

1 A bill to be entitled
2 An act relating to human trafficking; amending s.
3 39.01, F.S.; revising the definition of the term
4 "sexual abuse of a child" to delete references to
5 prostitution offenses; amending s. 480.043, F.S.;
6 providing that a licensed massage establishment may
7 not receive a new or renewal license if specified
8 persons connected with it are convicted of renting
9 space to be used for lewdness, assignation, or
10 prostitution; amending s. 782.04, F.S.; including
11 human trafficking as a predicate offense for felony
12 murder; amending s. 787.06, F.S.; creating an
13 increased penalty for causing great bodily harm,
14 permanent disability, or permanent disfigurement;
15 prohibiting permanently branding, or directing the
16 permanent branding, of a victim of human trafficking;
17 amending s. 796.06, F.S.; providing enhanced criminal
18 penalties for offense of renting space to be used for
19 lewdness, assignation, or prostitution if the offense
20 is committed in conjunction with a health care
21 profession or in a massage establishment; amending s.
22 796.07, F.S.; providing that minors may not be charged
23 with specified prostitution offenses; specifying that
24 certain education programs may be offered by faith-
25 based providers; amending ss. 775.21 and 943.0435,
26 F.S.; requiring a person convicted of specified

27 racketeering offenses to register as a sexual predator
28 or sexual offender under certain circumstances;
29 amending ss. 944.606 and 944.607, F.S.; revising the
30 definition of the term "sexual offender" for purposes
31 of offender notification to include a person convicted
32 of specified racketeering offenses where the court has
33 made specified findings; reenacting s. 394.495(4)(p),
34 F.S., relating to the child and adolescent mental
35 health system of care, programs and services, to
36 incorporate the amendment made by this act to s.
37 39.01, F.S., in a reference thereto; reenacting s.
38 409.1678(1)(c) and (6)(a) and (b), F.S., relating to
39 specialized residential options for children who are
40 victims of sexual exploitation, to incorporate the
41 amendment made by this act to s. 39.01, F.S., in
42 references thereto; reenacting s. 960.065(5), F.S.,
43 relating to eligibility for awards to incorporate the
44 amendment made by this act to s. 39.01, F.S., in a
45 reference thereto; reenacting s. 39.806(1)(d) and (n),
46 F.S., relating to grounds for termination of parental
47 rights, to incorporate the amendment made by this act
48 to ss. 782.04 and 775.21, F.S., in references thereto;
49 reenacting s. 63.089(4)(b), F.S., relating to
50 proceeding to terminate parental rights pending
51 adoption, to incorporate the amendment made by this
52 act to ss. 775.021 and 782.04, F.S., in references

53 thereto; reenacting s. 95.11(10), F.S., relating to
 54 limitations other than for the recovery of real
 55 property, to incorporate the amendment made by this
 56 act to s. 782.04, F.S., in references thereto;
 57 reenacting s. 775.082(1)(b) and (3)(a), (b), and (c),
 58 F.S., relating to penalties, to incorporate the
 59 amendment made by this act to s. 782.04, F.S., in
 60 references thereto; reenacting s. 782.065, F.S.,
 61 relating to murder of specified officers, to
 62 incorporate the amendment made by this act to s.
 63 782.04, F.S., in references thereto; reenacting s.
 64 921.16(1), F.S., relating to when sentences to be
 65 concurrent and when consecutive, to incorporate the
 66 amendment made by this act to s. 782.04, F.S., in a
 67 reference thereto; reenacting s. 948.062(1)(a), F.S.,
 68 relating to reviewing and reporting serious offenses
 69 committed by offenders placed on probation or
 70 community control, to incorporate the amendment made
 71 by this act to s. 782.04, F.S., in a reference thereto;
 72 reenacting s. 985.265(3)(b), F.S., relating to
 73 detention transfer and release, to incorporate the
 74 amendment made by this act to s. 782.04, F.S., in a
 75 reference thereto; reenacting s. 1012.315(1)(d), F.S.,
 76 relating to disqualification from employment, to
 77 incorporate the amendment made by this act to s.
 78 782.04, F.S., in a reference thereto; reenacting s.

79 1012.467(2)(g), F.S., relating to noninstructional
 80 contractors who are permitted access to school grounds
 81 when students are present, to incorporate the
 82 amendments made by this act to ss. 782.04 and 943.0435,
 83 F.S., in a reference thereto; reenacting s.
 84 775.0823(1) and (2), F.S., relating to violent
 85 offenses committed against certain officers, to
 86 incorporate the amendment made by this act to s.
 87 782.04, F.S., in references thereto; reenacting s.
 88 921.0022(3)(i), F.S., relating to the offense severity
 89 ranking chart, to incorporate the amendment made by
 90 this act to s. 782.04, F.S., in a reference thereto;
 91 reenacting s. 947.146(3)(i), F.S., relating to the
 92 Control Release Authority, to incorporate the
 93 amendment made by this act to s. 782.04, F.S., in a
 94 reference thereto; reenacting s. 394.912(9)(a), F.S.,
 95 relating to definitions, to incorporate the amendment
 96 made by this act to s. 782.04, F.S., in a reference
 97 thereto; reenacting s. 775.15(19), F.S., relating to
 98 time limitations; general time limitations, to
 99 incorporate the amendment made by this act to s.
 100 787.06, F.S., in a reference thereto; reenacting s.
 101 60.05(5), F.S., relating to abatement of nuisances, to
 102 incorporate the amendment made by this act to s.
 103 796.07, F.S., in a reference thereto; reenacting s.
 104 775.0877(1)(m), F.S., relating to criminal

