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1	A bill to be entitled
2	An act relating to capital human trafficking of
3	vulnerable persons for sexual exploitation; amending
4	s. 92.565, F.S.; specifying that a defendant's
5	memorialized confession or admission in cases of
6	capital human trafficking of vulnerable persons for
7	sexual exploitation is admissible during trial under
8	specified circumstances; amending s. 456.51, F.S.;
9	specifying that consent is not required for pelvic
10	examinations administered pursuant to a criminal
11	investigation of an alleged violation of capital human
12	trafficking of vulnerable persons for sexual
13	exploitation; amending s. 775.0877, F.S.; requiring a
14	court to order a person who is convicted of or who had
15	pled nolo contendere or guilty to, or to the attempt
16	thereof, capital human trafficking of vulnerable
17	persons for sexual exploitation to undergo HIV
18	testing; amending s. 775.21, F.S.; requiring that an
19	offender who is convicted of committing capital human
20	trafficking of vulnerable persons for sexual
21	exploitation be designated as a sexual predator;
22	amending s. 787.01, F.S.; specifying that a person
23	commits a life felony if the person kidnaps a child
24	under a certain age and in the course of committing
25	that offense commits capital human trafficking of
26	vulnerable persons for sexual exploitation; amending
27	s. 787.02, F.S.; specifying that a person commits a
28	felony of the first degree if the person falsely
29	imprisons a child under a certain age and in the
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30 course of committing that offense commits capital 31 human trafficking of vulnerable persons for sexual 32 exploitation; amending s. 787.06, F.S.; defining the term "sexual exploitation"; prohibiting a person 18 33 34 years of age or older from knowingly initiating, 35 organizing, planning, financing, directing, managing, 36 or supervising a venture that has subjected a child 37 younger than 12 years of age, or a person who is mentally defective or mentally incapacitated, to human 38 39 trafficking for sexual exploitation; providing a 40 criminal penalty; requiring the state to give a specified notice if it intends to seek the death 41 42 penalty for a violation of the offense; creating s. 921.1427, F.S.; providing legislative findings and 43 44 intent; providing for separate death penalty proceedings in certain cases; providing for findings 45 46 and recommended sentences by a jury; providing for 47 imposition of sentence of life imprisonment or death; providing requirements for a court order in support of 48 49 a life imprisonment or death sentence; providing for automatic review of sentences of death within a 50 51 certain time period; specifying aggravating factors 52 and mitigating circumstances; providing for victim 53 impact evidence; providing for resentencing if 54 provisions are found to be unconstitutional; providing applicability; amending s. 924.07, F.S.; authorizing 55 56 the state to appeal from a certain sentence on the 57 ground that it resulted from the failure of the 58 circuit court to comply with specified sentencing

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59	procedure requirements; amending ss. 943.0435,
60	944.606, and 944.607, F.S.; revising the definition of
61	the term "sexual offender"; amending s. 948.32, F.S.;
62	requiring state or local law enforcement agencies to
63	contact the Department of Corrections if they
64	investigate or arrest a person for committing, or
65	attempting, soliciting, or conspiring to commit,
66	capital human trafficking of vulnerable persons for
67	sexual exploitation; amending s. 960.065, F.S.;
68	revising eligibility for awards for victim assistance;
69	amending ss. 921.137 and 921.141, F.S.; conforming
70	provisions to changes made by the act; reenacting s.
71	16.713(1)(c), F.S., relating to the Florida Gaming
72	Control Commission, appointment and employment
73	restrictions, to incorporate the amendment made to s.
74	775.21, F.S., in a reference thereto; reenacting s.
75	39.0139(3)(a), F.S., relating to visitation or other
76	contact and restrictions, to incorporate the amendment
77	made to s. 775.21, F.S., in a reference thereto;
78	reenacting s. 39.509(6)(b), F.S., relating to
79	grandparents rights, to incorporate the amendment made
80	to s. 775.21, F.S., in a reference thereto; reenacting
81	s. 39.806(1)(d) and (n), F.S., relating to grounds for
82	termination of parental rights, to incorporate the
83	amendment made to s. 775.21, F.S., in references
84	thereto; reenacting s. 61.13(9)(c), F.S., relating to
85	support of children, parenting and time-sharing, and
86	powers of the court, to incorporate the amendment made
87	to s. 775.21, F.S., in a reference thereto; reenacting

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88	s. 63.089(4)(b), F.S., relating to proceeding to
89	terminate parental rights pending adoption, hearing,
90	grounds, dismissal of petition, and judgment, to
91	incorporate the amendment made to s. 775.21, F.S., in
92	a reference thereto; reenacting s. 63.092(3), F.S.,
93	relating to report to the court of intended placement
94	by an adoption entity, at-risk placement, and
95	preliminary study, to incorporate the amendment made
96	to s. 775.21, F.S., in a reference thereto; reenacting
97	s. 68.07(3)(i) and (6), F.S., relating to change of
98	name, to incorporate the amendment made to s. 775.21,
99	F.S., in references thereto; reenacting s.
100	92.55(1)(b), F.S., relating to special protections in
101	proceedings involving a victim or witness under 18,
102	person with intellectual disability, or sexual offense
103	victim, to incorporate the amendment made to s.
104	775.21, F.S., in a reference thereto; reenacting s.
105	322.141(3), F.S., relating to color or markings of
106	certain licenses or identification cards, to
107	incorporate the amendment made to s. 775.21, F.S., in
108	a reference thereto; reenacting s. 397.487(10)(b),
109	F.S., relating to voluntary certification of recovery
110	residences, to incorporate the amendment made to s.
111	775.21, F.S., in a reference thereto; reenacting s.
112	435.07(4)(b), F.S., relating to exemptions from
113	disqualification, to incorporate the amendment made to
114	s. 775.21, F.S., in a reference thereto; reenacting s.
115	455.213(3)(b), F.S., relating to general licensing
116	provisions, to incorporate the amendment made to s.

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117	775.21, F.S., in a reference thereto; reenacting s.
118	489.553(7), F.S., relating to administration of part,
119	registration qualifications, and examination, to
120	incorporate the amendment made to s. 775.21, F.S., in
121	a reference thereto; reenacting s. 507.07(10), F.S.,
122	relating to violations, to incorporate the amendment
123	made to s. 775.21, F.S., in a reference thereto;
124	reenacting s. 775.13(4), F.S., relating to
125	registration of convicted felons, exemptions, and
126	penalties, to incorporate the amendment made to s.
127	775.21, F.S., in a reference thereto; reenacting s.
128	775.25, F.S., relating to prosecutions for acts or
129	omissions, to incorporate the amendment made to s.
130	775.21, F.S., in a reference thereto; reenacting s.
131	794.075(1), F.S., relating to sexual predators and
132	erectile dysfunction drugs, to incorporate the
133	amendment made to s. 775.21, F.S., in a reference
134	thereto; reenacting s. 900.05(2)(cc), F.S., relating
135	to criminal justice data collection, to incorporate
136	the amendment made to s. 775.21, F.S., in a reference
137	thereto; reenacting s. 903.0351(1)(c), F.S., relating
138	to restrictions on pretrial release pending probation-
139	violation hearing or community-control-violation
140	hearing, to incorporate the amendment made to s.
141	775.21, F.S., in a reference thereto; reenacting s.
142	903.046(2)(m), F.S., relating to purpose of and
143	criteria for bail determination, to incorporate the
144	amendment made to s. 775.21, F.S., in a reference
145	thereto; reenacting s. 903.133(3), F.S., relating to
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146	bail on appeal prohibited for certain felony
147	convictions, to incorporate the amendment made to s.
148	775.21, F.S., in a reference thereto; reenacting s.
149	907.043(4)(b), F.S., relating to pretrial release and
150	citizens' right to know, to incorporate the amendment
151	made to s. 775.21, F.S., in a reference thereto;
152	reenacting s. 938.10(1), F.S., relating to additional
153	court cost imposed in cases of certain crimes, to
154	incorporate the amendment made to s. 775.21, F.S., in
155	a reference thereto; reenacting s. 943.0435(5), F.S.,
156	relating to sexual offenders required to register with
157	the department and penalties, to incorporate the
158	amendment made to s. 775.21, F.S., in a reference
159	thereto; reenacting s. 943.0584(2), F.S., relating to
160	criminal history records ineligible for court-ordered
161	expunction or court-ordered sealing, to incorporate
162	the amendment made to s. 775.21, F.S., in a reference
163	thereto; reenacting s. 944.609(4), F.S., relating to
164	career offenders and notification upon release, to
165	incorporate the amendment made to s. 775.21, F.S., in
166	a reference thereto; reenacting s. 947.1405(2)(c) and
167	(10), F.S., relating to conditional release program,
168	to incorporate the amendment made to s. 775.21, F.S.,
169	in references thereto; reenacting s. 948.013(2)(b),
170	F.S., relating to administrative probation, to
171	incorporate the amendment made to s. 775.21, F.S., in
172	a reference thereto; reenacting s. 948.05(2)(f), F.S.,
173	relating to court to admonish or commend probationer
174	or offender in community control and graduated
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175	incentives, to incorporate the amendment made to s.
176	775.21, F.S., in a reference thereto; reenacting s.
177	948.06(4) and (8)(b) and (d), F.S., relating to
178	violation of probation or community control,
179	revocation, modification, continuance, and failure to
180	pay restitution or cost of supervision, to incorporate
181	the amendment made to s. 775.21, F.S., in references
182	thereto; reenacting s. 948.063, F.S., relating to
183	violations of probation or community control by
184	designated sexual offenders and sexual predators, to
185	incorporate the amendment made to s. 775.21, F.S., in
186	a reference thereto; reenacting s. 948.064(4), F.S.,
187	relating to notification of status as a violent felony
188	offender of special concern, to incorporate the
189	amendment made to s. 775.21, F.S., in a reference
190	thereto; reenacting s. 948.12, F.S., relating to
191	intensive supervision for postprison release of
192	violent offenders, to incorporate the amendment made
193	to s. 775.21, F.S., in a reference thereto; reenacting
194	s. 948.30(3), F.S., relating to additional terms and
195	conditions of probation or community control for
196	certain sex offenses, to incorporate the amendment
197	made to s. 775.21, F.S., in a reference thereto;
198	reenacting s. 948.31, F.S., relating to evaluation and
199	treatment of sexual predators and offenders on
200	probation or community control, to incorporate the
201	amendment made to s. 775.21, F.S., in a reference
202	thereto; reenacting s. 985.04(6)(b), F.S., relating to
203	oaths, records, and confidential information, to

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204	incorporate the amendment made to s. 775.21, F.S., in
205	a reference thereto; reenacting s. 61.13(2)(c) and
206	(9)(c), F.S., relating to support of children,
207	parenting and time-sharing, and powers of the court,
208	to incorporate the amendment made to s. 943.0435,
209	F.S., in references thereto; reenacting s. 68.07(3)(i)
210	and (6), F.S., relating to change of name, to
211	incorporate the amendment made to s. 943.0435, F.S.,
212	in references thereto; reenacting s. 92.55(1)(b),
213	F.S., relating to special protections in proceedings
214	involving a victim or witness under 18, person with
215	intellectual disability, or sexual offense victim, to
216	incorporate the amendment made to s. 943.0435, F.S.,
217	in a reference thereto; reenacting s. 98.0751(2)(b),
218	F.S., relating to restoration of voting rights and
219	termination of ineligibility subsequent to a felony
220	conviction, to incorporate the amendment made to s.
221	943.0435, F.S., in a reference thereto; reenacting s.
222	322.141(3), F.S., relating to color or markings of
223	certain licenses or identification cards, to
224	incorporate the amendment made to s. 943.0435, F.S.,
225	in a reference thereto; reenacting s. 394.9125(2),
226	F.S., relating to state attorney authority to refer a
227	person for civil commitment, to incorporate the
228	amendment made to s. 943.0435, F.S., in a reference
229	thereto; reenacting s. 435.07(4)(b), F.S., relating to
230	exemptions from disqualification, to incorporate the
231	amendment made to s. 943.0435, F.S., in a reference
232	thereto; reenacting s. 775.0862(2), F.S., relating to

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233	sexual offenses against students by authority figures
234	and reclassification, to incorporate the amendment
235	made to s. 943.0435, F.S., in a reference thereto;
236	reenacting s. 775.13(4), F.S., relating to
237	registration of convicted felons, exemptions, and
238	penalties, to incorporate the amendment made to s.
239	943.0435, F.S., in a reference thereto; reenacting s.
240	775.24(2), F.S., relating to the duty of the court to
241	uphold laws governing sexual predators and sexual
242	offenders, to incorporate the amendment made to s.
243	943.0435, F.S., in a reference thereto; reenacting s.
244	775.25, F.S., relating to prosecutions for acts or
245	omissions, to incorporate the amendment made to s.
246	943.0435, F.S., in a reference thereto; reenacting s.
247	900.05(2)(cc), F.S., relating to criminal justice data
248	collection, to incorporate the amendment made to s.
249	943.0435, F.S., in a reference thereto; reenacting s.
250	903.046(2)(m), F.S., relating to purpose of and
251	criteria for bail determination, to incorporate the
252	amendment made to s. 943.0435, F.S., in a reference
253	thereto; reenacting s. 903.133, F.S., relating to bail
254	on appeal prohibited for certain felony convictions,
255	to incorporate the amendment made to s. 943.0435,
256	F.S., in a reference thereto; reenacting s.
257	907.043(4)(b), F.S., relating to pretrial release and
258	citizens' right to know, to incorporate the amendment
259	made to s. 943.0435, F.S., in a reference thereto;
260	reenacting s. 934.255(2)(a), F.S., relating to
261	subpoenas in investigations of sexual offenses, to

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262	incorporate the amendment made to s. 943.0435, F.S.,
263	in a reference thereto; reenacting s. 938.10(1), F.S.,
264	relating to additional court cost imposed in cases of
265	certain crimes, to incorporate the amendment made to
266	s. 943.0435, F.S., in a reference thereto; reenacting
267	s. 943.0436(2), F.S., relating to the duty of the
268	court to uphold laws governing sexual predators and
269	sexual offenders, to incorporate the amendment made to
270	s. 943.0435, F.S., in a reference thereto; reenacting
271	s. 943.0584(2), F.S., relating to criminal history
272	records ineligible for court-ordered expunction or
273	court-ordered sealing, to incorporate the amendment
274	made to s. 943.0435, F.S., in a reference thereto;
275	reenacting s. 943.0595(2)(a), F.S., relating to
276	automatic sealing of criminal history records and
277	confidentiality of related court records, to
278	incorporate the amendment made to s. 943.0435, F.S.,
279	in a reference thereto; reenacting s. 947.1405(12),
280	F.S., relating to the conditional release program, to
281	incorporate the amendment made to s. 943.0435, F.S.,
282	in a reference thereto; reenacting s. 948.013(2)(b),
283	F.S., relating to administrative probation, to
284	incorporate the amendment made to s. 943.0435, F.S.,
285	in a reference thereto; reenacting s. 948.05(2)(f),
286	F.S., relating to court to admonish or commend
287	probationer or offender in community control and
288	graduated incentives, to incorporate the amendment
289	made to s. 943.0435, F.S., in a reference thereto;
290	reenacting s. 948.06(4), F.S., relating to violation

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291	of probation or community control, revocation,
292	modification, continuance, and failure to pay
293	restitution or cost of supervision, to incorporate the
294	amendment made to s. 943.0435, F.S., in a reference
295	thereto; reenacting s. 948.063, F.S., relating to
296	violations of probation or community control by
297	designated sexual offenders and sexual predators, to
298	incorporate the amendment made to s. 943.0435, F.S.,
299	in a reference thereto; reenacting s. 948.30(4), F.S.,
300	relating to additional terms and conditions of
301	probation or community control for certain sex
302	offenses, to incorporate the amendment made to s.
303	943.0435, F.S., in a reference thereto; reenacting s.
304	948.31, F.S., relating to evaluation and treatment of
305	sexual predators and offenders on probation or
306	community control, to incorporate the amendment made
307	to s. 943.0435, F.S., in a reference thereto;
308	reenacting s. 985.04(6)(b), F.S., relating to oaths,
309	records, and confidential information, to incorporate
310	the amendment made to s. 943.0435, F.S., in a
311	reference thereto; reenacting s. 1012.467(2)(b), F.S.,
312	relating to noninstructional contractors who are
313	permitted access to school grounds when students are
314	present and background screening requirements, to
315	incorporate the amendment made to s. 943.0435, F.S.,
316	in a reference thereto; reenacting s. 775.24(2), F.S.,
317	relating to the duty of the court to uphold laws
318	governing sexual predators and sexual offenders, to
319	incorporate the amendment made to s. 944.606, F.S., in
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320	a reference thereto; reenacting s. 775.25, F.S.,
321	relating to prosecutions for acts or omissions, to
322	incorporate the amendment made to s. 944.606, F.S., in
323	a reference thereto; reenacting s. 943.0436(2), F.S.,
324	relating to the duty of the court to uphold laws
325	governing sexual predators and sexual offenders, to
326	incorporate the amendment made to s. 944.606, F.S., in
327	a reference thereto; reenacting s. 948.31, F.S.,
328	relating to evaluation and treatment of sexual
329	predators and offenders on probation or community
330	control, to incorporate the amendment made to s.
331	944.606, F.S., in a reference thereto; reenacting s.
332	985.04(6)(b), F.S., relating to oaths, records, and
333	confidential information, to incorporate the amendment
334	made to s. 944.606, F.S., in a reference thereto;
335	reenacting s. 322.141(3), F.S., relating to color or
336	markings of certain licenses or identification cards,
337	to incorporate the amendment made to s. 944.607, F.S.,
338	in a reference thereto; reenacting s. 775.13(4), F.S.,
339	relating to registration of convicted felons,
340	exemptions, and penalties, to incorporate the
341	amendment made to s. 944.607, F.S., in a reference
342	thereto; reenacting s. 775.24(2), F.S., relating to
343	the duty of the court to uphold laws governing sexual
344	predators and sexual offenders, to incorporate the
345	amendment made to s. 944.607, F.S., in a reference
346	thereto; reenacting s. 775.25, F.S., relating to
347	prosecutions for acts or omissions, to incorporate the
348	amendment made to s. 944.607, F.S., in a reference
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349	thereto; reenacting s. 943.0436(2), F.S., relating to
350	the duty of the court to uphold laws governing sexual
351	predators and sexual offenders, to incorporate the
352	amendment made to s. 944.607, F.S., in a reference
353	thereto; reenacting s. 948.06(4), F.S., relating to
354	violation of probation or community control,
355	revocation, modification, continuance, and failure to
356	pay restitution or cost of supervision, to incorporate
357	the amendment made to s. 944.607, F.S., in a reference
358	thereto; reenacting s. 948.063, F.S., relating to
359	violations of probation or community control by
360	designated sexual offenders and sexual predators, to
361	incorporate the amendment made to s. 944.607, F.S., in
362	a reference thereto; reenacting s. 948.31, F.S.,
363	relating to evaluation and treatment of sexual
364	predators and offenders on probation or community
365	control, to incorporate the amendment made to s.
366	944.607, F.S., in a reference thereto; reenacting s.
367	985.04(6)(b), F.S., relating to oaths, records, and
368	confidential information, to incorporate the amendment
369	made to s. 944.607, F.S., in a reference thereto;
370	providing an effective date.
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372	Be It Enacted by the Legislature of the State of Florida:
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374	Section 1. Subsection (2) of section 92.565, Florida
375	Statutes, is amended to read:
376	92.565 Admissibility of confession in sexual abuse cases
377	(2) In any criminal action in which the defendant is
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378 charged with a crime against a victim under s. 787.06(3), 379 involving commercial sexual activity, or (5); s. 794.011; s. 794.05; s. 800.04; s. 826.04; s. 827.03, involving sexual abuse; 380 381 s. 827.04, involving sexual abuse; s. 827.071; or s. 382 847.0135(5), or any other crime involving sexual abuse of 383 another, or with any attempt, solicitation, or conspiracy to 384 commit any of these crimes, the defendant's memorialized 385 confession or admission is admissible during trial without the 386 state having to prove a corpus delicti of the crime if the court 387 finds in a hearing conducted outside the presence of the jury 388 that the state is unable to show the existence of each element 389 of the crime, and having so found, further finds that the 390 defendant's confession or admission is trustworthy. Factors 391 which may be relevant in determining whether the state is unable to show the existence of each element of the crime include, but 392 393 are not limited to, the fact that, at the time the crime was 394 committed, the victim was: 395 (a) Physically helpless, mentally incapacitated, or 396 mentally defective, as those terms are defined in s. 794.011; 397 (b) Physically incapacitated due to age, infirmity, or any 398 other cause; or 399 (c) Less than 12 years of age. 400 Section 2. Paragraph (e) of subsection (2) of section 456.51, Florida Statutes, is amended to read: 401 456.51 Consent for pelvic examinations.-402 403 (2) A health care practitioner, a medical student, or any

404 other student receiving training as a health care practitioner 405 may not perform a pelvic examination on an anesthetized or 406 unconscious patient without the written consent of the patient

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407 or the patient's legal representative executed specific to, and 408 expressly identifying, the pelvic examination. If the patient is 409 conscious, informed verbal consent must be obtained for the 410 pelvic examination in addition to any written consent obtained. 411 Consent is not required if:

(e) The pelvic examination is administered pursuant to a criminal investigation of an alleged violation related to child abuse or neglect under s. 787.06(3)(a)1., (c)1., (f)1., or (g), <u>or (5)</u>; chapter 794; chapter 796; chapter 800; chapter 827; or chapter 847.

