the
1459 intended place of permanent, temporary, or transient residence,
1460 and address, location or description, and dates of any current
1461 or known future temporary residence within the state or out of
1462 state upon satisfaction of all sanctions.

1463 3. The legal status of the sexual offender and the
1464 scheduled termination date of that legal status.

1465 4. The location of, and local telephone number for, any
1466 department office that is responsible for supervising the sexual
1467 offender.

1468 5. An indication of whether the victim of the offense that
1469 resulted in the offender's status as a sexual offender was a
1470 minor.

1471 6. The offense or offenses at adjudication and disposition
1472 that resulted in the determination of the offender's status as a
1473 sex offender.

1474 7. A digitized photograph of the sexual offender, which
1475 must have been taken within 60 days before the offender was
1476 released from the custody of the department or a private
1477 correctional facility by expiration of sentence under s.
1478 944.275, or within 60 days after the onset of the department's
1479 supervision of any sexual offender who is on probation,

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1480 postcommitment probation, residential commitment, nonresidential
1481 commitment, licensed child-caring commitment, community control,
1482 conditional release, parole, provisional release, or control
1483 release or who is supervised by the department under the
1484 Interstate Compact Agreement for Probationers and Parolees. If
1485 the sexual offender is in the custody of a private correctional
1486 facility, the facility shall take a digitized photograph of the
1487 sexual offender within the time period provided in this
1488 subparagraph and shall provide the photograph to the department.
1489 Section 30. This act shall take effect July 1, 2021.