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

131 775.21, F.S., in a reference thereto; reenacting s.
 132 68.07(3)(i) and (6), F.S., relating to change of name,
 133 to incorporate the amendments made by this act to ss.
 134 775.21 and 943.0435, F.S., in references thereto;
 135 reenacting s. 322.141(3), F.S., relating to color or
 136 markings of certain licenses or identification cards,
 137 to incorporate the amendments made by this act to ss.
 138 775.21, 943.0435, and 944.607, F.S., in references
 139 thereto; reenacting s. 397.4872(2)(a) and (c), F.S.,
 140 relating to exemption from disqualification, to
 141 incorporate the amendments made by this act to ss.
 142 775.21 and 943.0435, F.S., in a reference thereto;
 143 reenacting s. 775.13(4)(e) and (f), F.S., relating to
 144 registration of convicted felons, to incorporate the
 145 amendments made by this act to ss. 775.21, 943.0435,
 146 and 944.607, F.S., in references thereto; reenacting
 147 s. 775.25, F.S., relating to prosecutions for acts or
 148 omissions, to incorporate the amendments made to this
 149 act by ss. 775.21, 943.0435, 944.606, and 944.607,
 150 F.S., in references thereto; reenacting s.
 151 775.261(3)(b), F.S., relating to The Florida Career
 152 Offender Registration Act, to incorporate the
 153 amendments made by this act to ss. 775.21, 943.0435,
 154 and 944.607, F.S., in references thereto; reenacting
 155 s. 794.075(1), F.S., relating to sexual predators and
 156 erectile dysfunction drugs, to incorporate the

157 amendment made by this act to s. 775.21, F.S., in a
158 reference thereto; reenacting s. 903.0351(1)(c), F.S.,
159 relating to restrictions on pretrial release pending
160 probation-violation hearing or community-control-
161 violation hearing, to incorporate the amendment made
162 by this act to s. 775.21, F.S., in a reference
163 thereto; reenacting s. 903.046(2)(m), F.S., relating
164 to purpose of and criteria for bail determination, to
165 incorporate the amendments made by this act to ss.
166 775.21 and 943.0435, F.S., in references thereto;
167 reenacting s. 921.141(5)(o), F.S., relating to
168 sentence of death or life imprisonment for capital
169 felonies, to incorporate the amendment made by this
170 act to s. 775.21, F.S., in a reference thereto;
171 reenacting s. 938.10(1), F.S., relating to additional
172 court cost imposed in cases of certain crimes, to
173 incorporate the amendments made by this act to ss.
174 775.21 and 943.0435, F.S., in references thereto;
175 reenacting s. 943.0435(3), (4), and (5), F.S., relating
176 to sexual offenders required to register with the
177 department, to incorporate the amendments made by this
178 act to ss. 775.21, 944.606, and 944.607, F.S., in
179 references thereto; reenacting s. 943.0585(2)(a),
180 F.S., relating to court-ordered expunction of criminal
181 history records, to incorporate the amendments made by
182 this act to ss. 775.21 and 943.0435, F.S., in

183 references thereto; reenacting s. 943.059(1), F.S.,
 184 relating to court-ordered sealing of criminal history
 185 records, to incorporate the amendments made by this
 186 act to ss. 775.21 and 943.0435, F.S., in references
 187 thereto; reenacting s. 944.607(4) (a) and (9), F.S.,
 188 relating to notification to Department of Law
 189 Enforcement of information on sexual offenders, to
 190 incorporate the amendments made by this act to ss.
 191 775.21 and 943.0435, F.S. in references thereto;
 192 reenacting s. 944.608(7), F.S., relating to
 193 notification to Department of Law Enforcement of
 194 information on career offenders, to incorporate the
 195 amendments made by this act to ss. 775.21 and 944.607,
 196 F.S., in a reference thereto; reenacting s.
 197 944.609(4), F.S., relating to career offenders;
 198 notification upon release, to incorporate the
 199 amendment made by this act to s. 775.21, F.S., in
 200 references thereto; reenacting s. 947.1405(2) (c),
 201 (10), and (12), F.S., relating to the conditional
 202 release program, to incorporate the amendments made by
 203 this act to ss. 775.21 and 943.0435, F.S., in
 204 references thereto; reenacting s. 948.06(4) (c) and
 205 (8) (b), (c), and (d), F.S., relating to violation of
 206 probation or community control, to incorporate the
 207 amendments made by this act to ss. 782.04, 775.21,
 208 943.0435, and 944.607, F.S., in references thereto;