417 Section 3. Paragraph (o) of subsection (1) of section 418 775.0877, Florida Statutes, is amended to read:

419 775.0877 Criminal transmission of HIV; procedures; 420 penalties.-

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

426 (o) Sections 787.06(3)(b), (d), (f), and (g) and (5), 427 relating to human trafficking, the court shall order the 428 offender to undergo HIV testing, to be performed under the 429 direction of the Department of Health in accordance with s. 430 381.004, unless the offender has undergone HIV testing voluntarily or pursuant to procedures established in s. 431 432 381.004(2)(h)6. or s. 951.27, or any other applicable law or 433 rule providing for HIV testing of criminal offenders or inmates, 434 subsequent to her or his arrest for an offense enumerated in 435 paragraphs (a) - (n) for which she or he was convicted or to which

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she or he pled nolo contendere or quilty. The results of an HIV test performed on an offender pursuant to this subsection are not admissible in any criminal proceeding arising out of the alleged offense. Section 4. Paragraph (a) of subsection (4) of section 775.21, Florida Statutes, is amended to read: 775.21 The Florida Sexual Predators Act.-(4) SEXUAL PREDATOR CRITERIA.-(a) For a current offense committed on or after October 1, 1993, upon conviction, an offender shall be designated as a "sexual predator" under subsection (5), and subject to registration under subsection (6) and community and public notification under subsection (7) if: 1. The felony is: a. A capital, life, or first degree felony violation, or any attempt thereof, of s. 787.01 or s. 787.02, where the victim is a minor, or s. 787.06(3)(f) or (g), where the victim is a minor, or (5); s. 794.011, s. 800.04, or s. 847.0145, or a violation of a similar law of another jurisdiction; or b. Any felony violation, or any attempt thereof, of s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),

460 796.035; s. 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; 461 s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, 462 if the court makes a written finding that the racketeering 463 activity involved at least one sexual offense listed in this 464 sub-subparagraph or at least one offense listed in this sub-

(d), (f), or (g), or (5); former s. 787.06(3)(h); s. 794.011,

excluding s. 794.011(10); s. 794.05; former s. 796.03; former s.

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465 subparagraph with sexual intent or motive; s. 916.1075(2); or s. 466 985.701(1); or a violation of a similar law of another 467 jurisdiction, and the offender has previously been convicted of 468 or found to have committed, or has pled nolo contendere or 469 guilty to, regardless of adjudication, any violation of s. 470 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 471 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), 472 (d), (f), or (g), or (5); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 473 474 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 475 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, if 476 the court makes a written finding that the racketeering activity 477 involved at least one sexual offense listed in this subsubparagraph or at least one offense listed in this sub-478 subparagraph with sexual intent or motive; s. 916.1075(2); or s. 479 480 985.701(1); or a violation of a similar law of another 481 jurisdiction; 482 2. The offender has not received a pardon for any felony or

482 2. The offender has not received a pardon for any felony of
483 similar law of another jurisdiction that is necessary for the
484 operation of this paragraph; and

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

488 Section 5. Subsection (3) of section 787.01, Florida 489 Statutes, is amended to read:

490 787.01 Kidnapping; kidnapping of child under age 13,
491 aggravating circumstances.-

492 (3) (a) A person who commits the offense of kidnapping upon493 a child under the age of 13 and who, in the course of committing

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494	the offense, commits one or more of the following:
495	1. Aggravated child abuse, as defined in s. 827.03;
496	2. Sexual battery, as defined in chapter 794, against the
497	child;
498	3. Lewd or lascivious battery, lewd or lascivious
499	molestation, lewd or lascivious conduct, or lewd or lascivious
500	exhibition, in violation of s. 800.04 or s. 847.0135(5);
501	4. A violation of former s. 796.03 or s. 796.04, relating
502	to prostitution, upon the child;
503	5. Exploitation of the child or allowing the child to be
504	exploited, in violation of s. 450.151; or
505	6. A violation of s. 787.06(3)(g) <u>or (5)</u> , relating to human
506	trafficking, commits a life felony, punishable as provided in s.
507	775.082, s. 775.083, or s. 775.084.
508	(b) Pursuant to s. 775.021(4), nothing contained herein
509	shall be construed to prohibit the imposition of separate
510	judgments and sentences for the life felony described in
511	paragraph (a) and for each separate offense enumerated in
512	subparagraphs (a)16. subparagraphs (a)15.
513	Section 6. Subsection (3) of section 787.02, Florida
514	Statutes, is amended to read:
515	787.02 False imprisonment; false imprisonment of child
516	under age 13, aggravating circumstances
517	(3)(a) A person who commits the offense of false
518	imprisonment upon a child under the age of 13 and who, in the
519	course of committing the offense, commits any offense enumerated
520	in <u>subparagraphs (a)16.</u> <del>subparagraphs 15.</del> , commits a felony
521	of the first degree, punishable by imprisonment for a term of
522	years not exceeding life or as provided in s. 775.082, s.
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523 775.083, or s. 775.084.

1. Aggravated child abuse, as defined in s. 827.03;

525 2. Sexual battery, as defined in chapter 794, against the 526 child;

527 3. Lewd or lascivious battery, lewd or lascivious 528 molestation, lewd or lascivious conduct, or lewd or lascivious 529 exhibition, in violation of s. 800.04 or s. 847.0135(5);

530 4. A violation of former s. 796.03 or s. 796.04, relating 531 to prostitution, upon the child;

532 5. Exploitation of the child or allowing the child to be 533 exploited, in violation of s. 450.151; or

534 6. A violation of s. 787.06(3)(g) or (5), relating to human
 535 trafficking.

(b) Pursuant to s. 775.021(4), nothing contained herein shall be construed to prohibit the imposition of separate judgments and sentences for the first degree offense described in paragraph (a) and for each separate offense enumerated in subparagraphs (a)1.-6. (a)1.-5.

Section 7. Present paragraphs (i) through (k) of subsection (2) of section 787.06, Florida Statutes, are redesignated as paragraphs (j) through (l), respectively, present subsections (5) through (13) of that section are redesignated as subsections (6) through (14), respectively, a new paragraph (i) is added to subsection (2) of that section, and a new subsection (5) is added to that section, to read:

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787.06 Human trafficking.-

(2) As used in this section, the term:

(i) "Sexual exploitation" means any violation of s.

551 794.011, excluding s. 794.011(10).

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552	(5)(a) Any person 18 years of age or older who knowingly
553	initiates, organizes, plans, finances, directs, manages, or
554	supervises a venture that has subjected a child younger than 12
555	years of age, or a person who is mentally defective or mentally
556	incapacitated as those terms are defined in s. 794.011(1), to
557	human trafficking for sexual exploitation commits capital human
558	trafficking of vulnerable persons for sexual exploitation, a
559	capital felony punishable as provided in ss. 775.082 and
560	921.1427.
561	(b) For each instance of human trafficking of any
562	individual under paragraph (a), a separate crime is committed
563	and a separate punishment is authorized.
564	(c) In all capital cases under this subsection, the
565	procedure in s. 921.1427 shall be followed to determine a
566	sentence of death or life imprisonment.
567	(d) If the prosecutor intends to seek the death penalty,
568	the prosecutor must give notice to the defendant and file the
569	notice with the court within 45 days after arraignment. The
570	notice must contain a list of the aggravating factors the state
571	intends to prove and has reason to believe it can prove beyond a
572	reasonable doubt. The court may allow the prosecutor to amend
573	the notice upon a showing of good cause.
574	Section 8. Section 921.1427, Florida Statutes, is created
575	to read:
576	921.1427 Sentence of death or life imprisonment for capital
577	human trafficking of vulnerable persons for sexual exploitation;
578	further proceedings to determine sentence
579	(1) INTENT
580	(a) The Legislature finds that a person who commits the

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581	offense of initiating, organizing, planning, financing,
582	directing, managing, or supervising a venture that has subjected
583	a child younger than 12 years of age, or a person who is
584	mentally defective or mentally incapacitated, to human
585	trafficking for sexual exploitation in violation of s. 787.06(5)
586	imposes a great risk of death and danger to vulnerable members
587	of this state. Such crimes exploit society's most vulnerable
588	citizens, destroy the innocence of young children, and violate
589	all standards of decency held by civilized society, and persons
590	who commit such acts against such vulnerable persons may be
591	determined by the trier of fact to have a culpable mental state
592	of reckless indifference or disregard for human life.
593	(b) It is the intent of the Legislature that the procedure
594	in this section shall be followed, and a prosecutor must file
595	notice as provided in s. 787.06(5) if he or she intends to seek
596	the death penalty.
597	(2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTYUpon
598	conviction or an adjudication of guilt of a defendant of a
599	capital felony under s. 787.06(5), the court shall conduct a
600	separate sentencing proceeding to determine whether the
601	defendant should be sentenced to death or life imprisonment as
602	authorized by s. 775.082. The proceeding shall be conducted by
603	the trial judge before the trial jury as soon as practicable.
604	If, through impossibility or inability, the trial jury is unable
605	to reconvene for a hearing on the issue of penalty, having
606	determined the guilt of the accused, the trial judge may summon
607	a special juror or jurors as provided in chapter 913 to
608	determine the issue of the imposition of the penalty. If the
609	trial jury has been waived, or if the defendant pleaded guilty,
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610	the sentencing proceeding shall be conducted before a jury
611	impaneled for that purpose, unless waived by the defendant. In
612	the proceeding, evidence may be presented as to any matter that
613	the court deems relevant to the nature of the crime and the
614	character of the defendant and shall include matters relating to
615	any of the aggravating factors enumerated in subsection (7) and
616	for which notice has been provided pursuant to s. 787.06(5) or
617	mitigating circumstances enumerated in subsection (8). Any such
618	evidence that the court deems to have probative value may be
619	received, regardless of its admissibility under the exclusionary
620	rules of evidence, provided the defendant is accorded a fair
621	opportunity to rebut any hearsay statements. However, this
622	subsection may not be construed to authorize the introduction of
623	any evidence secured in violation of the United States
624	Constitution or the State Constitution. The state and the
625	defendant or the defendant's counsel shall be permitted to
626	present argument for or against a sentence of death.
627	(3) FINDINGS AND RECOMMENDED SENTENCE BY THE JURYThis
628	subsection applies only if the defendant has not waived his or
629	her right to a sentencing proceeding by a jury.
630	(a) After hearing all of the evidence presented regarding
631	aggravating factors and mitigating circumstances, the jury shall
632	deliberate and determine if the state has proven, beyond a
633	reasonable doubt, the existence of at least two aggravating
634	factors set forth in subsection (7).
635	(b) The jury shall return findings identifying each
636	aggravating factor found to exist. A finding that at least two
637	aggravating factors exist must be unanimous. If the jury:
638	1. Does not unanimously find at least two aggravating
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factors, the defendant is ineligible for a sentence of death.
2. Unanimously finds at least two aggravating factors, the
defendant is eligible for a sentence of death and the jury shall
make a recommendation to the court as to whether the defendant
shall be sentenced to life imprisonment without the possibility
of parole or to death. The recommendation shall be based on a
weighing of all of the following:
a. Whether sufficient aggravating factors exist.
b. Whether aggravating factors exist which outweigh the
mitigating circumstances found to exist.
c. Based on the considerations in sub-subparagraphs a. and
b., whether the defendant should be sentenced to life
imprisonment without the possibility of parole or to death.
(c) If at least eight jurors determine that the defendant
should be sentenced to death, the jury's recommendation to the
court shall be a sentence of death. If fewer than eight jurors
determine that the defendant should be sentenced to death, the
jury's recommendation to the court shall be a sentence of life
imprisonment without the possibility of parole.
(4) IMPOSITION OF SENTENCE OF LIFE IMPRISONMENT OR DEATH
(a) If the jury has recommended a sentence of:
1. Life imprisonment without the possibility of parole, the
court shall impose the recommended sentence of life imprisonment
without the possibility of parole.
2. Death, the court, after considering each aggravating
factor found by the jury and all mitigating circumstances, may
impose a sentence of life imprisonment without the possibility
of parole or a sentence of death. The court may consider only an
aggravating factor that was unanimously found to exist by the

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668	jury. The court may impose a sentence of death only if the jury
669	unanimously found at least two aggravating factors beyond a
670	reasonable doubt.
671	(b) If the defendant waived his or her right to a
672	sentencing proceeding by a jury, the court, after considering
673	all aggravating factors and mitigating circumstances, may impose
674	a sentence of life imprisonment without the possibility of
675	parole or a sentence of death. The court may impose a sentence
676	of death only if the court finds that at least two aggravating
677	factors have been proven to exist beyond a reasonable doubt.
678	(5) ORDER OF THE COURT IN SUPPORT OF SENTENCE OF LIFE
679	IMPRISONMENT OR DEATHIn each case in which the court imposes a
680	sentence of life imprisonment without the possibility of parole
681	or a sentence of death, the court shall, considering the records
682	of the trial and the sentencing proceedings, enter a written
683	order addressing the aggravating factors set forth in subsection
684	(7) found to exist, the mitigating circumstances in subsection
685	(8) reasonably established by the evidence, whether there are
686	sufficient aggravating factors to warrant the death penalty, and
687	whether the aggravating factors outweigh the mitigating
688	circumstances reasonably established by the evidence. The court
689	shall include in its written order the reasons for not accepting
690	the jury's recommended sentence, if applicable. If the court
691	does not issue its order requiring the death sentence within 30
692	days after the rendition of the judgment and sentence, the court
693	shall impose a sentence of life imprisonment without the
694	possibility of parole in accordance with s. 775.082.
695	(6) REVIEW OF JUDGMENT AND SENTENCEThe judgment of
696	conviction and sentence of death shall be subject to automatic

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697	review by the Supreme Court and disposition rendered within 2
698	years after the filing of a notice of appeal. Such review by the
699	Supreme Court shall have priority over all other cases and shall
700	be heard in accordance with rules adopted by the Supreme Court.
701	(7) AGGRAVATING FACTORSAggravating factors shall be
702	limited to the following:
703	(a) The capital felony was committed by a person previously
704	convicted of a felony violation under s. 787.06 and under
705	sentence of imprisonment or placed on community control or on
706	felony probation.
707	(b) The defendant was previously convicted of another
708	capital felony or of a felony involving the use or threat of
709	violence to the person.
710	(c) The capital felony was committed by a person designated
711	as a sexual predator pursuant to s. 775.21 or a person
712	previously designated as a sexual predator who had the sexual
713	predator designation removed.
714	(d) The capital felony was committed by a sexual offender
715	who is required to register pursuant to s. 943.0435 or a person
716	previously required to register as a sexual offender who had
717	such requirement removed.
718	(e) The defendant knowingly created a great risk of death
719	to one or more persons such that participation in the offense
720	constituted reckless indifference or disregard for human life.
721	(f) The defendant used a firearm or knowingly directed,
722	advised, authorized, or assisted another to use a firearm to
723	threaten, intimidate, assault, or injure a person in committing
724	the offense or in furtherance of the offense.
725	(g) The capital felony was especially heinous, atrocious,

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726	or cruel.
727	(h) The victim of the capital felony was particularly
728	vulnerable due to age or disability, or because the defendant
729	stood in a position of familial or custodial authority over the
730	victim.
731	(i) The capital felony was committed by a person subject to
732	an injunction issued pursuant to s. 741.30 or s. 784.046, or a
733	foreign protection order accorded full faith and credit pursuant
734	to s. 741.315, and was committed against the petitioner who
735	obtained the injunction or protection order or any spouse,
736	child, sibling, or parent of the petitioner.
737	(j) The victim of the capital felony sustained serious
738	bodily injury.
739	(8) MITIGATING CIRCUMSTANCESMitigating circumstances
740	shall include the following:
741	(a) The defendant has no significant history of prior
742	criminal activity.
743	(b) The capital felony was committed while the defendant
744	was under the influence of extreme mental or emotional
745	disturbance.
746	(c) The defendant was an accomplice in the capital felony
747	committed by another person, and the defendant's participation
748	was relatively minor.
749	(d) The defendant was under extreme duress or under the
750	substantial domination of another person.
751	(e) The capacity of the defendant to appreciate the
752	criminality of her or his conduct or to conform his or her
753	conduct to the requirements of law was substantially impaired.
754	(f) The age of the defendant at the time of the offense.

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755	(g) The defendant could not have reasonably foreseen that
756	his or her conduct in the course of the commission of the
757	offense would cause or would create a grave risk of death to one
758	or more persons.
759	(h) The existence of any other factors in the defendant's
760	background that would mitigate against imposition of the death
761	penalty.
762	(9) VICTIM IMPACT EVIDENCE.—Once the prosecution has
763	provided evidence of the existence of two or more aggravating
764	factors as described in subsection (7), the prosecution may
765	introduce and subsequently argue victim impact evidence to the
766	jury. Such evidence shall be designed to demonstrate the
767	victim's uniqueness as an individual human being and the
768	physical and psychological harm to the victim. Characterizations
769	and opinions about the crime, the defendant, and the appropriate
770	sentence may not be permitted as a part of victim impact
771	evidence.
772	(10) CONSTITUTIONALITYNotwithstanding s. 775.082(2) or s.
773	775.15, or any other provision of law, a sentence of death shall
774	be imposed under this section notwithstanding existing case law
775	which holds that such a sentence is unconstitutional under the
776	State Constitution and the United States Constitution. In any
777	case for which the Florida Supreme Court or the United States
778	Supreme Court reviews a sentence of death imposed pursuant to
779	this section, and in making such a review reconsiders the prior
780	holdings in Buford v. State of Florida, 403 So. 2d 943 (Fla.
781	1981), and Kennedy v. Louisiana, 554 U.S. 407 (2008), and
782	determines that a sentence of death remains unconstitutional,
783	the court having jurisdiction over the person previously

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784	sentenced to death shall cause such person to be brought before
785	the court, and the court shall sentence such person to life
786	imprisonment as provided in s. 775.082(1).
787	(11) APPLICABILITYThis section applies to any capital
788	felony under s. 787.06(5) which is committed on or after October
789	<u>1, 2025.</u>
790	Section 9. Paragraph (o) is added to subsection (1) of
791	section 924.07, Florida Statutes, to read:
792	924.07 Appeal by state
793	(1) The state may appeal from:
794	(o) The sentence in a case of capital human trafficking of
795	vulnerable persons for sexual exploitation on the ground that it
796	resulted from the circuit court's failure to comply with
797	sentencing procedures under s. 921.1427, including by striking a
798	notice of intent to seek the death penalty, refusing to impanel
799	a capital jury, or otherwise granting relief that prevents the
800	state from seeking a sentence of death.
801	Section 10. Paragraph (h) of subsection (1) of section
802	943.0435, Florida Statutes, is amended to read:
803	943.0435 Sexual offenders required to register with the
804	department; penalty
805	(1) As used in this section, the term:
806	(h)1. "Sexual offender" means a person who meets the
807	criteria in sub-subparagraph a., sub-subparagraph b., sub-
808	subparagraph c., or sub-subparagraph d., as follows:
809	a.(I) Has been convicted of committing, or attempting,
810	soliciting, or conspiring to commit, any of the criminal
811	offenses proscribed in the following statutes in this state or
812	similar offenses in another jurisdiction: s. 393.135(2); s.