209 | reenacting s. 948.063, F.S., relating to violations of
 210 | probation or community control by designated sexual
 211 | offenders and sexual predators, to incorporate the
 212 | amendments made by this act to ss. 775.21, 943.0435,
 213 | and 944.607, F.S., in references thereto; reenacting
 214 | s. 948.064(4), F.S., relating to notification of
 215 | status as a violent felony offender of special
 216 | concern, to incorporate the amendment made by this act
 217 | to s. 775.21, F.S., in a reference thereto; reenacting
 218 | s. 948.12(3), F.S., relating to intensive supervision
 219 | for postprison release of violent offenders, to
 220 | incorporate the amendment made by this act to s.
 221 | 775.21, F.S., in a reference thereto; reenacting s.
 222 | 948.30(3)(b) and (4), F.S., relating to additional
 223 | terms and conditions of probation or community control
 224 | for certain sex offenses, to incorporate the
 225 | amendments made by this act to ss. 775.21 and
 226 | 943.0435, F.S., in references thereto; reenacting s.
 227 | 948.31, F.S., relating to evaluation and treatment of
 228 | sexual predators and offenders on probation or
 229 | community control, to incorporate the amendments made
 230 | by this act to ss. 775.21, 943.0435, 944.606, and
 231 | 944.607, F.S., in references thereto; reenacting s.
 232 | 985.04(6)(b), F.S., relating to oaths, records, and
 233 | confidential information, to incorporate the
 234 | amendments made by this act to ss. 775.21, 943.0435,

235 944.606, and 944.607, F.S., in references thereto;
 236 reenacting s. 985.4815(9), F.S., relating to
 237 notification to Department of Law Enforcement of
 238 information on juvenile sexual offenders, to
 239 incorporate the amendments made by this act to ss.
 240 775.21 and 943.0435, F.S., in references thereto;
 241 reenacting s. 92.55(1)(b), F.S., relating to judicial
 242 or other proceedings involving certain victims,
 243 witnesses, and persons, to incorporate the amendments
 244 made by this act to ss. 775.21 and 943.0435, F.S., in
 245 references thereto; reenacting s. 394.9125(2)(a),
 246 F.S., relating to state attorney authority to refer a
 247 person for civil commitment, to incorporate the
 248 amendment made by this act to s. 943.0435, F.S., in a
 249 reference thereto; reenacting s. 775.21(5)(d) and
 250 (10)(c), F.S., relating to the Florida Sexual
 251 Predators Act, to incorporate the amendments made by
 252 this act to ss. 943.0435 and 944.607, F.S., in
 253 references thereto; reenacting s. 775.24(2), F.S.,
 254 relating to duty of the court to uphold laws governing
 255 sexual predators and sexual offenders, to incorporate
 256 the amendments made by this act to ss. 943.0435,
 257 944.606, and 944.607, F.S., in references thereto;
 258 reenacting s. 943.0436(2), F.S., relating to duty of
 259 the court to uphold laws governing sexual predators
 260 and sexual offenders, to incorporate the amendments

261 made by this act to ss. 775.21, 943.0435, 944.606, and
 262 944.607, F.S., in references thereto; reenacting s.
 263 775.0862(2), F.S., relating to reclassification of
 264 sexual offenses against students by authority figures,
 265 to incorporate the amendment made by this act to s.
 266 943.0435, F.S., in a reference thereto; providing an
 267 effective date.

268

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

270

271 Section 1. Paragraph (g) of subsection (69) of section
 272 39.01, Florida Statutes, is amended to read:

273 39.01 Definitions.—When used in this chapter, unless the
 274 context otherwise requires:

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

277 (g) The sexual exploitation of a child, which includes ~~the~~
 278 ~~act of a child offering to engage in or engaging in~~
 279 ~~prostitution, provided that the child is not under arrest or is~~
 280 ~~not being prosecuted in a delinquency or criminal proceeding for~~
 281 ~~a violation of any offense in chapter 796 based on such~~
 282 ~~behavior; or~~ allowing, encouraging, or forcing a child to:

283 ~~1. Solicit for or engage in prostitution;~~

284 1.2. Engage in a sexual performance, as defined by chapter
 285 827; or

286 2.3. Participate in the trade of human trafficking as

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

288 Section 2. Paragraph (a) of subsection (1) of section
 289 782.04, Florida Statutes, is amended to read:

290 782.04 Murder.—

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

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

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

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

297 b. Arson,

298 c. Sexual battery,

299 d. Robbery,

300 e. Burglary,

301 f. Kidnapping,

302 g. Escape,

303 h. Aggravated child abuse,

304 i. Aggravated abuse of an elderly person or disabled
 305 adult,

306 j. Aircraft piracy,

307 k. Unlawful throwing, placing, or discharging of a
 308 destructive device or bomb,