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813 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g), or 814 815 (5); former s. 787.06(3)(h); s. 794.011, excluding s. 816 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 817 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 818 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 819 847.0145; s. 895.03, if the court makes a written finding that 820 the racketeering activity involved at least one sexual offense 821 listed in this sub-sub-subparagraph or at least one offense 822 listed in this sub-sub-subparagraph with sexual intent or 823 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense 824 committed in this state which has been redesignated from a 825 former statute number to one of those listed in this sub-sub-826 subparagraph; and

827 (II) Has been released on or after October 1, 1997, from a 828 sanction imposed for any conviction of an offense described in 829 sub-sub-subparagraph (I) and does not otherwise meet the 830 criteria for registration as a sexual offender under chapter 944 831 or chapter 985. For purposes of this sub-subparagraph, a 832 sanction imposed in this state or in any other jurisdiction 833 means probation, community control, parole, conditional release, 834 control release, or incarceration in a state prison, federal 835 prison, contractor-operated correctional facility, or local 836 detention facility. If no sanction is imposed, the person is 837 deemed to be released upon conviction;

b. Establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or any other sexual offender

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842 designation in another state or jurisdiction and was, as a 843 result of such designation, subjected to registration or 844 community or public notification, or both, or would be if the 845 person were a resident of that state or jurisdiction, without 846 regard to whether the person otherwise meets the criteria for 847 registration as a sexual offender;

848 c. Establishes or maintains a residence in this state who is in the custody or control of, or under the supervision of, 849 850 any other state or jurisdiction as a result of a conviction for 851 committing, or attempting, soliciting, or conspiring to commit, 852 any of the criminal offenses proscribed in the following 853 statutes or similar offense in another jurisdiction: s. 854 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 855 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), 856 (d), (f), or (g), or (5); former s. 787.06(3)(h); s. 794.011, 857 excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 858 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 859 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 860 847.0138; s. 847.0145; s. 895.03, if the court makes a written 861 finding that the racketeering activity involved at least one 862 sexual offense listed in this sub-subparagraph or at least one 863 offense listed in this sub-subparagraph with sexual intent or 864 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense 865 committed in this state which has been redesignated from a 866 former statute number to one of those listed in this sub-867 subparagraph; or

d. On or after July 1, 2007, has been adjudicated
delinquent for committing, or attempting, soliciting, or
conspiring to commit, any of the criminal offenses proscribed in

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871 the following statutes in this state or similar offenses in 872 another jurisdiction when the juvenile was 14 years of age or 873 older at the time of the offense: 874 Section 794.011, excluding s. 794.011(10); (I) 875 (II) Section 800.04(4)(a)2. where the victim is under 12 876 years of age or where the court finds sexual activity by the use 877 of force or coercion; (III) Section 800.04(5)(c)1. where the court finds 878 879 molestation involving unclothed genitals; 880 (IV) Section 800.04(5)(d) where the court finds the use of 881 force or coercion and unclothed genitals; or 882 (V) Any similar offense committed in this state which has 883 been redesignated from a former statute number to one of those 884 listed in this sub-subparagraph. 885 2. For all qualifying offenses listed in sub-subparagraph 886 1.d., the court shall make a written finding of the age of the 887 offender at the time of the offense. 888 889 For each violation of a qualifying offense listed in this 890 subsection, except for a violation of s. 794.011, the court 891 shall make a written finding of the age of the victim at the 892 time of the offense. For a violation of s. 800.04(4), the court 893 shall also make a written finding indicating whether the offense 894 involved sexual activity and indicating whether the offense 895 involved force or coercion. For a violation of s. 800.04(5), the 896 court shall also make a written finding that the offense did or 897 did not involve unclothed genitals or genital area and that the 898 offense did or did not involve the use of force or coercion. 899 Section 11. Paragraph (f) of subsection (1) of section

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900 944.606, Florida Statutes, is amended to read: 901 944.606 Sexual offenders; notification upon release.-902 (1) As used in this section, the term: 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928

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(f) "Sexual offender" means a person who has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g), or (5); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this paragraph or at least one offense listed in this paragraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subsection, when the department has received verified information regarding such conviction; an offender's computerized criminal history record is not, in and of itself, verified information.

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

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

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

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929 (f) "Sexual offender" means a person who is in the custody 930 or control of, or under the supervision of, the department or is 931 in the custody of a contractor-operated correctional facility: 932 1. On or after October 1, 1997, as a result of a conviction 933 for committing, or attempting, soliciting, or conspiring to 934 commit, any of the criminal offenses proscribed in the following 935 statutes in this state or similar offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 936 937 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g), or (5); former s. 787.06(3)(h); 938 939 s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 940 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 941 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, 942 if the court makes a written finding that the racketeering 943 944 activity involved at least one sexual offense listed in this 945 subparagraph or at least one offense listed in this subparagraph 946 with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); 947 or any similar offense committed in this state which has been 948 redesignated from a former statute number to one of those listed 949 in this paragraph; or 950 2. Who establishes or maintains a residence in this state 951 and who has not been designated as a sexual predator by a court 952 of this state but who has been designated as a sexual predator, 953 as a sexually violent predator, or by another sexual offender 954 designation in another state or jurisdiction and was, as a 955 result of such designation, subjected to registration or 956 community or public notification, or both, or would be if the

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person were a resident of that state or jurisdiction, without

958 regard as to whether the person otherwise meets the criteria for 959 registration as a sexual offender. 960 Section 13. Subsection (1) of section 948.32, Florida 961 Statutes, is amended to read: 962 948.32 Requirements of law enforcement agency upon arrest 963 of persons for certain sex offenses.-964 (1) When any state or local law enforcement agency 965 investigates or arrests a person for committing, or attempting, 966 soliciting, or conspiring to commit, a violation of s. 967 787.025(2)(c), s. 787.06(3)(g) or (5), chapter 794, former s. 968 796.03, s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, or s. 969 847.0145, the law enforcement agency shall contact the 970 Department of Corrections to verify whether the person under 971 investigation or under arrest is on probation, community 972 control, parole, conditional release, or control release. 973 Section 14. Subsection (2) of section 960.065, Florida 974 Statutes, is amended to read: 975 960.065 Eligibility for awards.-976 (2) Any claim filed by or on behalf of a person who: 977 (a) Committed or aided in the commission of the crime upon 978 which the claim for compensation was based; 979 (b) Was engaged in an unlawful activity at the time of the 980 crime upon which the claim for compensation is based, unless the 981 victim was engaged in prostitution as a result of being a victim 982 of human trafficking as described in s. 787.06(3)(b), (d), (f), 983 or (g) or (5); 984 (c) Was in custody or confined, regardless of conviction, 985 in a county or municipal detention facility, a state or federal correctional facility, or a juvenile detention or commitment 986

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987 facility at the time of the crime upon which the claim for 988 compensation is based; 989 (d) Has been adjudicated as a habitual felony offender, 990 habitual violent offender, or violent career criminal under s. 991 775.084; or 992 (e) Has been adjudicated guilty of a forcible felony 993 offense as described in s. 776.08, 994 995 is ineligible for an award. 996 Section 15. Subsection (4) of section 921.137, Florida 997 Statutes, is amended to read: 998 921.137 Imposition of the death sentence upon an 999 intellectually disabled defendant prohibited.-1000 (4) After a defendant who has given notice of his or her 1001 intention to raise intellectual disability as a bar to the death 1002 sentence is convicted of a capital felony and an advisory jury 1003 has returned a recommended sentence of death, the defendant may 1004 file a motion to determine whether the defendant is 1005 intellectually disabled. Upon receipt of the motion, the court 1006 shall appoint two experts in the field of intellectual 1007 disabilities who shall evaluate the defendant and report their 1008 findings to the court and all interested parties prior to the 1009 final sentencing hearing. Notwithstanding s. 921.141, s. 921.142, or s. 921.1425, or s. 921.1427, the final sentencing 1010 hearing shall be held without a jury. At the final sentencing 1011 1012 hearing, the court shall consider the findings of the court-1013 appointed experts and consider the findings of any other expert 1014 which is offered by the state or the defense on the issue of 1015 whether the defendant has an intellectual disability. If the

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1016	court finds, by clear and convincing evidence, that the
1017	defendant has an intellectual disability as defined in
1018	subsection (1), the court may not impose a sentence of death and
1019	shall enter a written order that sets forth with specificity the
1020	findings in support of the determination.
1021	Section 16. Subsection (9) of section 921.141, Florida
1022	Statutes, is amended to read:
1023	921.141 Sentence of death or life imprisonment for capital
1024	felonies; further proceedings to determine sentence
1025	(9) APPLICABILITYThis section does not apply to a person
1026	convicted or adjudicated guilty of a capital sexual battery
1027	under s. 794.011, capital human trafficking of vulnerable
1028	persons for sexual exploitation under s. 787.06(5), or a capital
1029	drug trafficking felony under s. 893.135.
1030	Section 17. For the purpose of incorporating the amendment
1031	made by this act to section 775.21, Florida Statutes, in a
1032	reference thereto, paragraph (c) of subsection (1) of section
1033	16.713, Florida Statutes, is reenacted to read:
1034	16.713 Florida Gaming Control Commission; appointment and
1035	employment restrictions
1036	(1) PERSONS INELIGIBLE FOR APPOINTMENT TO THE COMMISSION
1037	The following persons are ineligible for appointment to the
1038	commission:
1039	(c) A person who has been convicted of or found guilty of
1040	or pled nolo contendere to, regardless of adjudication, in any
1041	jurisdiction, a crime listed in s. 775.21(4)(a)1. or s. 776.08.
1042	Section 18. For the purpose of incorporating the amendment
1043	made by this act to section 775.21, Florida Statutes, in a
1044	reference thereto, paragraph (a) of subsection (3) of section

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1045 39.0139, Florida Statutes, is reenacted to read: 39.0139 Visitation or other contact; restrictions.-1046 (3) PRESUMPTION OF DETRIMENT.-1047 1048 (a) A rebuttable presumption of detriment to a child is 1049 created when: 1050 1. A court of competent jurisdiction has found probable 1051 cause exists that a parent or caregiver has sexually abused a child as defined in s. 39.01; 1052 1053 2. A parent or caregiver has been found guilty of, 1054 regardless of adjudication, or has entered a plea of guilty or 1055 nolo contendere to, charges under the following statutes or 1056 substantially similar statutes of other jurisdictions: 1057 a. Section 787.04, relating to removing minors from the 1058 state or concealing minors contrary to court order; b. Section 794.011, relating to sexual battery; 1059 1060 c. Section 798.02, relating to lewd and lascivious 1061 behavior; 1062 d. Chapter 800, relating to lewdness and indecent exposure; 1063 e. Section 826.04, relating to incest; or 1064 f. Chapter 827, relating to the abuse of children; or 1065 3. A court of competent jurisdiction has determined a 1066 parent or caregiver to be a sexual predator as defined in s. 1067 775.21 or a parent or caregiver has received a substantially 1068 similar designation under laws of another jurisdiction. 1069 Section 19. For the purpose of incorporating the amendment 1070 made by this act to section 775.21, Florida Statutes, in a 1071 reference thereto, paragraph (b) of subsection (6) of section 1072 39.509, Florida Statutes, is reenacted to read: 1073 39.509 Grandparents rights.-Notwithstanding any other

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1074 provision of law, a maternal or paternal grandparent as well as 1075 a stepgrandparent is entitled to reasonable visitation with his 1076 or her grandchild who has been adjudicated a dependent child and 1077 taken from the physical custody of the parent unless the court 1078 finds that such visitation is not in the best interest of the 1079 child or that such visitation would interfere with the goals of 1080 the case plan. Reasonable visitation may be unsupervised and, 1081 where appropriate and feasible, may be frequent and continuing. 1082 Any order for visitation or other contact must conform to the 1083 provisions of s. 39.0139.

1084 (6) In determining whether grandparental visitation is not 1085 in the child's best interest, consideration may be given to the 1086 following:

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

Section 20. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in references thereto, paragraphs (d) and (n) of subsection (1) of section 39.806, Florida Statutes, are reenacted to read:

1094

39.806 Grounds for termination of parental rights.-

1095 (1) Grounds for the termination of parental rights may be 1096 established under any of the following circumstances:

1097

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

1098 1. The period of time for which the parent is expected to 1099 be incarcerated will constitute a significant portion of the 1100 child's minority. When determining whether the period of time is 1101 significant, the court shall consider the child's age and the 1102 child's need for a permanent and stable home. The period of time

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1103 begins on the date that the parent enters into incarceration; 1104 2. The incarcerated parent has been determined by the court 1105 to be a violent career criminal as defined in s. 775.084, a habitual violent felony offender as defined in s. 775.084, or a 1106 1107 sexual predator as defined in s. 775.21; has been convicted of 1108 first degree or second degree murder in violation of s. 782.04 1109 or a sexual battery that constitutes a capital, life, or first 1110 degree felony violation of s. 794.011; or has been convicted of 1111 an offense in another jurisdiction which is substantially 1112 similar to one of the offenses listed in this paragraph. As used 1113 in this section, the term "substantially similar offense" means any offense that is substantially similar in elements and 1114 1115 penalties to one of those listed in this subparagraph, and that 1116 is in violation of a law of any other jurisdiction, whether that 1117 of another state, the District of Columbia, the United States or any possession or territory thereof, or any foreign 1118 1119 jurisdiction; or 1120 3. The court determines by clear and convincing evidence that continuing the parental relationship with the incarcerated 1121 1122 parent would be harmful to the child and, for this reason, that 1123 termination of the parental rights of the incarcerated parent is 1124 in the best interest of the child. When determining harm, the

1125 1126

a. The age of the child.

1127

court shall consider the following factors:

The relationship between the child and the parent. b.

The nature of the parent's current and past provision 1128 с. for the child's developmental, cognitive, psychological, and 1129 1130 physical needs.

1131

d. The parent's history of criminal behavior, which may

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1132 include the frequency of incarceration and the unavailability of 1133 the parent to the child due to incarceration.

e. Any other factor the court deems relevant.

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

1137 Section 21. For the purpose of incorporating the amendment 1138 made by this act to section 775.21, Florida Statutes, in a 1139 reference thereto, paragraph (c) of subsection (9) of section 1140 61.13, Florida Statutes, is reenacted to read:

1141 61.13 Support of children; parenting and time-sharing; 1142 powers of court.-

(9)

1134

1143

(c) A court may not order visitation at a recovery residence if any resident of the recovery residence is currently required to register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435.

1148 Section 22. For the purpose of incorporating the amendment 1149 made by this act to section 775.21, Florida Statutes, in a 1150 reference thereto, paragraph (b) of subsection (4) of section 1151 63.089, Florida Statutes, is reenacted to read:

115263.089 Proceeding to terminate parental rights pending1153adoption; hearing; grounds; dismissal of petition; judgment.-

(4) FINDING OF ABANDONMENT.—A finding of abandonment resulting in a termination of parental rights must be based upon clear and convincing evidence that a parent or person having legal custody has abandoned the child in accordance with the definition contained in s. 63.032. A finding of abandonment may also be based upon emotional abuse or a refusal to provide reasonable financial support, when able, to a birth mother

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1161 during her pregnancy or on whether the person alleged to have 1162 abandoned the child, while being able, failed to establish 1163 contact with the child or accept responsibility for the child's 1164 welfare.

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

1168 1. The period of time for which the parent has been or is 1169 expected to be incarcerated will constitute a significant 1170 portion of the child's minority. In determining whether the 1171 period of time is significant, the court shall consider the 1172 child's age and the child's need for a permanent and stable 1173 home. The period of time begins on the date that the parent 1174 enters into incarceration;

1175 2. The incarcerated parent has been determined by a court 1176 of competent jurisdiction to be a violent career criminal as 1177 defined in s. 775.084, a habitual violent felony offender as 1178 defined in s. 775.084, convicted of child abuse as defined in s. 1179 827.03, or a sexual predator as defined in s. 775.21; has been 1180 convicted of first degree or second degree murder in violation 1181 of s. 782.04 or a sexual battery that constitutes a capital, 1182 life, or first degree felony violation of s. 794.011; or has 1183 been convicted of a substantially similar offense in another 1184 jurisdiction. As used in this section, the term "substantially 1185 similar offense" means any offense that is substantially similar 1186 in elements and penalties to one of those listed in this 1187 subparagraph, and that is in violation of a law of any other 1188 jurisdiction, whether that of another state, the District of 1189 Columbia, the United States or any possession or territory

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1190 thereof, or any foreign jurisdiction; or 1191 3. The court determines by clear and convincing evidence 1192 that continuing the parental relationship with the incarcerated parent would be harmful to the child and, for this reason, 1193 1194 termination of the parental rights of the incarcerated parent is in the best interests of the child. 1195 1196 Section 23. For the purpose of incorporating the amendment 1197 made by this act to section 775.21, Florida Statutes, in a reference thereto, subsection (3) of section 63.092, Florida 1198 1199 Statutes, is reenacted to read: 1200 63.092 Report to the court of intended placement by an 1201 adoption entity; at-risk placement; preliminary study.-1202 (3) PRELIMINARY HOME STUDY.-Before placing the minor in the 1203 intended adoptive home, a preliminary home study must be 1204 performed by a licensed child-placing agency, a child-caring 1205 agency registered under s. 409.176, a licensed professional, or 1206 an agency described in s. 61.20(2), unless the adoptee is an 1207 adult or the petitioner is a stepparent or a relative. If the 1208 adoptee is an adult or the petitioner is a stepparent or a 1209 relative, a preliminary home study may be required by the court 1210 for good cause shown. The department is required to perform the 1211 preliminary home study only if there is no licensed child-1212 placing agency, child-caring agency registered under s. 409.176, 1213 licensed professional, or agency described in s. 61.20(2), in 1214 the county where the prospective adoptive parents reside. The 1215 preliminary home study must be made to determine the suitability of the intended adoptive parents and may be completed before 1216 1217 identification of a prospective adoptive minor. If the 1218 identified prospective adoptive minor is in the custody of the

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1219 department, a preliminary home study must be completed within 30 1220 days after it is initiated. A favorable preliminary home study 1221 is valid for 1 year after the date of its completion. Upon its 1222 completion, a signed copy of the home study must be provided to 1223 the intended adoptive parents who were the subject of the home 1224 study. A minor may not be placed in an intended adoptive home 1225 before a favorable preliminary home study is completed unless the adoptive home is also a licensed foster home under s. 1226 1227 409.175. The preliminary home study must include, at a minimum:

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(a) An interview with the intended adoptive parents.

(b) Records checks of the department's central abuse
registry, which the department shall provide to the entity
conducting the preliminary home study, and criminal records
correspondence checks under s. 39.0138 through the Department of
Law Enforcement on the intended adoptive parents.

1234

(c) An assessment of the physical environment of the home.

1235 (d) A determination of the financial security of the 1236 intended adoptive parents.

(e) Documentation of counseling and education of the intended adoptive parents on adoptive parenting, as determined by the entity conducting the preliminary home study. The training specified in s. 409.175(14) shall only be required for persons who adopt children from the department.

(f) Documentation that information on adoption and the adoption process has been provided to the intended adoptive parents.

1245 (g) Documentation that information on support services 1246 available in the community has been provided to the intended 1247 adoptive parents.

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1248 (h) A copy of each signed acknowledgment of receipt of 1249 disclosure required by s. 63.085. 1250 1251 If the preliminary home study is favorable, a minor may be 1252 placed in the home pending entry of the judgment of adoption. A 1253 minor may not be placed in the home if the preliminary home 1254 study is unfavorable. If the preliminary home study is 1255 unfavorable, the adoption entity may, within 20 days after 1256 receipt of a copy of the written recommendation, petition the 1257 court to determine the suitability of the intended adoptive 1258 home. A determination as to suitability under this subsection 1259 does not act as a presumption of suitability at the final 1260 hearing. In determining the suitability of the intended adoptive 1261 home, the court must consider the totality of the circumstances 1262 in the home. A minor may not be placed in a home in which there 1263 resides any person determined by the court to be a sexual 1264 predator as defined in s. 775.21 or to have been convicted of an 1265 offense listed in s. 63.089(4)(b)2. 1266 Section 24. For the purpose of incorporating the amendment 1267 made by this act to section 775.21, Florida Statutes, in 1268 references thereto, paragraph (i) of subsection (3) and 1269 subsection (6) of section 68.07, Florida Statutes, are reenacted 1270 to read: 1271 68.07 Change of name.-1272 (3) Each petition shall be verified and show: 1273 (i) Whether the petitioner has ever been required to 1274 register as a sexual predator under s. 775.21 or as a sexual 1275 offender under s. 943.0435. 1276 (6) The clerk of the court must, within 5 business days Page 44 of 116

1277 after the filing of the final judgment, send a report of the 1278 judgment to the Department of Law Enforcement on a form to be 1279 furnished by that department. If the petitioner is required to 1280 register as a sexual predator or a sexual offender pursuant to 1281 s. 775.21 or s. 943.0435, the clerk of court shall 1282 electronically notify the Department of Law Enforcement of the 1283 name change, in a manner prescribed by that department, within 2 1284 business days after the filing of the final judgment. The 1285 Department of Law Enforcement must send a copy of the report to 1286 the Department of Highway Safety and Motor Vehicles, which may 1287 be delivered by electronic transmission. The report must contain 1288 sufficient information to identify the petitioner, including the 1289 results of the criminal history records check if applicable, the 1290 new name of the petitioner, and the file number of the judgment. 1291 The Department of Highway Safety and Motor Vehicles shall 1292 monitor the records of any sexual predator or sexual offender 1293 whose name has been provided to it by the Department of Law 1294 Enforcement. If the sexual predator or sexual offender does not 1295 obtain a replacement driver license or identification card 1296 within the required time as specified in s. 775.21 or s. 1297 943.0435, the Department of Highway Safety and Motor Vehicles 1298 shall notify the Department of Law Enforcement. The Department 1299 of Law Enforcement shall notify applicable law enforcement 1300 agencies of the predator's or offender's failure to comply with 1301 registration requirements. Any information retained by the 1302 Department of Law Enforcement and the Department of Highway 1303 Safety and Motor Vehicles may be revised or supplemented by said 1304 departments to reflect changes made by the final judgment. With 1305 respect to a person convicted of a felony in another state or of

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1306 a federal offense, the Department of Law Enforcement must send 1307 the report to the respective state's office of law enforcement 1308 records or to the office of the Federal Bureau of Investigation. 1309 The Department of Law Enforcement may forward the report to any 1310 other law enforcement agency it believes may retain information 1311 related to the petitioner. 1312 Section 25. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a 1313 1314 reference thereto, paragraph (b) of subsection (1) of section 1315 92.55, Florida Statutes, is reenacted to read: 1316 92.55 Special protections in proceedings involving victim 1317 or witness under 18, person with intellectual disability, or sexual offense victim.-1318 1319 (1) For purposes of this section, the term: 1320 (b) "Sexual offense" means any offense specified in s. 1321 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I). 1322 Section 26. For the purpose of incorporating the amendment 1323 made by this act to section 775.21, Florida Statutes, in a 1324 reference thereto, subsection (3) of section 322.141, Florida 1325 Statutes, is reenacted to read: 1326 322.141 Color or markings of certain licenses or 1327 identification cards.-1328 (3) All licenses for the operation of motor vehicles or 1329 identification cards originally issued or reissued by the 1330 department to persons who are designated as sexual predators 1331 under s. 775.21 or subject to registration as sexual offenders 1332 under s. 943.0435 or s. 944.607, or who have a similar 1333 designation or are subject to a similar registration under the 1334 laws of another jurisdiction, shall have on the front of the

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1335	license or identification card the following:
1336	(a) For a person designated as a sexual predator under s.
1337	775.21 or who has a similar designation under the laws of
1338	another jurisdiction, the marking "SEXUAL PREDATOR."
1339	(b) For a person subject to registration as a sexual
1340	offender under s. 943.0435 or s. 944.607, or subject to a
1341	similar registration under the laws of another jurisdiction, the
1342	marking "943.0435, F.S."
1343	Section 27. For the purpose of incorporating the amendment
1344	made by this act to section 775.21, Florida Statutes, in a
1345	reference thereto, paragraph (b) of subsection (10) of section
1346	397.487, Florida Statutes, is reenacted to read:
1347	397.487 Voluntary certification of recovery residences
1348	(10)
1349	(b) A certified recovery residence may not allow a minor
1350	child to visit a parent who is a resident of the recovery
1351	residence at any time if any resident of the recovery residence
1352	is currently required to register as a sexual predator under s.
1353	775.21 or as a sexual offender under s. 943.0435.
1354	Section 28. For the purpose of incorporating the amendment
1355	made by this act to section 775.21, Florida Statutes, in a
1356	reference thereto, paragraph (b) of subsection (4) of section
1357	435.07, Florida Statutes, is reenacted to read:
1358	435.07 Exemptions from disqualificationUnless otherwise
1359	provided by law, the provisions of this section apply to
1360	exemptions from disqualification for disqualifying offenses
1361	revealed pursuant to background screenings required under this
1362	chapter, regardless of whether those disqualifying offenses are
1363	listed in this chapter or other laws.
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1365 (b) Disqualification from employment or affiliation under 1366 this chapter may not be removed from, nor may an exemption be 1367 granted to, any person who is a: 1368 1. Sexual predator as designated pursuant to s. 775.21; 1369 2. Career offender pursuant to s. 775.261; or 1370 Sexual offender pursuant to s. 943.0435, unless the 3. 1371 requirement to register as a sexual offender has been removed pursuant to s. 943.04354. 1372 1373 Section 29. For the purpose of incorporating the amendment 1374 made by this act to section 775.21, Florida Statutes, in a 1375 reference thereto, paragraph (b) of subsection (3) of section 1376 455.213, Florida Statutes, is reenacted to read: 1377 455.213 General licensing provisions.-1378 (3)1379 (b)1. A conviction, or any other adjudication, for a crime 1380 more than 5 years before the date the application is received by 1381 the applicable board may not be grounds for denial of a license 1382 specified in paragraph (a). For purposes of this paragraph, the 1383 term "conviction" means a determination of guilt that is the 1384 result of a plea or trial, regardless of whether adjudication is 1385 withheld. This paragraph does not limit the applicable board 1386 from considering an applicant's criminal history that includes a 1387 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but only if such criminal history has been found to relate to the 1388 1389 practice of the applicable profession. 1390 The applicable board may consider the criminal history 2. 1391 of an applicant for licensure under subparagraph (a)3. if such 1392 criminal history has been found to relate to good moral

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1393	character.
1394	Section 30. For the purpose of incorporating the amendment
1395	made by this act to section 775.21, Florida Statutes, in a
1396	reference thereto, subsection (7) of section 489.553, Florida
1397	Statutes, is reenacted to read:
1398	489.553 Administration of part; registration
1399	qualifications; examination
1400	(7) Notwithstanding any other law, a conviction, or any
1401	other adjudication, for a crime more than 5 years before the
1402	date the application is received by the department or other
1403	applicable authority may not be grounds for denial of
1404	registration. For purposes of this subsection, the term
1405	"conviction" means a determination of guilt that is the result
1406	of a plea or trial, regardless of whether adjudication is
1407	withheld. This subsection does not limit a board from
1408	considering an applicant's criminal history that includes any
1409	crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but
1410	only if such criminal history has been found to relate to the
1411	practice of the applicable profession, or any crime if it has
1412	been found to relate to good moral character.
1413	Section 31. For the purpose of incorporating the amendment
1414	made by this act to section 775.21, Florida Statutes, in a
1415	reference thereto, subsection (10) of section 507.07, Florida
1416	Statutes, is reenacted to read:
1417	507.07 ViolationsIt is a violation of this chapter:
1418	(10) For a mover or a moving broker to knowingly refuse or
1419	fail to disclose in writing to a customer before a household
1/20	move that the mover or an employee or subcentractor of the

# 1420move that the mover, or an employee or subcontractor of the1421mover or moving broker, who has access to the dwelling or

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1422	property of the customer, including access to give a quote for
1423	the move, has been convicted of a felony listed in s.
1424	775.21(4)(a)1. or convicted of a similar offense of another
1425	jurisdiction, regardless of when such felony offense was
1426	committed.
1427	Section 32. For the purpose of incorporating the amendment
1428	made by this act to section 775.21, Florida Statutes, in a
1429	reference thereto, subsection (4) of section 775.13, Florida
1430	Statutes, is reenacted to read:
1431	775.13 Registration of convicted felons, exemptions;
1432	penalties
1433	(4) This section does not apply to an offender:
1434	(a) Who has had his or her civil rights restored;
1435	(b) Who has received a full pardon for the offense for
1436	which convicted;
1437	(c) Who has been lawfully released from incarceration or
1438	other sentence or supervision for a felony conviction for more
1439	than 5 years prior to such time for registration, unless the
1440	offender is a fugitive from justice on a felony charge or has
1441	been convicted of any offense since release from such
1442	incarceration or other sentence or supervision;
1443	(d) Who is a parolee or probationer under the supervision
1444	of the United States Parole Commission if the commission knows
1445	of and consents to the presence of the offender in Florida or is
1446	a probationer under the supervision of any federal probation
1447	officer in the state or who has been lawfully discharged from
1448	such parole or probation;
1449	(e) Who is a sexual predator and has registered as required
1450	under s. 775.21;

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1451 (f) Who is a sexual offender and has registered as required 1452 in s. 943.0435 or s. 944.607; or (q) Who is a career offender who has registered as required 1453 1454 in s. 775.261 or s. 944.609. 1455 Section 33. For the purpose of incorporating the amendment 1456 made by this act to section 775.21, Florida Statutes, in a 1457 reference thereto, section 775.25, Florida Statutes, is 1458 reenacted to read: 1459 775.25 Prosecutions for acts or omissions.-A sexual 1460 predator or sexual offender who commits any act or omission in 1461 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s. 1462 944.607, or former s. 947.177 may be prosecuted for the act or 1463 omission in the county in which the act or omission was 1464 committed, in the county of the last registered address of the 1465 sexual predator or sexual offender, in the county in which the 1466 conviction occurred for the offense or offenses that meet the 1467 criteria for designating a person as a sexual predator or sexual 1468 offender, in the county where the sexual predator or sexual 1469 offender was released from incarceration, or in the county of 1470 the intended address of the sexual predator or sexual offender 1471 as reported by the predator or offender prior to his or her release from incarceration. In addition, a sexual predator may 1472 1473 be prosecuted for any such act or omission in the county in 1474 which he or she was designated a sexual predator.

1475 Section 34. For the purpose of incorporating the amendment 1476 made by this act to section 775.21, Florida Statutes, in a 1477 reference thereto, subsection (1) of section 794.075, Florida 1478 Statutes, is reenacted to read:

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794.075 Sexual predators; erectile dysfunction drugs.-

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(1) A person may not possess a prescription drug, as 1480 1481 defined in s. 499.003(40), for the purpose of treating erectile 1482 dysfunction if the person is designated as a sexual predator 1483 under s. 775.21. 1484 Section 35. For the purpose of incorporating the amendment 1485 made by this act to section 775.21, Florida Statutes, in a 1486 reference thereto, paragraph (cc) of subsection (2) of section 1487 900.05, Florida Statutes, is reenacted to read: 1488 900.05 Criminal justice data collection.-1489 (2) DEFINITIONS.-As used in this section, the term: 1490 (cc) "Sexual offender flag" means an indication that a 1491 defendant was required to register as a sexual predator as 1492 defined in s. 775.21 or as a sexual offender as defined in s. 943.0435. 1493 1494 Section 36. For the purpose of incorporating the amendment 1495 made by this act to section 775.21, Florida Statutes, in a 1496 reference thereto, paragraph (c) of subsection (1) of section 903.0351, Florida Statutes, is reenacted to read: 1497 1498 903.0351 Restrictions on pretrial release pending 1499 probation-violation hearing or community-control-violation 1500 hearing.-1501 (1)In the instance of an alleged violation of felony 1502 probation or community control, bail or any other form of 1503 pretrial release shall not be granted prior to the resolution of 1504 the probation-violation hearing or the community-control-1505 violation hearing to: 1506 (c) A person who is on felony probation or community 1507 control and has previously been found by a court to be a

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habitual violent felony offender as defined in s. 775.084(1)(b),

1509 a three-time violent felony offender as defined in s. 1510 775.084(1)(c), or a sexual predator under s. 775.21, and who is 1511 arrested for committing a qualifying offense as defined in s. 1512 948.06(8)(c) on or after the effective date of this act. 1513 Section 37. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a 1514 1515 reference thereto, paragraph (m) of subsection (2) of section 1516 903.046, Florida Statutes, is reenacted to read: 1517 903.046 Purpose of and criteria for bail determination.-1518 (2) When determining whether to release a defendant on bail 1519 or other conditions, and what that bail or those conditions may 1520 be, the court shall consider: (m) Whether the defendant, other than a defendant whose 1521 1522 only criminal charge is a misdemeanor offense under chapter 316, 1523 is required to register as a sexual offender under s. 943.0435 1524 or a sexual predator under s. 775.21; and, if so, he or she is 1525 not eligible for release on bail or surety bond until the first 1526 appearance on the case in order to ensure the full participation 1527 of the prosecutor and the protection of the public. 1528 Section 38. For the purpose of incorporating the amendment 1529 made by this act to section 775.21, Florida Statutes, in a 1530 reference thereto, subsection (3) of section 903.133, Florida 1531 Statutes, is reenacted to read: 1532 903.133 Bail on appeal; prohibited for certain felony 1533 convictions.-Notwithstanding s. 903.132, no person shall be 1534 admitted to bail pending review either by posttrial motion or 1535 appeal if he or she was adjudged guilty of: 1536 (3) Any other offense requiring sexual offender 1537 registration under s. 943.0435(1)(h) or sexual predator

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1538 registration under s. 775.21(4) when, at the time of the 1539 offense, the offender was 18 years of age or older and the 1540 victim was a minor. 1541 Section 39. For the purpose of incorporating the amendment 1542 made by this act to section 775.21, Florida Statutes, in a 1543 reference thereto, paragraph (b) of subsection (4) of section 1544 907.043, Florida Statutes, is reenacted to read: 1545 907.043 Pretrial release; citizens' right to know.-1546 (4) 1547 (b) The annual report must contain, but need not be limited 1548 to: 1549 The name, location, and funding sources of the pretrial 1. 1550 release program, including the amount of public funds, if any, 1551 received by the pretrial release program. 1552 2. The operating and capital budget of each pretrial 1553 release program receiving public funds. 1554 3.a. The percentage of the pretrial release program's total 1555 budget representing receipt of public funds. 1556 b. The percentage of the total budget which is allocated to 1557 assisting defendants obtain release through a nonpublicly funded 1558 program. 1559 c. The amount of fees paid by defendants to the pretrial 1560 release program. 1561 The number of persons employed by the pretrial release 4. 1562 program. 1563 The number of defendants assessed and interviewed for 5. 1564 pretrial release. 1565 6. The number of defendants recommended for pretrial 1566 release.

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1567 7. The number of defendants for whom the pretrial release 1568 program recommended against nonsecured release. 1569 8. The number of defendants granted nonsecured release 1570 after the pretrial release program recommended nonsecured 1571 release. 1572 9. The number of defendants assessed and interviewed for 1573 pretrial release who were declared indigent by the court. 1574 10. The number of defendants accepted into a pretrial 1575 release program who paid a surety or cash bail or bond. 1576 11. The number of defendants for whom a risk assessment 1577 tool was used in determining whether the defendant should be 1578 released pending the disposition of the case and the number of 1579 defendants for whom a risk assessment tool was not used. 1580 12. The specific statutory citation for each criminal 1581 charge related to a defendant whose case is accepted into a 1582 pretrial release program, including, at a minimum, the number of 1583 defendants charged with dangerous crimes as defined in s. 1584 907.041; nonviolent felonies; or misdemeanors only. A 1585 "nonviolent felony" for purposes of this subparagraph excludes 1586 the commission of, an attempt to commit, or a conspiracy to 1587 commit any of the following: 1588 a. An offense enumerated in s. 775.084(1)(c); 1589 b. An offense that requires a person to register as a sexual predator in accordance with s. 775.21 or as a sexual 1590 offender in accordance with s. 943.0435; 1591 1592 c. Failure to register as a sexual predator in violation of 1593 s. 775.21 or as a sexual offender in violation of s. 943.0435; 1594 d. Facilitating or furthering terrorism in violation of s.