309 l. Carjacking,

310 m. Home-invasion robbery,

311 n. Aggravated stalking,

312 o. Murder of another human being,

313 p. Resisting an officer with violence to his or her
 314 person,
 315 q. Aggravated fleeing or eluding with serious bodily
 316 injury or death,
 317 r. Felony that is an act of terrorism or is in furtherance
 318 of an act of terrorism, ~~or~~
 319 s. Human trafficking; or
 320 3. Which resulted from the unlawful distribution of any
 321 substance controlled under s. 893.03(1), cocaine as described in
 322 s. 893.03(2) (a)4., opium or any synthetic or natural salt,
 323 compound, derivative, or preparation of opium, or methadone by a
 324 person 18 years of age or older, when such drug is proven to be
 325 the proximate cause of the death of the user,
 326
 327 is murder in the first degree and constitutes a capital felony,
 328 punishable as provided in s. 775.082.
 329 Section 3. Paragraph (b) of subsection (4) and subsections
 330 (8) and (9) of section 787.06, Florida Statutes, are amended to
 331 read:
 332 787.06 Human trafficking.-
 333 (4)
 334 (b) Any person who, for the purpose of committing or
 335 facilitating an offense under this section, permanently brands,
 336 or directs to be branded, a victim of an offense under this
 337 section commits a second degree felony, punishable as provided
 338 in s. 775.082, s. 775.083, or s. 775.084. For purposes of this

339 subsection, the term "permanently branded" means a mark on the
 340 individual's body that, if it can be removed or repaired at all,
 341 can only be removed or repaired by surgical means, laser
 342 treatment, or other medical procedure.

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

347 (a) A felony of the second degree shall be reclassified as
 348 a felony of the first degree.

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

351 (9) In a prosecution under this section, the defendant's
 352 ignorance of the victim's age, the victim's misrepresentation of
 353 his or her age, or the defendant's bona fide belief of the
 354 victim's age cannot be raised as a defense.

355 (10)-(9)(a) Information about the location of a residential
 356 facility offering services for adult victims of human
 357 trafficking involving commercial sexual activity, which is held
 358 by an agency, as defined in s. 119.011, is confidential and
 359 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 360 Constitution. This exemption applies to such confidential and
 361 exempt information held by an agency before, on, or after the
 362 effective date of the exemption.

363 (b) Information about the location of a residential
 364 facility offering services for adult victims of human

365 trafficking involving commercial sexual activity may be provided
 366 to an agency, as defined in s. 119.011, as necessary to maintain
 367 health and safety standards and to address emergency situations
 368 in the residential facility.

369 (c) The exemptions from s. 119.07(1) and s. 24(a), Art. I
 370 of the State Constitution provided in this subsection do not
 371 apply to facilities licensed by the Agency for Health Care
 372 Administration.

373 (d) This subsection is subject to the Open Government
 374 Sunset Review Act in accordance with s. 119.15 and shall stand
 375 repealed on October 2, 2020, unless reviewed and saved from
 376 repeal through reenactment by the Legislature.

377 Section 4. Paragraph (e) of subsection (2) and paragraph
 378 (b) of subsection (5) of section 796.07, Florida Statutes, is
 379 amended to read:

380 796.07 Prohibiting prostitution and related acts.—

381 (2) It is unlawful:

382 (e) For a person 18 years of age or older to offer to
 383 commit, or to commit, or to engage in, prostitution, lewdness,
 384 or assignation.

385 (5)

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

388 (2)(f) to:

- 389 1. Perform 100 hours of community service; and
- 390 2. Pay for and attend an educational program about the

391 negative effects of prostitution and human trafficking, such as
 392 a sexual violence prevention education program, including such
 393 programs offered by faith-based providers, if such programs
 394 exist ~~program exists~~ in the judicial circuit in which the
 395 offender is sentenced.

396 Section 5. Paragraph (a) of subsection (4) of section
 397 775.21, Florida Statutes, is amended to read:

398 775.21 The Florida Sexual Predators Act.—

399 (4) SEXUAL PREDATOR CRITERIA.—

400 (a) For a current offense committed on or after October 1,
 401 1993, upon conviction, an offender shall be designated as a
 402 "sexual predator" under subsection (5), and subject to
 403 registration under subsection (6) and community and public
 404 notification under subsection (7) if:

405 1. The felony is:

406 a. A capital, life, or first degree felony violation, or
 407 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
 408 is a minor and the defendant is not the victim's parent or
 409 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
 410 violation of a similar law of another jurisdiction; or

411 b. Any felony violation, or any attempt thereof, of s.
 412 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 413 787.025(2)(c), where the victim is a minor and the defendant is
 414 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
 415 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.
 416 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.