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1596	e. A forcible felony as described in s. 776.08;
1597	f. False imprisonment in violation of s. 787.02;
1598	g. Burglary of a dwelling or residence in violation of s.
1599	810.02(3);
1600	h. Abuse, aggravated abuse, and neglect of an elderly
1601	person or disabled adult in violation of s. 825.102;
1602	i. Abuse, aggravated abuse, and neglect of a child in
1603	violation of s. 827.03;
1604	j. Poisoning of food or water in violation of s. 859.01;
1605	k. Abuse of a dead human body in violation of s. 872.06;
1606	1. A capital offense in violation of chapter 893;
1607	m. An offense that results in serious bodily injury or
1608	death to another human; or
1609	n. A felony offense in which the defendant used a weapon or
1610	firearm in the commission of the offense.
1611	13. The number of defendants accepted into a pretrial
1612	release program with no prior criminal conviction.
1613	14. The name and case number of each person granted
1614	nonsecured release who:
1615	a. Failed to attend a scheduled court appearance.
1616	b. Was issued a warrant for failing to appear.
1617	c. Was arrested for any offense while on release through
1618	the pretrial release program.
1619	15. Any additional information deemed necessary by the
1620	governing body to assess the performance and cost efficiency of
1621	the pretrial release program.
1622	Section 40. For the purpose of incorporating the amendment
1623	made by this act to section 775.21, Florida Statutes, in a
1624	reference thereto, subsection (1) of section 938.10, Florida

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1625 Statutes, is reenacted to read: 1626 938.10 Additional court cost imposed in cases of certain crimes.-1627 1628 If a person pleads guilty or nolo contendere to, or is (1)1629 found guilty of, regardless of adjudication, any offense against a minor in violation of s. 784.085, chapter 787, chapter 794, 1630 1631 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s. 1632 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145, s. 893.147(3), or s. 985.701, or any offense in violation of s. 1633 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the 1634 1635 court shall impose a court cost of \$151 against the offender in 1636 addition to any other cost or penalty required by law. 1637 Section 41. For the purpose of incorporating the amendment 1638 made by this act to section 775.21, Florida Statutes, in a 1639 reference thereto, subsection (5) of section 943.0435, Florida 1640 Statutes, is reenacted to read: 1641 943.0435 Sexual offenders required to register with the 1642 department; penalty.-1643 (5) This section does not apply to a sexual offender who is 1644 also a sexual predator, as defined in s. 775.21. A sexual 1645 predator must register as required under s. 775.21. 1646 Section 42. For the purpose of incorporating the amendment 1647 made by this act to section 775.21, Florida Statutes, in a 1648 reference thereto, subsection (2) of section 943.0584, Florida Statutes, is reenacted to read: 1649 1650 943.0584 Criminal history records ineligible for court-1651 ordered expunction or court-ordered sealing.-1652 (2) A criminal history record is ineligible for a certificate of eligibility for expunction or a court-ordered 1653

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1654 expunction pursuant to s. 943.0585 or a certificate of 1655 eligibility for sealing or a court-ordered sealing pursuant to s. 943.059 if the record is a conviction for any of the 1656 1657 following offenses: 1658 (a) Sexual misconduct, as defined in s. 393.135, s. 394.4593, or s. 916.1075; 1659 1660 (b) Illegal use of explosives, as defined in chapter 552; 1661 (c) Terrorism, as defined in s. 775.30; 1662 (d) Murder, as defined in s. 782.04, s. 782.065, or s. 782.09; 1663 1664 (e) Manslaughter or homicide, as defined in s. 782.07, s. 1665 782.071, or s. 782.072; (f) Assault or battery, as defined in ss. 784.011 and 1666 1667 784.03, respectively, of one family or household member by 1668 another family or household member, as defined in s. 741.28(3); 1669 (g) Aggravated assault, as defined in s. 784.021; 1670 (h) Felony battery, domestic battery by strangulation, or 1671 aggravated battery, as defined in ss. 784.03, 784.041, and 1672 784.045, respectively; 1673 (i) Stalking or aggravated stalking, as defined in s. 1674 784.048; 1675 (j) Luring or enticing a child, as defined in s. 787.025; 1676 (k) Human trafficking, as defined in s. 787.06; 1677 (1) Kidnapping or false imprisonment, as defined in s. 787.01 or s. 787.02; 1678 1679 (m) Any offense defined in chapter 794; 1680 (n) Procuring a person less than 18 years of age for 1681 prostitution, as defined in former s. 796.03; 1682 (o) Lewd or lascivious offenses committed upon or in the

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1683	presence of persons less than 16 years of age, as defined in s.
1684	800.04;
1685	(p) Arson, as defined in s. 806.01;
1686	(q) Burglary of a dwelling, as defined in s. 810.02;
1687	(r) Voyeurism or digital voyeurism, as defined in ss.
1688	810.14 and 810.145, respectively;
1689	(s) Robbery or robbery by sudden snatching, as defined in
1690	ss. 812.13 and 812.131, respectively;
1691	(t) Carjacking, as defined in s. 812.133;
1692	(u) Home-invasion robbery, as defined in s. 812.135;
1693	(v) A violation of the Florida Communications Fraud Act, as
1694	provided in s. 817.034;
1695	(w) Abuse of an elderly person or disabled adult, or
1696	aggravated abuse of an elderly person or disabled adult, as
1697	defined in s. 825.102;
1698	(x) Lewd or lascivious offenses committed upon or in the
1699	presence of an elderly person or disabled person, as defined in
1700	s. 825.1025;
1701	(y) Child abuse or aggravated child abuse, as defined in s.
1702	827.03;
1703	(z) Sexual performance by a child, as defined in s.
1704	827.071;
1705	(aa) Any offense defined in chapter 839;
1706	(bb) Certain acts in connection with obscenity, as defined
1707	in s. 847.0133;
1708	(cc) Any offense defined in s. 847.0135;
1709	(dd) Selling or buying of minors, as defined in s.
1710	847.0145;
1711	(ee) Aircraft piracy, as defined in s. 860.16;
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1712 (ff) Manufacturing a controlled substance in violation of 1713 chapter 893;

1714

(gg) Drug trafficking, as defined in s. 893.135; or

(hh) Any violation specified as a predicate offense for registration as a sexual predator pursuant to s. 775.21, or sexual offender pursuant to s. 943.0435, without regard to whether that offense alone is sufficient to require such registration.

1720 Section 43. For the purpose of incorporating the amendment 1721 made by this act to section 775.21, Florida Statutes, in a 1722 reference thereto, subsection (4) of section 944.609, Florida 1723 Statutes, is reenacted to read:

1724

944.609 Career offenders; notification upon release.-

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

Section 44. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in references thereto, paragraph (c) of subsection (2) and subsection (10) of section 947.1405, Florida Statutes, are reenacted to read:

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947.1405 Conditional release program.-

(2) Any inmate who:

1739 (c) Is found to be a sexual predator under s. 775.21 or 1740 former s. 775.23,

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1741 1742 shall, upon reaching the tentative release date or provisional 1743 release date, whichever is earlier, as established by the 1744 Department of Corrections, be released under supervision subject 1745 to specified terms and conditions, including payment of the cost of supervision pursuant to s. 948.09. Such supervision shall be 1746 1747 applicable to all sentences within the overall term of sentences 1748 if an inmate's overall term of sentences includes one or more sentences that are eligible for conditional release supervision 1749 1750 as provided herein. Effective July 1, 1994, and applicable for 1751 offenses committed on or after that date, the commission may 1752 require, as a condition of conditional release, that the 1753 releasee make payment of the debt due and owing to a county or 1754 municipal detention facility under s. 951.032 for medical care, 1755 treatment, hospitalization, or transportation received by the 1756 releasee while in that detention facility. The commission, in 1757 determining whether to order such repayment and the amount of 1758 such repayment, shall consider the amount of the debt, whether 1759 there was any fault of the institution for the medical expenses 1760 incurred, the financial resources of the releasee, the present 1761 and potential future financial needs and earning ability of the 1762 releasee, and dependents, and other appropriate factors. If any 1763 inmate placed on conditional release supervision is also subject 1764 to probation or community control, resulting from a probationary 1765 or community control split sentence within the overall term of 1766 sentences, the Department of Corrections shall supervise such 1767 person according to the conditions imposed by the court and the 1768 commission shall defer to such supervision. If the court revokes 1769 probation or community control and resentences the offender to a

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1770 term of incarceration, such revocation also constitutes a 1771 sufficient basis for the revocation of the conditional release 1772 supervision on any nonprobationary or noncommunity control 1773 sentence without further hearing by the commission. If any such 1774 supervision on any nonprobationary or noncommunity control 1775 sentence is revoked, such revocation may result in a forfeiture 1776 of all gain-time, and the commission may revoke the resulting 1777 deferred conditional release supervision or take other action it 1778 considers appropriate. If the term of conditional release 1779 supervision exceeds that of the probation or community control, 1780 then, upon expiration of the probation or community control, 1781 authority for the supervision shall revert to the commission and 1782 the supervision shall be subject to the conditions imposed by 1783 the commission. A panel of no fewer than two commissioners shall 1784 establish the terms and conditions of any such release. If the 1785 offense was a controlled substance violation, the conditions 1786 shall include a requirement that the offender submit to random 1787 substance abuse testing intermittently throughout the term of 1788 conditional release supervision, upon the direction of the 1789 correctional probation officer as defined in s. 943.10(3). The 1790 commission shall also determine whether the terms and conditions 1791 of such release have been violated and whether such violation 1792 warrants revocation of the conditional release.

(10) Effective for a releasee whose crime was committed on or after September 1, 2005, in violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the unlawful activity involved a victim who was 15 years of age or younger and the offender is 18 years of age or older or for a releasee who is designated as a sexual predator pursuant to s.

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1799 775.21, in addition to any other provision of this section, the 1800 commission must order electronic monitoring for the duration of 1801 the releasee's supervision.

1802 Section 45. For the purpose of incorporating the amendment 1803 made by this act to section 775.21, Florida Statutes, in a 1804 reference thereto, paragraph (b) of subsection (2) of section 1805 948.013, Florida Statutes, is reenacted to read:

1806

1807

948.013 Administrative probation.-

(2)

(b) Effective for an offense committed on or after October 1809 1, 2017, a person is ineligible for placement on administrative 1810 probation if the person is sentenced to or is serving a term of 1811 probation or community control, regardless of the conviction or 1812 adjudication, for committing, or attempting, conspiring, or 1813 soliciting to commit, any of the felony offenses described in s. 1814 775.21(4)(a)1.a. or b. or s. 943.0435(1)(h)1.a.

1815 Section 46. For the purpose of incorporating the amendment 1816 made by this act to section 775.21, Florida Statutes, in a 1817 reference thereto, paragraph (f) of subsection (2) of section 1818 948.05, Florida Statutes, is reenacted to read:

1819 948.05 Court to admonish or commend probationer or offender 1820 in community control; graduated incentives.-

(2) The department shall implement a system of graduated
incentives to promote compliance with the terms of supervision,
encourage educational achievement and stable employment, and
prioritize the highest levels of supervision for probationers or
offenders presenting the greatest risk of recidivism.

(f) A probationer or offender in community control who isplaced under supervision for committing or attempting,

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1828 soliciting, or conspiring to commit a violation of any felony 1829 offense described in s. 775.21(4)(a)1.a. or b. or s. 1830 943.0435(1)(h)1.a., or who qualifies as a violent felony 1831 offender of special concern under s. 948.06(8)(b) is not 1832 eligible for any reduction of his or her term of supervision 1833 under this section. 1834 Section 47. For the purpose of incorporating the amendment 1835 made by this act to section 775.21, Florida Statutes, in 1836 references thereto, subsection (4) and paragraphs (b) and (d) of subsection (8) of section 948.06, Florida Statutes, are 1837 1838 reenacted to read: 1839 948.06 Violation of probation or community control; 1840 revocation; modification; continuance; failure to pay 1841 restitution or cost of supervision.-1842 (4) Notwithstanding any other provision of this section, a 1843 felony probationer or an offender in community control who is 1844 arrested for violating his or her probation or community control in a material respect may be taken before the court in the 1845 1846 county or circuit in which the probationer or offender was 1847 arrested. That court shall advise him or her of the charge of a violation and, if such charge is admitted, shall cause him or 1848 1849 her to be brought before the court that granted the probation or 1850 community control. If the violation is not admitted by the 1851 probationer or offender, the court may commit him or her or release him or her with or without bail to await further 1852 1853 hearing. However, if the probationer or offender is under 1854 supervision for any criminal offense proscribed in chapter 794, s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a 1855 1856 registered sexual predator or a registered sexual offender, or

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1857 is under supervision for a criminal offense for which he or she 1858 would meet the registration criteria in s. 775.21, s. 943.0435, or s. 944.607 but for the effective date of those sections, the 1859 1860 court must make a finding that the probationer or offender is 1861 not a danger to the public prior to release with or without bail. In determining the danger posed by the offender's or 1862 1863 probationer's release, the court may consider the nature and 1864 circumstances of the violation and any new offenses charged; the 1865 offender's or probationer's past and present conduct, including 1866 convictions of crimes; any record of arrests without conviction 1867 for crimes involving violence or sexual crimes; any other 1868 evidence of allegations of unlawful sexual conduct or the use of 1869 violence by the offender or probationer; the offender's or 1870 probationer's family ties, length of residence in the community, 1871 employment history, and mental condition; his or her history and 1872 conduct during the probation or community control supervision 1873 from which the violation arises and any other previous 1874 supervisions, including disciplinary records of previous 1875 incarcerations; the likelihood that the offender or probationer 1876 will engage again in a criminal course of conduct; the weight of 1877 the evidence against the offender or probationer; and any other 1878 facts the court considers relevant. The court, as soon as is 1879 practicable, shall give the probationer or offender an 1880 opportunity to be fully heard on his or her behalf in person or by counsel. After the hearing, the court shall make findings of 1881 1882 fact and forward the findings to the court that granted the 1883 probation or community control and to the probationer or 1884 offender or his or her attorney. The findings of fact by the 1885 hearing court are binding on the court that granted the

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1886 probation or community control. Upon the probationer or offender 1887 being brought before it, the court that granted the probation or 1888 community control may revoke, modify, or continue the probation 1889 or community control or may place the probationer into community 1890 control as provided in this section. However, the probationer or offender shall not be released and shall not be admitted to 1891 1892 bail, but shall be brought before the court that granted the probation or community control if any violation of felony 1893 1894 probation or community control other than a failure to pay costs 1895 or fines or make restitution payments is alleged to have been 1896 committed by:

1897 (a) A violent felony offender of special concern, as1898 defined in this section;

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

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

1910

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(8)

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

1. Felony probation or community control related to the

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1915 commission of a qualifying offense committed on or after the 1916 effective date of this act;

1917 2. Felony probation or community control for any offense
1918 committed on or after the effective date of this act, and has
1919 previously been convicted of a qualifying offense;

1920 3. Felony probation or community control for any offense 1921 committed on or after the effective date of this act, and is 1922 found to have violated that probation or community control by 1923 committing a qualifying offense;

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

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

1932 6. Felony probation or community control and has previously
1933 been found by a court to be a sexual predator under s. 775.21
1934 and has committed a qualifying offense on or after the effective
1935 date of this act.

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

1941 1. A violent felony offender of special concern, as defined 1942 in this section;

1943

2. A person who is on felony probation or community control

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1944 for any offense committed on or after the effective date of this 1945 act and who is arrested for a qualifying offense as defined in 1946 this section; or

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

1955 The court shall not dismiss the probation or community control 1956 violation warrant pending against an offender enumerated in this 1957 paragraph without holding a recorded violation-of-probation 1958 hearing at which both the state and the offender are 1959 represented.

1960 Section 48. For the purpose of incorporating the amendment 1961 made by this act to section 775.21, Florida Statutes, in a 1962 reference thereto, section 948.063, Florida Statutes, is 1963 reenacted to read:

1964948.063Violations of probation or community control by1965designated sexual offenders and sexual predators.-

(1) If probation or community control for any felony offense is revoked by the court pursuant to s. 948.06(2)(e) and the offender is designated as a sexual offender pursuant to s. 943.0435 or s. 944.607 or as a sexual predator pursuant to s. 775.21 for unlawful sexual activity involving a victim 15 years of age or younger and the offender is 18 years of age or older, and if the court imposes a subsequent term of supervision

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1973 following the revocation of probation or community control, the 1974 court must order electronic monitoring as a condition of the 1975 subsequent term of probation or community control.

1976 (2) If the probationer or offender is required to register 1977 as a sexual predator under s. 775.21 or as a sexual offender 1978 under s. 943.0435 or s. 944.607 for unlawful sexual activity 1979 involving a victim 15 years of age or younger and the 1980 probationer or offender is 18 years of age or older and has 1981 violated the conditions of his or her probation or community 1982 control, but the court does not revoke the probation or 1983 community control, the court shall nevertheless modify the 1984 probation or community control to include electronic monitoring 1985 for any probationer or offender not then subject to electronic 1986 monitoring.

1987 Section 49. For the purpose of incorporating the amendment 1988 made by this act to section 775.21, Florida Statutes, in a 1989 reference thereto, subsection (4) of section 948.064, Florida 1990 Statutes, is reenacted to read:

1991 948.064 Notification of status as a violent felony offender 1992 of special concern.-

1993 (4) The state attorney, or the statewide prosecutor if 1994 applicable, shall advise the court at each critical stage in the 1995 judicial process, at which the state attorney or statewide 1996 prosecutor is represented, whether an alleged or convicted 1997 offender is a violent felony offender of special concern; a 1998 person who is on felony probation or community control for any 1999 offense committed on or after the effective date of this act and 2000 who is arrested for a qualifying offense; or a person who is on 2001 felony probation or community control and has previously been

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found by a court to be a habitual violent felony offender as defined in s. 775.084(1)(b), a three-time violent felony offender as defined in s. 775.084(1)(c), or a sexual predator under s. 775.21, and who is arrested for committing a qualifying offense on or after the effective date of this act. Section 50. For the purpose of incorporating the amendment

2007 Section 50. For the purpose of incorporating the amendment 2008 made by this act to section 775.21, Florida Statutes, in a 2009 reference thereto, section 948.12, Florida Statutes, is 2010 reenacted to read:

2011 948.12 Intensive supervision for postprison release of 2012 violent offenders.—It is the finding of the Legislature that the 2013 population of violent offenders released from state prison into 2014 the community poses the greatest threat to the public safety of 2015 the groups of offenders under community supervision. Therefore, 2016 for the purpose of enhanced public safety, any offender released 2017 from state prison who:

(1) Was most recently incarcerated for an offense that is or was contained in category 1 (murder, manslaughter), category 2020 2 (sexual offenses), category 3 (robbery), or category 4 (violent personal crimes) of Rules 3.701 and 3.988, Florida Rules of Criminal Procedure (1993), and who has served at least one prior felony commitment at a state or federal correctional institution;

(2) Was sentenced as a habitual offender, violent habitual
offender, or violent career criminal pursuant to s. 775.084; or
(3) Has been found to be a sexual predator pursuant to s.
775.21,

2030 and who has a term of probation to follow the period of

2029

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2031 incarceration shall be provided intensive supervision by 2032 experienced correctional probation officers. Subject to specific 2033 appropriation by the Legislature, caseloads may be restricted to 2034 a maximum of 40 offenders per officer to provide for enhanced 2035 public safety as well as to effectively monitor conditions of 2036 electronic monitoring or curfews, if such was ordered by the 2037 court.

2038 Section 51. For the purpose of incorporating the amendment 2039 made by this act to section 775.21, Florida Statutes, in a 2040 reference thereto, subsection (3) of section 948.30, Florida 2041 Statutes, is reenacted to read:

2042 948.30 Additional terms and conditions of probation or 2043 community control for certain sex offenses.—Conditions imposed 2044 pursuant to this section do not require oral pronouncement at 2045 the time of sentencing and shall be considered standard 2046 conditions of probation or community control for offenders 2047 specified in this section.

2048 (3) Effective for a probationer or community controllee 2049 whose crime was committed on or after September 1, 2005, and 2050 who:

2051 (a) Is placed on probation or community control for a 2052 violation of chapter 794; s. 800.04(4), (5), or (6); s. 827.071; 2053 or s. 847.0145, or is placed on probation or community control 2054 on or after July 1, 2023, for attempting, soliciting, or 2055 conspiring to commit a violation of chapter 794; s. 800.04(4), 2056 (5), or (6); s. 827.071; or s. 847.0145, and the unlawful sexual 2057 activity involved a victim 15 years of age or younger and the 2058 offender is 18 years of age or older;

2059

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

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2060	or
2061	(c) Has previously been convicted of a violation of chapter
2062	794; s. 800.04(4), (5), or (6); s. 827.071; or s. 847.0145 and
2063	the unlawful sexual activity involved a victim 15 years of age
2064	or younger and the offender is 18 years of age or older,
2065	
2066	the court must order, in addition to any other provision of this
2067	section, mandatory electronic monitoring as a condition of the
2068	probation or community control supervision.
2069	Section 52. For the purpose of incorporating the amendment
2070	made by this act to section 775.21, Florida Statutes, in a
2071	reference thereto, section 948.31, Florida Statutes, is
2072	reenacted to read:
2073	948.31 Evaluation and treatment of sexual predators and
2074	offenders on probation or community controlThe court may
2075	require any probationer or community controllee who is required
2076	to register as a sexual predator under s. 775.21 or sexual
2077	offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
2078	an evaluation, at the probationer or community controllee's
2079	expense, by a qualified practitioner to determine whether such
2080	probationer or community controllee needs sexual offender
2081	treatment. If the qualified practitioner determines that sexual
2082	offender treatment is needed and recommends treatment, the
2083	probationer or community controllee must successfully complete
2084	and pay for the treatment. Such treatment must be obtained from
2085	a qualified practitioner as defined in s. 948.001. Treatment may
2086	not be administered by a qualified practitioner who has been
2087	convicted or adjudicated delinquent of committing, or
2088	attempting, soliciting, or conspiring to commit, any offense

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2089	that is listed in s. 943.0435(1)(h)1.a.(I).
2090	Section 53. For the purpose of incorporating the amendment
2091	made by this act to section 775.21, Florida Statutes, in a
2092	reference thereto, paragraph (b) of subsection (6) of section
2093	985.04, Florida Statutes, is reenacted to read:
2094	985.04 Oaths; records; confidential information
2095	(6)
2096	(b) Sexual offender and predator registration information
2097	as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
2098	and 985.4815 is a public record pursuant to s. 119.07(1) and as
2099	otherwise provided by law.
2100	Section 54. For the purpose of incorporating the amendment
2101	made by this act to section 943.0435, Florida Statutes, in
2102	references thereto, paragraph (c) of subsection (2) and
2103	paragraph (c) of subsection (9) of section 61.13, Florida
2104	Statutes, are reenacted to read:
2105	61.13 Support of children; parenting and time-sharing;
2106	powers of court
2107	(2)
2108	(c) The court shall determine all matters relating to
2109	parenting and time-sharing of each minor child of the parties in
2110	accordance with the best interests of the child and in
2111	accordance with the Uniform Child Custody Jurisdiction and
2112	Enforcement Act, except that modification of a parenting plan
2113	and time-sharing schedule requires a showing of a substantial
2114	and material change of circumstances.
2115	1. It is the public policy of this state that each minor
2116	child has frequent and continuing contact with both parents
2117	after the parents separate or the marriage of the parties is

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2118 dissolved and to encourage parents to share the rights and 2119 responsibilities, and joys, of childrearing. Unless otherwise 2120 provided in this section or agreed to by the parties, there is a rebuttable presumption that equal time-sharing of a minor child 2121 2122 is in the best interests of the minor child. To rebut this 2123 presumption, a party must prove by a preponderance of the 2124 evidence that equal time-sharing is not in the best interests of 2125 the minor child. Except when a time-sharing schedule is agreed 2126 to by the parties and approved by the court, the court must 2127 evaluate all of the factors set forth in subsection (3) and make 2128 specific written findings of fact when creating or modifying a 2129 time-sharing schedule.

2130 2. The court shall order that the parental responsibility 2131 for a minor child be shared by both parents unless the court 2132 finds that shared parental responsibility would be detrimental 2133 to the child. In determining detriment to the child, the court 2134 shall consider:

2135 a. Evidence of domestic violence, as defined in s. 741.28; 2136 Whether either parent has or has had reasonable cause to b. 2137 believe that he or she or his or her minor child or children are 2138 or have been in imminent danger of becoming victims of an act of 2139 domestic violence as defined in s. 741.28 or sexual violence as 2140 defined in s. 784.046(1)(c) by the other parent against the 2141 parent or against the child or children whom the parents share 2142 in common regardless of whether a cause of action has been brought or is currently pending in the court; 2143

2144 c. Whether either parent has or has had reasonable cause to 2145 believe that his or her minor child or children are or have been 2146 in imminent danger of becoming victims of an act of abuse,

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2147 abandonment, or neglect, as those terms are defined in s. 39.01, 2148 by the other parent against the child or children whom the 2149 parents share in common regardless of whether a cause of action 2150 has been brought or is currently pending in the court; and 2151 d. Any other relevant factors. The following evidence creates a rebuttable presumption 2152 3. 2153 that shared parental responsibility is detrimental to the child: 2154 A parent has been convicted of a misdemeanor of the a. 2155 first degree or higher involving domestic violence, as defined 2156 in s. 741.28 and chapter 775; 2157 b. A parent meets the criteria of s. 39.806(1)(d); or 2158 A parent has been convicted of or had adjudication с. 2159 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and at the time of the offense: 2160 2161 (I) The parent was 18 years of age or older. 2162 (II) The victim was under 18 years of age or the parent 2163 believed the victim to be under 18 years of age. 2164 2165 If the presumption is not rebutted after the convicted parent is 2166 advised by the court that the presumption exists, shared parental responsibility, including time-sharing with the child, 2167 2168 and decisions made regarding the child, may not be granted to 2169 the convicted parent. However, the convicted parent is not 2170 relieved of any obligation to provide financial support. If the 2171 court determines that shared parental responsibility would be 2172 detrimental to the child, it may order sole parental responsibility and make such arrangements for time-sharing as 2173 2174 specified in the parenting plan as will best protect the child 2175 or abused spouse from further harm. Whether or not there is a

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2176 conviction of any offense of domestic violence or child abuse or 2177 the existence of an injunction for protection against domestic 2178 violence, the court shall consider evidence of domestic violence 2179 or child abuse as evidence of detriment to the child.

2180 4. In ordering shared parental responsibility, the court 2181 may consider the expressed desires of the parents and may grant 2182 to one party the ultimate responsibility over specific aspects 2183 of the child's welfare or may divide those responsibilities between the parties based on the best interests of the child. 2184 2185 Areas of responsibility may include education, health care, and 2186 any other responsibilities that the court finds unique to a 2187 particular family.

2188 5. The court shall order sole parental responsibility for a 2189 minor child to one parent, with or without time-sharing with the 2190 other parent if it is in the best interests of the minor child.

2191 6. There is a rebuttable presumption against granting time-2192 sharing with a minor child if a parent has been convicted of or 2193 had adjudication withheld for an offense enumerated in s. 2194 943.0435(1)(h)1.a., and at the time of the offense:

2195

2198

a. The parent was 18 years of age or older.

2196 b. The victim was under 18 years of age or the parent 2197 believed the victim to be under 18 years of age.

A parent may rebut the presumption upon a specific finding in writing by the court that the parent poses no significant risk of harm to the child and that time-sharing is in the best interests of the minor child. If the presumption is rebutted, the court must consider all time-sharing factors in subsection (3) when developing a time-sharing schedule.

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2205 7. Access to records and information pertaining to a minor 2206 child, including, but not limited to, medical, dental, and 2207 school records, may not be denied to either parent. Full rights 2208 under this subparagraph apply to either parent unless a court 2209 order specifically revokes these rights, including any 2210 restrictions on these rights as provided in a domestic violence 2211 injunction. A parent having rights under this subparagraph has 2212 the same rights upon request as to form, substance, and manner of access as are available to the other parent of a child, 2213 2214 including, without limitation, the right to in-person 2215 communication with medical, dental, and education providers.

(9)

2216

2227

2217 (c) A court may not order visitation at a recovery 2218 residence if any resident of the recovery residence is currently 2219 required to register as a sexual predator under s. 775.21 or as 2220 a sexual offender under s. 943.0435.

2221 Section 55. For the purpose of incorporating the amendment 2222 made by this act to section 943.0435, Florida Statutes, in 2223 references thereto, paragraph (i) of subsection (3) and 2224 subsection (6) of section 68.07, Florida Statutes, are reenacted 2225 to read:

2226

68.07 Change of name.-

(3) Each petition shall be verified and show:

2228 (i) Whether the petitioner has ever been required to 2229 register as a sexual predator under s. 775.21 or as a sexual 2230 offender under s. 943.0435.

2231 The clerk of the court must, within 5 business days (6) 2232 after the filing of the final judgment, send a report of the 2233 judgment to the Department of Law Enforcement on a form to be

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2234 furnished by that department. If the petitioner is required to 2235 register as a sexual predator or a sexual offender pursuant to 2236 s. 775.21 or s. 943.0435, the clerk of court shall 2237 electronically notify the Department of Law Enforcement of the 2238 name change, in a manner prescribed by that department, within 2 2239 business days after the filing of the final judgment. The 2240 Department of Law Enforcement must send a copy of the report to 2241 the Department of Highway Safety and Motor Vehicles, which may 2242 be delivered by electronic transmission. The report must contain 2243 sufficient information to identify the petitioner, including the 2244 results of the criminal history records check if applicable, the 2245 new name of the petitioner, and the file number of the judgment. 2246 The Department of Highway Safety and Motor Vehicles shall 2247 monitor the records of any sexual predator or sexual offender 2248 whose name has been provided to it by the Department of Law 2249 Enforcement. If the sexual predator or sexual offender does not 2250 obtain a replacement driver license or identification card 2251 within the required time as specified in s. 775.21 or s. 2252 943.0435, the Department of Highway Safety and Motor Vehicles 2253 shall notify the Department of Law Enforcement. The Department 2254 of Law Enforcement shall notify applicable law enforcement 2255 agencies of the predator's or offender's failure to comply with 2256 registration requirements. Any information retained by the 2257 Department of Law Enforcement and the Department of Highway 2258 Safety and Motor Vehicles may be revised or supplemented by said 2259 departments to reflect changes made by the final judgment. With 2260 respect to a person convicted of a felony in another state or of 2261 a federal offense, the Department of Law Enforcement must send 2262 the report to the respective state's office of law enforcement

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2263 records or to the office of the Federal Bureau of Investigation. 2264 The Department of Law Enforcement may forward the report to any 2265 other law enforcement agency it believes may retain information 2266 related to the petitioner. 2267 Section 56. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a 2268 2269 reference thereto, paragraph (b) of subsection (1) of section 2270 92.55, Florida Statutes, is reenacted to read: 2271 92.55 Special protections in proceedings involving victim 2272 or witness under 18, person with intellectual disability, or 2273 sexual offense victim.-2274 (1)For purposes of this section, the term: 2275 "Sexual offense" means any offense specified in s. (b) 2276 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I). 2277 Section 57. For the purpose of incorporating the amendment 2278 made by this act to section 943.0435, Florida Statutes, in a 2279 reference thereto, paragraph (b) of subsection (2) of section 2280 98.0751, Florida Statutes, is reenacted to read: 2281 98.0751 Restoration of voting rights; termination of 2282 ineligibility subsequent to a felony conviction.-2283 (2) For purposes of this section, the term: 2284 (b) "Felony sexual offense" means any of the following: 2285 1. Any felony offense that serves as a predicate to 2286 registration as a sexual offender in accordance with s. 2287 943.0435; 2288 2. Section 491.0112; 2289 3. Section 784.049(3)(b); 2290 4. Section 794.08; 2291 5. Section 796.08;

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2292	6. Section 800.101;
2293	7. Section 826.04;
2294	8. Section 847.012;
2295	9. Section 872.06(2);
2296	10. Section 944.35(3)(b)2.;
2297	11. Section 951.221(1); or
2298	12. Any similar offense committed in another jurisdiction
2299	which would be an offense listed in this paragraph if it had
2300	been committed in violation of the laws of this state.
2301	Section 58. For the purpose of incorporating the amendment
2302	made by this act to section 943.0435, Florida Statutes, in a
2303	reference thereto, subsection (3) of section 322.141, Florida
2304	Statutes, is reenacted to read:
2305	322.141 Color or markings of certain licenses or
2306	identification cards
2307	(3) All licenses for the operation of motor vehicles or
2308	identification cards originally issued or reissued by the
2309	department to persons who are designated as sexual predators
2310	under s. 775.21 or subject to registration as sexual offenders
2311	under s. 943.0435 or s. 944.607, or who have a similar
2312	designation or are subject to a similar registration under the
2313	laws of another jurisdiction, shall have on the front of the
2314	license or identification card the following:
2315	(a) For a person designated as a sexual predator under s.
2316	775.21 or who has a similar designation under the laws of
2317	another jurisdiction, the marking "SEXUAL PREDATOR."
2318	(b) For a person subject to registration as a sexual
2319	offender under s. 943.0435 or s. 944.607, or subject to a
2320	similar registration under the laws of another jurisdiction, the
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2321	marking "943.0435, F.S."
2322	Section 59. For the purpose of incorporating the amendment
2323	made by this act to section 943.0435, Florida Statutes, in a
2324	reference thereto, subsection (2) of section 394.9125, Florida
2325	Statutes, is reenacted to read:
2326	394.9125 State attorney; authority to refer a person for
2327	civil commitment
2328	(2) A state attorney may refer a person to the department
2329	for civil commitment proceedings if the person:
2330	(a) Is required to register as a sexual offender pursuant
2331	to s. 943.0435;
2332	(b) Has previously been convicted of a sexually violent
2333	offense as defined in s. 394.912(9)(a)-(h); and
2334	(c) Has been sentenced to a term of imprisonment in a
2335	county or municipal jail for any criminal offense.
2336	Section 60. For the purpose of incorporating the amendment
2337	made by this act to section 943.0435, Florida Statutes, in a
2338	reference thereto, paragraph (b) of subsection (4) of section
2339	435.07, Florida Statutes, is reenacted to read:
2340	435.07 Exemptions from disqualificationUnless otherwise
2341	provided by law, the provisions of this section apply to
2342	exemptions from disqualification for disqualifying offenses
2343	revealed pursuant to background screenings required under this
2344	chapter, regardless of whether those disqualifying offenses are
2345	listed in this chapter or other laws.
2346	(4)
2347	(b) Disqualification from employment or affiliation under
2348	this chapter may not be removed from, nor may an exemption be
2349	granted to, any person who is a:

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2350 1. Sexual predator as designated pursuant to s. 775.21; 2351 2. Career offender pursuant to s. 775.261; or 2352 3. Sexual offender pursuant to s. 943.0435, unless the 2353 requirement to register as a sexual offender has been removed 2354 pursuant to s. 943.04354. 2355 Section 61. For the purpose of incorporating the amendment 2356 made by this act to section 943.0435, Florida Statutes, in a 2357 reference thereto, subsection (2) of section 775.0862, Florida 2358 Statutes, is reenacted to read: 2359 775.0862 Sexual offenses against students by authority 2360 figures; reclassification.-2361 (2) The felony degree of a violation of an offense listed 2362 in s. 943.0435(1)(h)1.a., unless the offense is a violation of 2363 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified 2364 as provided in this section if the offense is committed by an 2365 authority figure of a school against a student of the school. 2366 Section 62. For the purpose of incorporating the amendment 2367 made by this act to section 943.0435, Florida Statutes, in a 2368 reference thereto, subsection (4) of section 775.13, Florida 2369 Statutes, is reenacted to read: 2370 775.13 Registration of convicted felons, exemptions; 2371 penalties.-2372 (4) This section does not apply to an offender: 2373 (a) Who has had his or her civil rights restored; 2374 (b) Who has received a full pardon for the offense for 2375 which convicted; 2376 (c) Who has been lawfully released from incarceration or 2377 other sentence or supervision for a felony conviction for more 2378 than 5 years prior to such time for registration, unless the

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2379	offender is a fugitive from justice on a felony charge or has
2380	been convicted of any offense since release from such
2381	incarceration or other sentence or supervision;
2382	(d) Who is a parolee or probationer under the supervision
2383	of the United States Parole Commission if the commission knows
2384	of and consents to the presence of the offender in Florida or is
2385	a probationer under the supervision of any federal probation
2386	officer in the state or who has been lawfully discharged from
2387	such parole or probation;
2388	(e) Who is a sexual predator and has registered as required
2389	under s. 775.21;
2390	(f) Who is a sexual offender and has registered as required
2391	in s. 943.0435 or s. 944.607; or
2392	(g) Who is a career offender who has registered as required
2393	in s. 775.261 or s. 944.609.
2394	Section 63. For the purpose of incorporating the amendment
2395	made by this act to section 943.0435, Florida Statutes, in a
2396	reference thereto, subsection (2) of section 775.24, Florida
2397	Statutes, is reenacted to read:
2398	775.24 Duty of the court to uphold laws governing sexual
2399	predators and sexual offenders
2400	(2) If a person meets the criteria in this chapter for
2401	designation as a sexual predator or meets the criteria in s.
2402	943.0435, s. 944.606, s. 944.607, or any other law for
2403	classification as a sexual offender, the court may not enter an
2404	order, for the purpose of approving a plea agreement or for any
2405	other reason, which:
2406	(a) Exempts a person who meets the criteria for designation
2407	as a sexual predator or classification as a sexual offender from
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2408 such designation or classification, or exempts such person from 2409 the requirements for registration or community and public 2410 notification imposed upon sexual predators and sexual offenders;

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

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

2418 Section 64. For the purpose of incorporating the amendment 2419 made by this act to section 943.0435, Florida Statutes, in a 2420 reference thereto, section 775.25, Florida Statutes, is 2421 reenacted to read:

775.25 Prosecutions for acts or omissions.-A sexual 2422 2423 predator or sexual offender who commits any act or omission in 2424 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s. 2425 944.607, or former s. 947.177 may be prosecuted for the act or 2426 omission in the county in which the act or omission was 2427 committed, in the county of the last registered address of the 2428 sexual predator or sexual offender, in the county in which the 2429 conviction occurred for the offense or offenses that meet the 2430 criteria for designating a person as a sexual predator or sexual 2431 offender, in the county where the sexual predator or sexual 2432 offender was released from incarceration, or in the county of 2433 the intended address of the sexual predator or sexual offender 2434 as reported by the predator or offender prior to his or her 2435 release from incarceration. In addition, a sexual predator may 2436 be prosecuted for any such act or omission in the county in

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2437	which he or she was designated a sexual predator.
2438	Section 65. For the purpose of incorporating the amendment
2439	made by this act to section 943.0435, Florida Statutes, in a
2440	reference thereto, paragraph (cc) of subsection (2) of section
2441	900.05, Florida Statutes, is reenacted to read:
2442	900.05 Criminal justice data collection
2443	(2) DEFINITIONSAs used in this section, the term:
2444	(cc) "Sexual offender flag" means an indication that a
2445	defendant was required to register as a sexual predator as
2446	defined in s. 775.21 or as a sexual offender as defined in s.
2447	943.0435.
2448	Section 66. For the purpose of incorporating the amendment
2449	made by this act to section 943.0435, Florida Statutes, in a
2450	reference thereto, paragraph (m) of subsection (2) of section
2451	903.046, Florida Statutes, is reenacted to read:
2452	903.046 Purpose of and criteria for bail determination
2453	(2) When determining whether to release a defendant on bail
2454	or other conditions, and what that bail or those conditions may
2455	be, the court shall consider:
2456	(m) Whether the defendant, other than a defendant whose
2457	only criminal charge is a misdemeanor offense under chapter 316,
2458	is required to register as a sexual offender under s. 943.0435
2459	or a sexual predator under s. 775.21; and, if so, he or she is
2460	not eligible for release on bail or surety bond until the first
2461	appearance on the case in order to ensure the full participation
2462	of the prosecutor and the protection of the public.
2463	Section 67. For the purpose of incorporating the amendment
2464	made by this act to section 943.0435, Florida Statutes, in a
2465	reference thereto, section 903.133, Florida Statutes, is
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20251804e1 2466 reenacted to read: 2467 903.133 Bail on appeal; prohibited for certain felony convictions.-Notwithstanding s. 903.132, no person shall be 2468 2469 admitted to bail pending review either by posttrial motion or 2470 appeal if he or she was adjudged guilty of: 2471 (1) A felony of the first degree for a violation of s. 2472 782.04(2) or (3), s. 787.01, s. 794.011(4), s. 806.01, s. 2473 893.13, or s. 893.135; 2474 (2) A violation of s. 794.011(2) or (3); or 2475 (3) Any other offense requiring sexual offender 2476 registration under s. 943.0435(1)(h) or sexual predator 2477 registration under s. 775.21(4) when, at the time of the 2478 offense, the offender was 18 years of age or older and the victim was a minor. 2479 2480 Section 68. For the purpose of incorporating the amendment 2481 made by this act to section 943.0435, Florida Statutes, in a 2482 reference thereto, paragraph (b) of subsection (4) of section 2483 907.043, Florida Statutes, is reenacted to read: 2484 907.043 Pretrial release; citizens' right to know.-2485 (4) 2486 (b) The annual report must contain, but need not be limited 2487 to: The name, location, and funding sources of the pretrial 2488 1. 2489 release program, including the amount of public funds, if any, received by the pretrial release program. 2490 2491 2. The operating and capital budget of each pretrial 2492 release program receiving public funds. 2493 3.a. The percentage of the pretrial release program's total 2494 budget representing receipt of public funds.