417 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s. 847.0135,
418 excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court
419 has made a written finding that the racketeering activity
420 involved at least one sexual offense listed in this sub-
421 subparagraph or at least one offense listed in this sub-
422 subparagraph with sexual intent or motive; s. 916.1075(2); or s.
423 985.701(1); or a violation of a similar law of another
424 jurisdiction, and the offender has previously been convicted of
425 or found to have committed, or has pled nolo contendere or
426 guilty to, regardless of adjudication, any violation of s.
427 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
428 787.025(2)(c), where the victim is a minor and the defendant is
429 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
430 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.
431 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
432 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
433 excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court
434 has made a written finding that the racketeering activity
435 involved at least one sexual offense listed in this sub-
436 subparagraph or at least one offense listed in this sub-
437 subparagraph with sexual intent or motive; s. 916.1075(2); or
438 s. 985.701(1); or a violation of a similar law of another
439 jurisdiction;

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

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

446 Section 6. Paragraph (a) of subsection (1) of section
 447 943.0435, Florida Statutes, is amended to read:

448 943.0435 Sexual offenders required to register with the
 449 department; penalty.—

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

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

454 a.(I) Has been convicted of committing, or attempting,
 455 soliciting, or conspiring to commit, any of the criminal
 456 offenses proscribed in the following statutes in this state or
 457 similar offenses in another jurisdiction: s. 393.135(2); s.
 458 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 459 the victim is a minor and the defendant is not the victim's
 460 parent or guardian; s. 787.06(3)(b), (d), (f), or (g); former s.
 461 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05;
 462 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);
 463 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
 464 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
 465 if the court has made a written finding that the racketeering
 466 activity involved at least one sexual offense listed in this
 467 sub-sub-subparagraph or at least one offense listed in this sub-
 468 sub-subparagraph with sexual intent or motive; s. 916.1075(2);

469 or s. 985.701(1); or any similar offense committed in this state
 470 which has been redesignated from a former statute number to one
 471 of those listed in this sub-sub-subparagraph; and

472 (II) Has been released on or after October 1, 1997, from
 473 the sanction imposed for any conviction of an offense described
 474 in sub-sub-subparagraph (I). For purposes of sub-sub-
 475 subparagraph (I), a sanction imposed in this state or in any
 476 other jurisdiction includes, but is not limited to, a fine,
 477 probation, community control, parole, conditional release,
 478 control release, or incarceration in a state prison, federal
 479 prison, private correctional facility, or local detention
 480 facility;

481 b. Establishes or maintains a residence in this state and
 482 who has not been designated as a sexual predator by a court of
 483 this state but who has been designated as a sexual predator, as
 484 a sexually violent predator, or by another sexual offender
 485 designation in another state or jurisdiction and was, as a
 486 result of such designation, subjected to registration or
 487 community or public notification, or both, or would be if the
 488 person were a resident of that state or jurisdiction, without
 489 regard to whether the person otherwise meets the criteria for
 490 registration as a sexual offender;

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

495 any of the criminal offenses proscribed in the following
 496 statutes or similar offense in another jurisdiction: s.
 497 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 498 787.025(2)(c), where the victim is a minor and the defendant is
 499 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
 500 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.
 501 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
 502 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.
 503 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
 504 847.0145; s. 895.03, if the court has made a written finding
 505 that the racketeering activity involved at least one sexual
 506 offense listed in this sub-subparagraph or at least one offense
 507 listed in this sub-subparagraph with sexual intent or motive; s.
 508 916.1075(2); or s. 985.701(1); or any similar offense committed
 509 in this state which has been redesignated from a former statute
 510 number to one of those listed in this sub-subparagraph; or
 511 d. On or after July 1, 2007, has been adjudicated
 512 delinquent for committing, or attempting, soliciting, or
 513 conspiring to commit, any of the criminal offenses proscribed in
 514 the following statutes in this state or similar offenses in
 515 another jurisdiction when the juvenile was 14 years of age or
 516 older at the time of the offense:
 517 (I) Section 794.011, excluding s. 794.011(10);
 518 (II) Section 800.04(4)(a)2. where the victim is under 12
 519 years of age or where the court finds sexual activity by the use
 520 of force or coercion;

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

523 (IV) Section 800.04(5)(d) where the court finds the use of
 524 force or coercion and unclothed genitals.

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

528
 529 For each violation of a qualifying offense listed in this
 530 subsection, except for a violation of s. 794.011, the court
 531 shall make a written finding of the age of the victim at the
 532 time of the offense. For a violation of s. 800.04(4), the court
 533 shall also make a written finding indicating whether the offense
 534 involved sexual activity and indicating whether the offense
 535 involved force or coercion. For a violation of s. 800.04(5), the
 536 court shall also make a written finding that the offense did or
 537 did not involve unclothed genitals or genital area and that the
 538 offense did or did not involve the use of force or coercion.

539 Section 7. Paragraph (b) of subsection (1) of section
 540 944.606, Florida Statutes, is amended to read:

541 944.606 Sexual offenders; notification upon release.—

542 (1) As used in this section:

543 (b) "Sexual offender" means a person who has been
 544 convicted of committing, or attempting, soliciting, or
 545 conspiring to commit, any of the criminal offenses proscribed in
 546 the following statutes in this state or similar offenses in

547 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
548 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
549 the defendant is not the victim's parent or guardian; s.
550 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
551 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
552 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
553 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
554 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court has
555 made a written finding that the racketeering activity involved
556 at least one sexual offense listed in this paragraph or at least
557 one offense listed in this paragraph with sexual intent or
558 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
559 committed in this state which has been redesignated from a
560 former statute number to one of those listed in this subsection,
561 when the department has received verified information regarding
562 such conviction; an offender's computerized criminal history
563 record is not, in and of itself, verified information.