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2495 b. The percentage of the total budget which is allocated to 2496 assisting defendants obtain release through a nonpublicly funded 2497 program. 2498 c. The amount of fees paid by defendants to the pretrial 2499 release program. 2500 4. The number of persons employed by the pretrial release 2501 program. 2502 5. The number of defendants assessed and interviewed for 2503 pretrial release. 2504 6. The number of defendants recommended for pretrial 2505 release. 2506 7. The number of defendants for whom the pretrial release 2507 program recommended against nonsecured release. 2508 The number of defendants granted nonsecured release 8. 2509 after the pretrial release program recommended nonsecured 2510 release. 2511 9. The number of defendants assessed and interviewed for 2512 pretrial release who were declared indigent by the court. 2513 10. The number of defendants accepted into a pretrial 2514 release program who paid a surety or cash bail or bond. 2515 11. The number of defendants for whom a risk assessment 2516 tool was used in determining whether the defendant should be 2517 released pending the disposition of the case and the number of 2518 defendants for whom a risk assessment tool was not used. 2519 12. The specific statutory citation for each criminal 2520 charge related to a defendant whose case is accepted into a 2521 pretrial release program, including, at a minimum, the number of 2522 defendants charged with dangerous crimes as defined in s. 907.041; nonviolent felonies; or misdemeanors only. A 2523

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2524 "nonviolent felony" for purposes of this subparagraph excludes 2525 the commission of, an attempt to commit, or a conspiracy to 2526 commit any of the following: 2527 a. An offense enumerated in s. 775.084(1)(c); 2528 b. An offense that requires a person to register as a 2529 sexual predator in accordance with s. 775.21 or as a sexual 2530 offender in accordance with s. 943.0435; 2531 c. Failure to register as a sexual predator in violation of 2532 s. 775.21 or as a sexual offender in violation of s. 943.0435; 2533 d. Facilitating or furthering terrorism in violation of s. 2534 775.31; 2535 A forcible felony as described in s. 776.08; e. 2536 f. False imprisonment in violation of s. 787.02; 2537 q. Burglary of a dwelling or residence in violation of s. 2538 810.02(3); 2539 h. Abuse, aggravated abuse, and neglect of an elderly 2540 person or disabled adult in violation of s. 825.102; 2541 i. Abuse, aggravated abuse, and neglect of a child in 2542 violation of s. 827.03; 2543 j. Poisoning of food or water in violation of s. 859.01; 2544 k. Abuse of a dead human body in violation of s. 872.06; 2545 l. A capital offense in violation of chapter 893; 2546 m. An offense that results in serious bodily injury or 2547 death to another human; or n. A felony offense in which the defendant used a weapon or 2548 2549 firearm in the commission of the offense. 2550 13. The number of defendants accepted into a pretrial 2551 release program with no prior criminal conviction. 2552 14. The name and case number of each person granted

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2553	nonsecured release who:
2554	a. Failed to attend a scheduled court appearance.
2555	b. Was issued a warrant for failing to appear.
2556	c. Was arrested for any offense while on release through
2557	the pretrial release program.
2558	15. Any additional information deemed necessary by the
2559	governing body to assess the performance and cost efficiency of
2560	the pretrial release program.
2561	Section 69. For the purpose of incorporating the amendment
2562	made by this act to section 943.0435, Florida Statutes, in a
2563	reference thereto, paragraph (a) of subsection (2) of section
2564	934.255, Florida Statutes, is reenacted to read:
2565	934.255 Subpoenas in investigations of sexual offenses
2566	(2) An investigative or law enforcement officer who is
2567	conducting an investigation into:
2568	(a) Allegations of the sexual abuse of a child or an
2569	individual's suspected commission of a crime listed in s.
2570	943.0435(1)(h)1.a.(I) may use a subpoena to compel the
2571	production of records, documents, or other tangible objects and
2572	the testimony of the subpoena recipient concerning the
2573	production and authenticity of such records, documents, or
2574	objects, except as provided in paragraphs (b) and (c).
2575	
2576	A subpoena issued under this subsection must describe the
2577	records, documents, or other tangible objects required to be
2578	produced, and must prescribe a date by which such records,
2579	documents, or other tangible objects must be produced.
2580	Section 70. For the purpose of incorporating the amendment
2581	made by this act to section 943.0435, Florida Statutes, in a

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2582 reference thereto, subsection (1) of section 938.10, Florida
2583 Statutes, is reenacted to read:

2584 938.10 Additional court cost imposed in cases of certain 2585 crimes.-

2586 (1) If a person pleads guilty or nolo contendere to, or is 2587 found guilty of, regardless of adjudication, any offense against 2588 a minor in violation of s. 784.085, chapter 787, chapter 794, 2589 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s. 2590 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145, 2591 s. 893.147(3), or s. 985.701, or any offense in violation of s. 2592 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the 2593 court shall impose a court cost of \$151 against the offender in 2594 addition to any other cost or penalty required by law.

2595 Section 71. For the purpose of incorporating the amendment 2596 made by this act to section 943.0435, Florida Statutes, in a 2597 reference thereto, subsection (2) of section 943.0436, Florida 2598 Statutes, is reenacted to read:

2599 943.0436 Duty of the court to uphold laws governing sexual 2600 predators and sexual offenders.-

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

(a) Exempts a person who meets the criteria for designation
as a sexual predator or classification as a sexual offender from
such designation or classification, or exempts such person from
the requirements for registration or community and public

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2611 notification imposed upon sexual predators and sexual offenders; 2612 (b) Restricts the compiling, reporting, or release of 2613 public records information that relates to sexual predators or 2614 sexual offenders; or 2615 (c) Prevents any person or entity from performing its 2616 duties or operating within its statutorily conferred authority 2617 as such duty or authority relates to sexual predators or sexual 2618 offenders. 2619 Section 72. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a 2620 2621 reference thereto, subsection (2) of section 943.0584, Florida 2622 Statutes, is reenacted to read: 2623 943.0584 Criminal history records ineligible for court-2624 ordered expunction or court-ordered sealing.-2625 (2) A criminal history record is ineligible for a 2626 certificate of eligibility for expunction or a court-ordered 2627 expunction pursuant to s. 943.0585 or a certificate of 2628 eligibility for sealing or a court-ordered sealing pursuant to 2629 s. 943.059 if the record is a conviction for any of the 2630 following offenses: 2631 (a) Sexual misconduct, as defined in s. 393.135, s. 2632 394.4593, or s. 916.1075; (b) Illegal use of explosives, as defined in chapter 552; 2633 2634 (c) Terrorism, as defined in s. 775.30; 2635 (d) Murder, as defined in s. 782.04, s. 782.065, or s. 2636 782.09; 2637 (e) Manslaughter or homicide, as defined in s. 782.07, s. 2638 782.071, or s. 782.072; (f) Assault or battery, as defined in ss. 784.011 and 2639

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2640	784.03, respectively, of one family or household member by
2641	another family or household member, as defined in s. 741.28(3);
2642	(g) Aggravated assault, as defined in s. 784.021;
2643	(h) Felony battery, domestic battery by strangulation, or
2644	aggravated battery, as defined in ss. 784.03, 784.041, and
2645	784.045, respectively;
2646	(i) Stalking or aggravated stalking, as defined in s.
2647	784.048;
2648	(j) Luring or enticing a child, as defined in s. 787.025;
2649	(k) Human trafficking, as defined in s. 787.06;
2650	(l) Kidnapping or false imprisonment, as defined in s.
2651	787.01 or s. 787.02;
2652	(m) Any offense defined in chapter 794;
2653	(n) Procuring a person less than 18 years of age for
2654	prostitution, as defined in former s. 796.03;
2655	(o) Lewd or lascivious offenses committed upon or in the
2656	presence of persons less than 16 years of age, as defined in s.
2657	800.04;
2658	(p) Arson, as defined in s. 806.01;
2659	(q) Burglary of a dwelling, as defined in s. 810.02;
2660	(r) Voyeurism or digital voyeurism, as defined in ss.
2661	810.14 and 810.145, respectively;
2662	(s) Robbery or robbery by sudden snatching, as defined in
2663	ss. 812.13 and 812.131, respectively;
2664	(t) Carjacking, as defined in s. 812.133;
2665	(u) Home-invasion robbery, as defined in s. 812.135;
2666	(v) A violation of the Florida Communications Fraud Act, as
2667	provided in s. 817.034;
2668	(w) Abuse of an elderly person or disabled adult, or

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2669 aggravated abuse of an elderly person or disabled adult, as 2670 defined in s. 825.102; 2671 (x) Lewd or lascivious offenses committed upon or in the 2672 presence of an elderly person or disabled person, as defined in 2673 s. 825.1025; 2674 (y) Child abuse or aggravated child abuse, as defined in s. 2675 827.03; 2676 (z) Sexual performance by a child, as defined in s. 2677 827.071; 2678 (aa) Any offense defined in chapter 839; 2679 (bb) Certain acts in connection with obscenity, as defined 2680 in s. 847.0133; (cc) Any offense defined in s. 847.0135; 2681 2682 Selling or buying of minors, as defined in s. (dd) 847.0145; 2683 2684 (ee) Aircraft piracy, as defined in s. 860.16; 2685 (ff) Manufacturing a controlled substance in violation of 2686 chapter 893; 2687 (qq) Drug trafficking, as defined in s. 893.135; or 2688 (hh) Any violation specified as a predicate offense for 2689 registration as a sexual predator pursuant to s. 775.21, or 2690 sexual offender pursuant to s. 943.0435, without regard to 2691 whether that offense alone is sufficient to require such 2692 registration. 2693 Section 73. For the purpose of incorporating the amendment 2694 made by this act to section 943.0435, Florida Statutes, in a 2695 reference thereto, paragraph (a) of subsection (2) of section 943.0595, Florida Statutes, is reenacted to read: 2696

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943.0595 Automatic sealing of criminal history records;

2698 confidentiality of related court records.-2699 (2) ELIGIBILITY.-2700 (a) The department shall automatically seal a criminal 2701 history record that does not result from an indictment, 2702 information, or other charging document for a forcible felony as 2703 defined in s. 776.08 or for an offense enumerated in s. 2704 943.0435(1)(h)1.a.(I), if: 2705 1. An indictment, information, or other charging document 2706 was not filed or issued in the case giving rise to the criminal 2707 history record. 2708 2. An indictment, information, or other charging document 2709 was filed in the case giving rise to the criminal history 2710 record, but was dismissed or nolle prosequi by the state 2711 attorney or statewide prosecutor or was dismissed by a court of 2712 competent jurisdiction as to all counts. However, a person is 2713 not eligible for automatic sealing under this section if the 2714 dismissal was pursuant to s. 916.145 or s. 985.19. 2715 3. A not guilty verdict was rendered by a judge or jury as 2716 to all counts. However, a person is not eligible for automatic 2717 sealing under this section if the defendant was found not guilty 2718 by reason of insanity. 2719 4. A judgment of acquittal was rendered by a judge as to all counts. 2720 2721 Section 74. For the purpose of incorporating the amendment 2722 made by this act to section 943.0435, Florida Statutes, in a 2723 reference thereto, subsection (12) of section 947.1405, Florida Statutes, is reenacted to read: 2724 2725 947.1405 Conditional release program.-2726 (12) In addition to all other conditions imposed, for a

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2727 releasee who is subject to conditional release for a crime that 2728 was committed on or after May 26, 2010, and who has been 2729 convicted at any time of committing, or attempting, soliciting, 2730 or conspiring to commit, any of the criminal offenses listed in 2731 s. 943.0435(1)(h)1.a.(I), or a similar offense in another jurisdiction against a victim who was under 18 years of age at 2732 2733 the time of the offense, if the releasee has not received a 2734 pardon for any felony or similar law of another jurisdiction 2735 necessary for the operation of this subsection, if a conviction 2736 of a felony or similar law of another jurisdiction necessary for 2737 the operation of this subsection has not been set aside in any 2738 postconviction proceeding, or if the releasee has not been 2739 removed from the requirement to register as a sexual offender or 2740 sexual predator pursuant to s. 943.04354, the commission must 2741 impose the following conditions:

2742 (a) A prohibition on visiting schools, child care 2743 facilities, parks, and playgrounds without prior approval from 2744 the releasee's supervising officer. The commission may also 2745 designate additional prohibited locations to protect a victim. 2746 The prohibition ordered under this paragraph does not prohibit 2747 the releasee from visiting a school, child care facility, park, 2748 or playground for the sole purpose of attending a religious 2749 service as defined in s. 775.0861 or picking up or dropping off 2750 the releasee's child or grandchild at a child care facility or 2751 school.

(b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to

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2756 children, on or preceding Easter; entertaining at children's 2757 parties; or wearing a clown costume without prior approval from 2758 the commission.

2759 Section 75. For the purpose of incorporating the amendment 2760 made by this act to section 943.0435, Florida Statutes, in a 2761 reference thereto, paragraph (b) of subsection (2) of section 2762 948.013, Florida Statutes, is reenacted to read:

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2764

948.013 Administrative probation.-

(2)

(b) Effective for an offense committed on or after October 1, 2017, a person is ineligible for placement on administrative probation if the person is sentenced to or is serving a term of probation or community control, regardless of the conviction or adjudication, for committing, or attempting, conspiring, or soliciting to commit, any of the felony offenses described in s. 775.21(4)(a)1.a. or b. or s. 943.0435(1)(h)1.a.

2772 Section 76. For the purpose of incorporating the amendment 2773 made by this act to section 943.0435, Florida Statutes, in a 2774 reference thereto, paragraph (f) of subsection (2) of section 2775 948.05, Florida Statutes, is reenacted to read:

2776 948.05 Court to admonish or commend probationer or offender 2777 in community control; graduated incentives.-

(2) The department shall implement a system of graduated
incentives to promote compliance with the terms of supervision,
encourage educational achievement and stable employment, and
prioritize the highest levels of supervision for probationers or
offenders presenting the greatest risk of recidivism.

2783 (f) A probationer or offender in community control who is 2784 placed under supervision for committing or attempting,

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2785 soliciting, or conspiring to commit a violation of any felony 2786 offense described in s. 775.21(4)(a)1.a. or b. or s. 2787 943.0435(1)(h)1.a., or who qualifies as a violent felony 2788 offender of special concern under s. 948.06(8)(b) is not 2789 eligible for any reduction of his or her term of supervision 2790 under this section. 2791 Section 77. For the purpose of incorporating the amendment 2792 made by this act to section 943.0435, Florida Statutes, in a 2793 reference thereto, subsection (4) of section 948.06, Florida 2794 Statutes, is reenacted to read: 2795 948.06 Violation of probation or community control; 2796 revocation; modification; continuance; failure to pay 2797 restitution or cost of supervision.-2798 (4) Notwithstanding any other provision of this section, a 2799 felony probationer or an offender in community control who is 2800 arrested for violating his or her probation or community control 2801 in a material respect may be taken before the court in the 2802 county or circuit in which the probationer or offender was 2803 arrested. That court shall advise him or her of the charge of a 2804 violation and, if such charge is admitted, shall cause him or 2805 her to be brought before the court that granted the probation or 2806 community control. If the violation is not admitted by the 2807 probationer or offender, the court may commit him or her or 2808 release him or her with or without bail to await further 2809 hearing. However, if the probationer or offender is under 2810 supervision for any criminal offense proscribed in chapter 794, 2811 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a 2812 registered sexual predator or a registered sexual offender, or 2813 is under supervision for a criminal offense for which he or she

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2814 would meet the registration criteria in s. 775.21, s. 943.0435, or s. 944.607 but for the effective date of those sections, the 2815 2816 court must make a finding that the probationer or offender is 2817 not a danger to the public prior to release with or without 2818 bail. In determining the danger posed by the offender's or 2819 probationer's release, the court may consider the nature and 2820 circumstances of the violation and any new offenses charged; the 2821 offender's or probationer's past and present conduct, including 2822 convictions of crimes; any record of arrests without conviction 2823 for crimes involving violence or sexual crimes; any other 2824 evidence of allegations of unlawful sexual conduct or the use of 2825 violence by the offender or probationer; the offender's or 2826 probationer's family ties, length of residence in the community, 2827 employment history, and mental condition; his or her history and 2828 conduct during the probation or community control supervision 2829 from which the violation arises and any other previous 2830 supervisions, including disciplinary records of previous 2831 incarcerations; the likelihood that the offender or probationer 2832 will engage again in a criminal course of conduct; the weight of 2833 the evidence against the offender or probationer; and any other 2834 facts the court considers relevant. The court, as soon as is 2835 practicable, shall give the probationer or offender an 2836 opportunity to be fully heard on his or her behalf in person or 2837 by counsel. After the hearing, the court shall make findings of 2838 fact and forward the findings to the court that granted the 2839 probation or community control and to the probationer or 2840 offender or his or her attorney. The findings of fact by the 2841 hearing court are binding on the court that granted the 2842 probation or community control. Upon the probationer or offender

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2843 being brought before it, the court that granted the probation or 2844 community control may revoke, modify, or continue the probation 2845 or community control or may place the probationer into community 2846 control as provided in this section. However, the probationer or 2847 offender shall not be released and shall not be admitted to 2848 bail, but shall be brought before the court that granted the 2849 probation or community control if any violation of felony 2850 probation or community control other than a failure to pay costs 2851 or fines or make restitution payments is alleged to have been 2852 committed by:

2853 (a) A violent felony offender of special concern, as 2854 defined in this section;

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

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

2866 Section 78. For the purpose of incorporating the amendment 2867 made by this act to section 943.0435, Florida Statutes, in a 2868 reference thereto, section 948.063, Florida Statutes, is 2869 reenacted to read:

2870 948.063 Violations of probation or community control by 2871 designated sexual offenders and sexual predators.-

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2872 (1) If probation or community control for any felony 2873 offense is revoked by the court pursuant to s. 948.06(2)(e) and 2874 the offender is designated as a sexual offender pursuant to s. 2875 943.0435 or s. 944.607 or as a sexual predator pursuant to s. 2876 775.21 for unlawful sexual activity involving a victim 15 years 2877 of age or younger and the offender is 18 years of age or older, 2878 and if the court imposes a subsequent term of supervision 2879 following the revocation of probation or community control, the 2880 court must order electronic monitoring as a condition of the 2881 subsequent term of probation or community control. 2882 (2) If the probationer or offender is required to register 2883 as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435 or s. 944.607 for unlawful sexual activity 2884 2885 involving a victim 15 years of age or younger and the 2886 probationer or offender is 18 years of age or older and has 2887 violated the conditions of his or her probation or community 2888 control, but the court does not revoke the probation or 2889 community control, the court shall nevertheless modify the 2890 probation or community control to include electronic monitoring 2891 for any probationer or offender not then subject to electronic 2892 monitoring.

2893 Section 79. For the purpose of incorporating the amendment 2894 made by this act to section 943.0435, Florida Statutes, in a 2895 reference thereto, subsection (4) of section 948.30, Florida 2896 Statutes, is reenacted to read:

2897 948.30 Additional terms and conditions of probation or 2898 community control for certain sex offenses.—Conditions imposed 2899 pursuant to this section do not require oral pronouncement at 2900 the time of sentencing and shall be considered standard

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2901 conditions of probation or community control for offenders 2902 specified in this section.

(4) In addition to all other conditions imposed, for a 2903 2904 probationer or community controllee who is subject to 2905 supervision for a crime that was committed on or after May 26, 2906 2010, and who has been convicted at any time of committing, or 2907 attempting, soliciting, or conspiring to commit, any of the 2908 criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a 2909 similar offense in another jurisdiction, against a victim who 2910 was under the age of 18 at the time of the offense; if the 2911 offender has not received a pardon for any felony or similar law 2912 of another jurisdiction necessary for the operation of this 2913 subsection, if a conviction of a felony or similar law of 2914 another jurisdiction necessary for the operation of this 2915 subsection has not been set aside in any postconviction 2916 proceeding, or if the offender has not been removed from the 2917 requirement to register as a sexual offender or sexual predator 2918 pursuant to s. 943.04354, the court must impose the following 2919 conditions:

2920 (a) A prohibition on visiting schools, child care 2921 facilities, parks, and playgrounds, without prior approval from 2922 the offender's supervising officer. The court may also designate 2923 additional locations to protect a victim. The prohibition 2924 ordered under this paragraph does not prohibit the offender from 2925 visiting a school, child care facility, park, or playground for 2926 the sole purpose of attending a religious service as defined in 2927 s. 775.0861 or picking up or dropping off the offender's 2928 children or grandchildren at a child care facility or school. 2929 (b) A prohibition on distributing candy or other items to

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2930 children on Halloween; wearing a Santa Claus costume, or other 2931 costume to appeal to children, on or preceding Christmas; 2932 wearing an Easter Bunny costume, or other costume to appeal to 2933 children, on or preceding Easter; entertaining at children's 2934 parties; or wearing a clown costume; without prior approval from 2935 the court.

2936 Section 80. For the purpose of incorporating the amendment 2937 made by this act to section 943.0435, Florida Statutes, in a 2938 reference thereto, section 948.31, Florida Statutes, is 2939 reenacted to read:

2940 948.31 Evaluation and treatment of sexual predators and 2941 offenders on probation or community control.-The court may 2942 require any probationer or community controllee who is required 2943 to register as a sexual predator under s. 775.21 or sexual 2944 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo 2945 an evaluation, at the probationer or community controllee's 2946 expense, by a qualified practitioner to determine whether such 2947 probationer or community controllee needs sexual offender 2948 treatment. If the qualified practitioner determines that sexual 2949 offender treatment is needed and recommends treatment, the 2950 probationer or community controllee must successfully complete 2951 and pay for the treatment. Such treatment must be obtained from a qualified practitioner as defined in s. 948.001. Treatment may 2952 2953 not be administered by a qualified practitioner who has been 2954 convicted or adjudicated delinquent of committing, or 2955 attempting, soliciting, or conspiring to commit, any offense 2956 that is listed in s. 943.0435(1)(h)1.a.(I).

2957 Section 81. For the purpose of incorporating the amendment 2958 made by this act to section 943.0435, Florida Statutes, in a

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2959 reference thereto, paragraph (b) of subsection (6) of section 2960 985.04, Florida Statutes, is reenacted to read: 2961 985.04 Oaths; records; confidential information.-2962 (6) 2963 Sexual offender and predator registration information (b) 2964 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481, 2965 and 985.4815 is a public record pursuant to s. 119.07(1) and as 2966 otherwise provided by law. 2967 Section 82. For the purpose of incorporating the amendment 2968 made by this act to section 943.0435, Florida Statutes, in a 2969 reference thereto, paragraph (b) of subsection (2) of section 1012.467, Florida Statutes, is reenacted to read: 2970 2971 1012.467 Noninstructional contractors who are permitted 2972 access to school grounds when students are present; background 2973 screening requirements.-2974 (2)2975 (b) A noninstructional contractor for whom a criminal 2976 history check is required under this section may not have been 2977 convicted of any of the following offenses designated in the 2978 Florida Statutes, any similar offense in another jurisdiction, 2979 or any similar offense committed in this state which has been 2980 redesignated from a former provision of the Florida Statutes to 2981 one of the following offenses: 2982 1. Any offense listed in s. 943.0435(1)(h)1., relating to 2983 the registration of an individual as a sexual offender. 2984 2. Section 393.135, relating to sexual misconduct with 2985 certain developmentally disabled clients and the reporting of 2986 such sexual misconduct. 2987 3. Section 394.4593, relating to sexual misconduct with

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2988 certain mental health patients and the reporting of such sexual 2989 misconduct. 2990 4. Section 775.30, relating to terrorism. 2991 5. Section 782.04, relating to murder. 2992 6. Section 787.01, relating to kidnapping. 2993 Any offense under chapter 800, relating to lewdness and 7. 2994 indecent exposure. 2995 8. Section 826.04, relating to incest. 2996 Section 827.03, relating to child abuse, aggravated 9. 2997 child abuse, or neglect of a child. 2998 Section 83. For the purpose of incorporating the amendment 2999 made by this act to section 944.606, Florida Statutes, in a 3000 reference thereto, subsection (2) of section 775.24, Florida Statutes, is reenacted to read: 3001 775.24 Duty of the court to uphold laws governing sexual 3002 3003 predators and sexual offenders.-3004 (2) If a person meets the criteria in this chapter for 3005 designation as a sexual predator or meets the criteria in s. 943.0435, s. 944.606, s. 944.607, or any other law for 3006 3007 classification as a sexual offender, the court may not enter an 3008 order, for the purpose of approving a plea agreement or for any 3009 other reason, which: 3010 (a) Exempts a person who meets the criteria for designation 3011 as a sexual predator or classification as a sexual offender from 3012 such designation or classification, or exempts such person from 3013 the requirements for registration or community and public 3014 notification imposed upon sexual predators and sexual offenders; 3015 (b) Restricts the compiling, reporting, or release of 3016 public records information that relates to sexual predators or

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3017 sexual offenders; or

3018 (c) Prevents any person or entity from performing its 3019 duties or operating within its statutorily conferred authority 3020 as such duty or authority relates to sexual predators or sexual 3021 offenders.

3022 Section 84. For the purpose of incorporating the amendment 3023 made by this act to section 944.606, Florida Statutes, in a 3024 reference thereto, section 775.25, Florida Statutes, is 3025 reenacted to read:

3026 775.25 Prosecutions for acts or omissions.-A sexual 3027 predator or sexual offender who commits any act or omission in 3028 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s. 944.607, or former s. 947.177 may be prosecuted for the act or 3029 3030 omission in the county in which the act or omission was 3031 committed, in the county of the last registered address of the 3032 sexual predator or sexual offender, in the county in which the 3033 conviction occurred for the offense or offenses that meet the 3034 criteria for designating a person as a sexual predator or sexual 3035 offender, in the county where the sexual predator or sexual 3036 offender was released from incarceration, or in the county of 3037 the intended address of the sexual predator or sexual offender 3038 as reported by the predator or offender prior to his or her 3039 release from incarceration. In addition, a sexual predator may 3040 be prosecuted for any such act or omission in the county in 3041 which he or she was designated a sexual predator.

3042 Section 85. For the purpose of incorporating the amendment 3043 made by this act to section 944.606, Florida Statutes, in a 3044 reference thereto, subsection (2) of section 943.0436, Florida 3045 Statutes, is reenacted to read:

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3046 3047

943.0436 Duty of the court to uphold laws governing sexual predators and sexual offenders.-

3048 (2) If a person meets the criteria in chapter 775 for 3049 designation as a sexual predator or meets the criteria in s. 3050 943.0435, s. 944.606, s. 944.607, or any other law for 3051 classification as a sexual offender, the court may not enter an 3052 order, for the purpose of approving a plea agreement or for any 3053 other reason, which:

3054 (a) Exempts a person who meets the criteria for designation 3055 as a sexual predator or classification as a sexual offender from 3056 such designation or classification, or exempts such person from 3057 the requirements for registration or community and public 3058 notification imposed upon sexual predators and sexual offenders;

3059 (b) Restricts the compiling, reporting, or release of 3060 public records information that relates to sexual predators or 3061 sexual offenders; or

3062 (c) Prevents any person or entity from performing its 3063 duties or operating within its statutorily conferred authority 3064 as such duty or authority relates to sexual predators or sexual 3065 offenders.

3066 Section 86. For the purpose of incorporating the amendment 3067 made by this act to section 944.606, Florida Statutes, in a 3068 reference thereto, section 948.31, Florida Statutes, is 3069 reenacted to read:

3070 948.31 Evaluation and treatment of sexual predators and 3071 offenders on probation or community control.-The court may 3072 require any probationer or community controllee who is required 3073 to register as a sexual predator under s. 775.21 or sexual offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo 3074

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3075 an evaluation, at the probationer or community controllee's 3076 expense, by a qualified practitioner to determine whether such 3077 probationer or community controllee needs sexual offender 3078 treatment. If the qualified practitioner determines that sexual 3079 offender treatment is needed and recommends treatment, the 3080 probationer or community controllee must successfully complete 3081 and pay for the treatment. Such treatment must be obtained from 3082 a qualified practitioner as defined in s. 948.001. Treatment may 3083 not be administered by a qualified practitioner who has been 3084 convicted or adjudicated delinquent of committing, or 3085 attempting, soliciting, or conspiring to commit, any offense 3086 that is listed in s. 943.0435(1)(h)1.a.(I).

3087 Section 87. For the purpose of incorporating the amendment 3088 made by this act to section 944.606, Florida Statutes, in a 3089 reference thereto, paragraph (b) of subsection (6) of section 3090 985.04, Florida Statutes, is reenacted to read:

3091 3092 985.04 Oaths; records; confidential information.- (6)

3093 (b) Sexual offender and predator registration information 3094 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481, 3095 and 985.4815 is a public record pursuant to s. 119.07(1) and as 3096 otherwise provided by law.

3097 Section 88. For the purpose of incorporating the amendment 3098 made by this act to section 944.607, Florida Statutes, in a 3099 reference thereto, subsection (3) of section 322.141, Florida 3100 Statutes, is reenacted to read:

3101 322.141 Color or markings of certain licenses or 3102 identification cards.-

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(3) All licenses for the operation of motor vehicles or

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3104	identification cards originally issued or reissued by the
3105	department to persons who are designated as sexual predators
3106	under s. 775.21 or subject to registration as sexual offenders
3107	under s. 943.0435 or s. 944.607, or who have a similar
3108	designation or are subject to a similar registration under the
3109	laws of another jurisdiction, shall have on the front of the
3110	license or identification card the following:
3111	(a) For a person designated as a sexual predator under s.
3112	775.21 or who has a similar designation under the laws of
3113	another jurisdiction, the marking "SEXUAL PREDATOR."
3114	(b) For a person subject to registration as a sexual
3115	offender under s. 943.0435 or s. 944.607, or subject to a
3116	similar registration under the laws of another jurisdiction, the
3117	marking "943.0435, F.S."
3118	Section 89. For the purpose of incorporating the amendment
3119	made by this act to section 944.607, Florida Statutes, in a
3120	reference thereto, subsection (4) of section 775.13, Florida
3121	Statutes, is reenacted to read:
3122	775.13 Registration of convicted felons, exemptions;
3123	penalties
3124	(4) This section does not apply to an offender:
3125	(a) Who has had his or her civil rights restored;
3126	(b) Who has received a full pardon for the offense for
3127	which convicted;
3128	(c) Who has been lawfully released from incarceration or
3129	other sentence or supervision for a felony conviction for more
3130	than 5 years prior to such time for registration, unless the
3131	offender is a fugitive from justice on a felony charge or has
3132	been convicted of any offense since release from such
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3133	incarceration or other sentence or supervision;
3134	(d) Who is a parolee or probationer under the supervision
3135	of the United States Parole Commission if the commission knows
3136	of and consents to the presence of the offender in Florida or is
3137	a probationer under the supervision of any federal probation
3138	officer in the state or who has been lawfully discharged from
3139	such parole or probation;
3140	(e) Who is a sexual predator and has registered as required
3141	under s. 775.21;
3142	(f) Who is a sexual offender and has registered as required
3143	in s. 943.0435 or s. 944.607; or
3144	(g) Who is a career offender who has registered as required
3145	in s. 775.261 or s. 944.609.
3146	Section 90. For the purpose of incorporating the amendment
3147	made by this act to section 944.607, Florida Statutes, in a
3148	reference thereto, subsection (2) of section 775.24, Florida
3149	Statutes, is reenacted to read:
3150	775.24 Duty of the court to uphold laws governing sexual
3151	predators and sexual offenders
3152	(2) If a person meets the criteria in this chapter for
3153	designation as a sexual predator or meets the criteria in s.
3154	943.0435, s. 944.606, s. 944.607, or any other law for
3155	classification as a sexual offender, the court may not enter an
3156	order, for the purpose of approving a plea agreement or for any
3157	other reason, which:
3158	(a) Exempts a person who meets the criteria for designation
3159	as a sexual predator or classification as a sexual offender from
3160	such designation or classification, or exempts such person from
3161	the requirements for registration or community and public

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3162 3163

notification imposed upon sexual predators and sexual offenders; (b) Restricts the compiling, reporting, or release of 3164 public records information that relates to sexual predators or 3165 sexual offenders; or

3166 (c) Prevents any person or entity from performing its 3167 duties or operating within its statutorily conferred authority 3168 as such duty or authority relates to sexual predators or sexual 3169 offenders.

3170 Section 91. For the purpose of incorporating the amendment 3171 made by this act to section 944.607, Florida Statutes, in a 3172 reference thereto, section 775.25, Florida Statutes, is 3173 reenacted to read:

775.25 Prosecutions for acts or omissions.-A sexual 3174 3175 predator or sexual offender who commits any act or omission in violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s. 3176 3177 944.607, or former s. 947.177 may be prosecuted for the act or 3178 omission in the county in which the act or omission was 3179 committed, in the county of the last registered address of the 3180 sexual predator or sexual offender, in the county in which the 3181 conviction occurred for the offense or offenses that meet the 3182 criteria for designating a person as a sexual predator or sexual 3183 offender, in the county where the sexual predator or sexual 3184 offender was released from incarceration, or in the county of 3185 the intended address of the sexual predator or sexual offender 3186 as reported by the predator or offender prior to his or her 3187 release from incarceration. In addition, a sexual predator may 3188 be prosecuted for any such act or omission in the county in 3189 which he or she was designated a sexual predator.

3190

Section 92. For the purpose of incorporating the amendment

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3191 made by this act to section 944.607, Florida Statutes, in a 3192 reference thereto, subsection (2) of section 943.0436, Florida 3193 Statutes, is reenacted to read:

3194 943.0436 Duty of the court to uphold laws governing sexual 3195 predators and sexual offenders.-

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

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

3207 (b) Restricts the compiling, reporting, or release of 3208 public records information that relates to sexual predators or 3209 sexual offenders; or

3210 (c) Prevents any person or entity from performing its 3211 duties or operating within its statutorily conferred authority 3212 as such duty or authority relates to sexual predators or sexual 3213 offenders.

3214 Section 93. For the purpose of incorporating the amendment 3215 made by this act to section 944.607, Florida Statutes, in a 3216 reference thereto, subsection (4) of section 948.06, Florida 3217 Statutes, is reenacted to read:

3218 948.06 Violation of probation or community control; 3219 revocation; modification; continuance; failure to pay

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3221 (4) Notwithstanding any other provision of this section, a 3222 felony probationer or an offender in community control who is 3223 arrested for violating his or her probation or community control 3224 in a material respect may be taken before the court in the 3225 county or circuit in which the probationer or offender was 3226 arrested. That court shall advise him or her of the charge of a 3227 violation and, if such charge is admitted, shall cause him or 3228 her to be brought before the court that granted the probation or 3229 community control. If the violation is not admitted by the 3230 probationer or offender, the court may commit him or her or 3231 release him or her with or without bail to await further 3232 hearing. However, if the probationer or offender is under

restitution or cost of supervision.-

3233 supervision for any criminal offense proscribed in chapter 794, 3234 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a 3235 registered sexual predator or a registered sexual offender, or 3236 is under supervision for a criminal offense for which he or she 3237 would meet the registration criteria in s. 775.21, s. 943.0435, 3238 or s. 944.607 but for the effective date of those sections, the 3239 court must make a finding that the probationer or offender is 3240 not a danger to the public prior to release with or without 3241 bail. In determining the danger posed by the offender's or 3242 probationer's release, the court may consider the nature and 3243 circumstances of the violation and any new offenses charged; the 3244 offender's or probationer's past and present conduct, including 3245 convictions of crimes; any record of arrests without conviction 3246 for crimes involving violence or sexual crimes; any other 3247 evidence of allegations of unlawful sexual conduct or the use of violence by the offender or probationer; the offender's or 3248

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3249 probationer's family ties, length of residence in the community, 3250 employment history, and mental condition; his or her history and 3251 conduct during the probation or community control supervision 3252 from which the violation arises and any other previous 3253 supervisions, including disciplinary records of previous 3254 incarcerations; the likelihood that the offender or probationer 3255 will engage again in a criminal course of conduct; the weight of 3256 the evidence against the offender or probationer; and any other 3257 facts the court considers relevant. The court, as soon as is 3258 practicable, shall give the probationer or offender an 3259 opportunity to be fully heard on his or her behalf in person or 3260 by counsel. After the hearing, the court shall make findings of 3261 fact and forward the findings to the court that granted the 3262 probation or community control and to the probationer or 3263 offender or his or her attorney. The findings of fact by the 3264 hearing court are binding on the court that granted the 3265 probation or community control. Upon the probationer or offender 3266 being brought before it, the court that granted the probation or 3267 community control may revoke, modify, or continue the probation 3268 or community control or may place the probationer into community 3269 control as provided in this section. However, the probationer or 3270 offender shall not be released and shall not be admitted to 3271 bail, but shall be brought before the court that granted the 3272 probation or community control if any violation of felony 3273 probation or community control other than a failure to pay costs 3274 or fines or make restitution payments is alleged to have been committed by: 3275

3276 (a) A violent felony offender of special concern, as3277 defined in this section;

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3278 (b) A person who is on felony probation or community 3279 control for any offense committed on or after the effective date 3280 of this act and who is arrested for a qualifying offense as 3281 defined in this section; or 3282 (c) A person who is on felony probation or community 3283 control and has previously been found by a court to be a 3284 habitual violent felony offender as defined in s. 775.084(1)(b), 3285 a three-time violent felony offender as defined in s. 775.084(1)(c), or a sexual predator under s. 775.21, and who is 3286 3287 arrested for committing a qualifying offense as defined in this 3288 section on or after the effective date of this act. 3289 Section 94. For the purpose of incorporating the amendment 3290 made by this act to section 944.607, Florida Statutes, in a 3291 reference thereto, section 948.063, Florida Statutes, is 3292 reenacted to read: 3293 948.063 Violations of probation or community control by 3294 designated sexual offenders and sexual predators.-3295 (1) If probation or community control for any felony 3296 offense is revoked by the court pursuant to s. 948.06(2)(e) and 3297 the offender is designated as a sexual offender pursuant to s. 3298 943.0435 or s. 944.607 or as a sexual predator pursuant to s. 3299 775.21 for unlawful sexual activity involving a victim 15 years 3300 of age or younger and the offender is 18 years of age or older, 3301 and if the court imposes a subsequent term of supervision 3302 following the revocation of probation or community control, the 3303 court must order electronic monitoring as a condition of the 3304 subsequent term of probation or community control.

3305 (2) If the probationer or offender is required to register3306 as a sexual predator under s. 775.21 or as a sexual offender

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3307 under s. 943.0435 or s. 944.607 for unlawful sexual activity 3308 involving a victim 15 years of age or younger and the 3309 probationer or offender is 18 years of age or older and has 3310 violated the conditions of his or her probation or community 3311 control, but the court does not revoke the probation or 3312 community control, the court shall nevertheless modify the 3313 probation or community control to include electronic monitoring 3314 for any probationer or offender not then subject to electronic 3315 monitoring.

3316 Section 95. For the purpose of incorporating the amendment 3317 made by this act to section 944.607, Florida Statutes, in a 3318 reference thereto, section 948.31, Florida Statutes, is 3319 reenacted to read:

3320 948.31 Evaluation and treatment of sexual predators and 3321 offenders on probation or community control.-The court may 3322 require any probationer or community controllee who is required 3323 to register as a sexual predator under s. 775.21 or sexual offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo 3324 3325 an evaluation, at the probationer or community controllee's 3326 expense, by a qualified practitioner to determine whether such 3327 probationer or community controllee needs sexual offender 3328 treatment. If the qualified practitioner determines that sexual 3329 offender treatment is needed and recommends treatment, the 3330 probationer or community controllee must successfully complete 3331 and pay for the treatment. Such treatment must be obtained from 3332 a qualified practitioner as defined in s. 948.001. Treatment may 3333 not be administered by a qualified practitioner who has been 3334 convicted or adjudicated delinquent of committing, or 3335 attempting, soliciting, or conspiring to commit, any offense

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3336	that is listed in s. 943.0435(1)(h)1.a.(I).
3337	Section 96. For the purpose of incorporating the amendment
3338	made by this act to section 944.607, Florida Statutes, in a
3339	reference thereto, paragraph (b) of subsection (6) of section
3340	985.04, Florida Statutes, is reenacted to read:
3341	985.04 Oaths; records; confidential information
3342	(6)
3343	(b) Sexual offender and predator registration information
3344	as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
3345	and 985.4815 is a public record pursuant to s. 119.07(1) and as
3346	otherwise provided by law.
3347	Section 97. This act shall take effect October 1, 2025.

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