564 Section 8. Paragraph (a) of subsection (1) of section
565 944.607, Florida Statutes, is amended to read:

566 944.607 Notification to Department of Law Enforcement of
567 information on sexual offenders.—

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

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

572 1. On or after October 1, 1997, as a result of a

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

591 2. Who establishes or maintains a residence in this state
 592 and who has not been designated as a sexual predator by a court
 593 of this state but who has been designated as a sexual predator,
 594 as a sexually violent predator, or by another sexual offender
 595 designation in another state or jurisdiction and was, as a
 596 result of such designation, subjected to registration or
 597 community or public notification, or both, or would be if the
 598 person were a resident of that state or jurisdiction, without

599 regard as to whether the person otherwise meets the criteria for
600 registration as a sexual offender.

601 Section 9. For the purpose of incorporating the amendment
602 made by this act to section 39.01(69)(g), Florida Statutes, in a
603 reference thereto, paragraph (p) of subsection (4) of section
604 394.495, Florida Statutes, is reenacted to read:

605 394.495 Child and adolescent mental health system of care;
606 programs and services.—

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

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

611 Section 10. For the purpose of incorporating the amendment
612 made by this act to section 39.01(69)(g), Florida Statutes, in
613 references thereto, paragraph (c) of subsection (1) and
614 paragraphs (a) and (b) of subsection (6) of section 409.1678,
615 Florida Statutes, are reenacted to read:

616 409.1678 Specialized residential options for children who
617 are victims of sexual exploitation.—

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

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

623 (6) LOCATION INFORMATION.—

624 (a) Information about the location of a safe house, safe

625 foster home, or other residential facility serving victims of
 626 sexual exploitation, as defined in s. 39.01(69)(g), which is
 627 held by an agency, as defined in s. 119.011, is confidential and
 628 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 629 Constitution. This exemption applies to such confidential and
 630 exempt information held by an agency before, on, or after the
 631 effective date of the exemption.

632 (b) Information about the location of a safe house, safe
 633 foster home, or other residential facility serving victims of
 634 sexual exploitation, as defined in s. 39.01(69)(g), may be
 635 provided to an agency, as defined in s. 119.011, as necessary to
 636 maintain health and safety standards and to address emergency
 637 situations in the safe house, safe foster home, or other
 638 residential facility.

639 Section 11. For the purpose of incorporating the amendment
 640 made by this act to section 39.01(69)(g), Florida Statutes, in a
 641 reference thereto, subsection (5) of section 960.065, Florida
 642 Statutes, is reenacted to read:

643 960.065 Eligibility for awards.—

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

648 Section 12. For the purpose of incorporating the
 649 amendments made by this act to sections 775.21 and 782.04,
 650 Florida Statutes, in references thereto, paragraphs (d) and (n)

651 of subsection (1) of section 39.806, Florida Statutes, are
 652 reenacted to read:

653 39.806 Grounds for termination of parental rights.—

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

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

657 1. The period of time for which the parent is expected to
 658 be incarcerated will constitute a significant portion of the
 659 child's minority. When determining whether the period of time is
 660 significant, the court shall consider the child's age and the
 661 child's need for a permanent and stable home. The period of time
 662 begins on the date that the parent enters into incarceration;

663 2. The incarcerated parent has been determined by the
 664 court to be a violent career criminal as defined in s. 775.084,
 665 a habitual violent felony offender as defined in s. 775.084, or
 666 a sexual predator as defined in s. 775.21; has been convicted of
 667 first degree or second degree murder in violation of s. 782.04
 668 or a sexual battery that constitutes a capital, life, or first
 669 degree felony violation of s. 794.011; or has been convicted of
 670 an offense in another jurisdiction which is substantially
 671 similar to one of the offenses listed in this paragraph. As used
 672 in this section, the term "substantially similar offense" means
 673 any offense that is substantially similar in elements and
 674 penalties to one of those listed in this subparagraph, and that
 675 is in violation of a law of any other jurisdiction, whether that
 676 of another state, the District of Columbia, the United States or

677 any possession or territory thereof, or any foreign
678 jurisdiction; or

679 3. The court determines by clear and convincing evidence
680 that continuing the parental relationship with the incarcerated
681 parent would be harmful to the child and, for this reason, that
682 termination of the parental rights of the incarcerated parent is
683 in the best interest of the child. When determining harm, the
684 court shall consider the following factors:

685 a. The age of the child.

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

687 c. The nature of the parent's current and past provision
688 for the child's developmental, cognitive, psychological, and
689 physical needs.

690 d. The parent's history of criminal behavior, which may
691 include the frequency of incarceration and the unavailability of
692 the parent to the child due to incarceration.

693 e. Any other factor the court deems relevant.

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

696 Section 13. For the purpose of incorporating the
697 amendments made by this act to sections 775.21 and 782.04,
698 Florida Statutes, in references thereto, paragraph (b) of
699 subsection (4) of section 63.089, Florida Statutes, is reenacted
700 to read:

701 63.089 Proceeding to terminate parental rights pending
702 adoption; hearing; grounds; dismissal of petition; judgment.—

703 (4) FINDING OF ABANDONMENT.—A finding of abandonment
 704 resulting in a termination of parental rights must be based upon
 705 clear and convincing evidence that a parent or person having
 706 legal custody has abandoned the child in accordance with the
 707 definition contained in s. 63.032. A finding of abandonment may
 708 also be based upon emotional abuse or a refusal to provide
 709 reasonable financial support, when able, to a birth mother
 710 during her pregnancy or on whether the person alleged to have
 711 abandoned the child, while being able, failed to establish
 712 contact with the child or accept responsibility for the child's
 713 welfare.

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

717 1. The period of time for which the parent has been or is
 718 expected to be incarcerated will constitute a significant
 719 portion of the child's minority. In determining whether the
 720 period of time is significant, the court shall consider the
 721 child's age and the child's need for a permanent and stable
 722 home. The period of time begins on the date that the parent
 723 enters into incarceration;

724 2. The incarcerated parent has been determined by a court
 725 of competent jurisdiction to be a violent career criminal as
 726 defined in s. 775.084, a habitual violent felony offender as
 727 defined in s. 775.084, convicted of child abuse as defined in s.
 728 827.03, or a sexual predator as defined in s. 775.21; has been

729 convicted of first degree or second degree murder in violation
 730 of s. 782.04 or a sexual battery that constitutes a capital,
 731 life, or first degree felony violation of s. 794.011; or has
 732 been convicted of a substantially similar offense in another
 733 jurisdiction. As used in this section, the term "substantially
 734 similar offense" means any offense that is substantially similar
 735 in elements and penalties to one of those listed in this
 736 subparagraph, and that is in violation of a law of any other
 737 jurisdiction, whether that of another state, the District of
 738 Columbia, the United States or any possession or territory
 739 thereof, or any foreign jurisdiction; or

740 3. The court determines by clear and convincing evidence
 741 that continuing the parental relationship with the incarcerated
 742 parent would be harmful to the child and, for this reason,
 743 termination of the parental rights of the incarcerated parent is
 744 in the best interests of the child.

745 Section 14. For the purpose of incorporating the amendment
 746 made by this act to section 782.04, Florida Statutes, in
 747 references thereto, subsection (10) of section 95.11, Florida
 748 Statutes, is reenacted to read:

749 95.11 Limitations other than for the recovery of real
 750 property.—Actions other than for recovery of real property shall
 751 be commenced as follows:

752 (10) FOR INTENTIONAL TORTS RESULTING IN DEATH FROM ACTS
 753 DESCRIBED IN S. 782.04 OR S. 782.07.—Notwithstanding paragraph
 754 (4) (d), an action for wrongful death seeking damages authorized

755 | under s. 768.21 brought against a natural person for an
 756 | intentional tort resulting in death from acts described in s.
 757 | 782.04 or s. 782.07 may be commenced at any time. This
 758 | subsection shall not be construed to require an arrest, the
 759 | filing of formal criminal charges, or a conviction for a
 760 | violation of s. 782.04 or s. 782.07 as a condition for filing a
 761 | civil action.

762 |
 763 | Section 15. For the purpose of incorporating the amendment
 764 | made by this act to section 782.04, Florida Statutes, in
 765 | references thereto, paragraph (b) of subsection (1) and
 766 | paragraphs (a), (b), and (c) of subsection (3) of section
 767 | 775.082, Florida Statutes, are reenacted to read:

768 | 775.082 Penalties; applicability of sentencing structures;
 769 | mandatory minimum sentences for certain reoffenders previously
 770 | released from prison.—

771 | (1)

772 | (b)1. A person who actually killed, intended to kill, or
 773 | attempted to kill the victim and who is convicted under s.
 774 | 782.04 of a capital felony, or an offense that was reclassified
 775 | as a capital felony, which was committed before the person
 776 | attained 18 years of age shall be punished by a term of
 777 | imprisonment for life if, after a sentencing hearing conducted
 778 | by the court in accordance with s. 921.1401, the court finds
 779 | that life imprisonment is an appropriate sentence. If the court
 780 | finds that life imprisonment is not an appropriate sentence,

781 such person shall be punished by a term of imprisonment of at
 782 least 40 years. A person sentenced pursuant to this subparagraph
 783 is entitled to a review of his or her sentence in accordance
 784 with s. 921.1402(2) (a).

785 2. A person who did not actually kill, intend to kill, or
 786 attempt to kill the victim and who is convicted under s. 782.04
 787 of a capital felony, or an offense that was reclassified as a
 788 capital felony, which was committed before the person attained
 789 18 years of age may be punished by a term of imprisonment for
 790 life or by a term of years equal to life if, after a sentencing
 791 hearing conducted by the court in accordance with s. 921.1401,
 792 the court finds that life imprisonment is an appropriate
 793 sentence. A person who is sentenced to a term of imprisonment of
 794 more than 15 years is entitled to a review of his or her
 795 sentence in accordance with s. 921.1402(2) (c).

796 3. The court shall make a written finding as to whether a
 797 person is eligible for a sentence review hearing under s.
 798 921.1402(2) (a) or (c). Such a finding shall be based upon
 799 whether the person actually killed, intended to kill, or
 800 attempted to kill the victim. The court may find that multiple
 801 defendants killed, intended to kill, or attempted to kill the
 802 victim.

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

805 (a)1. For a life felony committed before October 1, 1983,
 806 by a term of imprisonment for life or for a term of at least 30

807 | years.

808 | 2. For a life felony committed on or after October 1,
809 | 1983, by a term of imprisonment for life or by a term of
810 | imprisonment not exceeding 40 years.

811 | 3. Except as provided in subparagraph 4., for a life
812 | felony committed on or after July 1, 1995, by a term of
813 | imprisonment for life or by imprisonment for a term of years not
814 | exceeding life imprisonment.

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

818 | (I) A term of imprisonment for life; or

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

823 | b. For a life felony committed on or after July 1, 2008,
824 | which is a person's second or subsequent violation of s.
825 | 800.04(5)(b), by a term of imprisonment for life.

826 | 5. Notwithstanding subparagraphs 1.-4., a person who is
827 | convicted under s. 782.04 of an offense that was reclassified as
828 | a life felony which was committed before the person attained 18
829 | years of age may be punished by a term of imprisonment for life
830 | or by a term of years equal to life imprisonment if the judge
831 | conducts a sentencing hearing in accordance with s. 921.1401 and
832 | finds that life imprisonment or a term of years equal to life

833 imprisonment is an appropriate sentence.

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

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

842 c. The court shall make a written finding as to whether a
 843 person is eligible for a sentence review hearing under s.
 844 921.1402(2)(b) or (c). Such a finding shall be based upon
 845 whether the person actually killed, intended to kill, or
 846 attempted to kill the victim. The court may find that multiple
 847 defendants killed, intended to kill, or attempted to kill the
 848 victim.

849 6. For a life felony committed on or after October 1,
 850 2014, which is a violation of s. 787.06(3)(g), by a term of
 851 imprisonment for life.

852 (b)1. For a felony of the first degree, by a term of
 853 imprisonment not exceeding 30 years or, when specifically
 854 provided by statute, by imprisonment for a term of years not
 855 exceeding life imprisonment.

856 2. Notwithstanding subparagraph 1., a person convicted
 857 under s. 782.04 of a first degree felony punishable by a term of
 858 years not exceeding life imprisonment, or an offense that was

859 reclassified as a first degree felony punishable by a term of
860 years not exceeding life, which was committed before the person
861 attained 18 years of age may be punished by a term of years
862 equal to life imprisonment if the judge conducts a sentencing
863 hearing in accordance with s. 921.1401 and finds that a term of
864 years equal to life imprisonment is an appropriate sentence.

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

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

873 c. The court shall make a written finding as to whether a
874 person is eligible for a sentence review hearing under s.
875 921.1402(2)(b) or (c). Such a finding shall be based upon
876 whether the person actually killed, intended to kill, or
877 attempted to kill the victim. The court may find that multiple
878 defendants killed, intended to kill, or attempted to kill the
879 victim.

880 (c) Notwithstanding paragraphs (a) and (b), a person
881 convicted of an offense that is not included in s. 782.04 but
882 that is an offense that is a life felony or is punishable by a
883 term of imprisonment for life or by a term of years not
884 exceeding life imprisonment, or an offense that was reclassified

885 as a life felony or an offense punishable by a term of
 886 imprisonment for life or by a term of years not exceeding life
 887 imprisonment, which was committed before the person attained 18
 888 years of age may be punished by a term of imprisonment for life
 889 or a term of years equal to life imprisonment if the judge
 890 conducts a sentencing hearing in accordance with s. 921.1401 and
 891 finds that life imprisonment or a term of years equal to life
 892 imprisonment is an appropriate sentence. A person who is
 893 sentenced to a term of imprisonment of more than 20 years is
 894 entitled to a review of his or her sentence in accordance with
 895 s. 921.1402(2)(d).

896 Section 16. For the purpose of incorporating the amendment
 897 made by this act to section 782.04, Florida Statutes, in
 898 references thereto, section 782.065, Florida Statutes, is
 899 reenacted to read:

900 782.065 Murder; law enforcement officer, correctional
 901 officer, correctional probation officer.—Notwithstanding ss.
 902 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant
 903 shall be sentenced to life imprisonment without eligibility for
 904 release upon findings by the trier of fact that, beyond a
 905 reasonable doubt:

906 (1) The defendant committed murder in the first degree in
 907 violation of s. 782.04(1) and a death sentence was not imposed;
 908 murder in the second or third degree in violation of s.
 909 782.04(2), (3), or (4); attempted murder in the first or second
 910 degree in violation of s. 782.04(1)(a)1. or (2); or attempted

911 felony murder in violation of s. 782.051; and

912 (2) The victim of any offense described in subsection (1)
 913 was a law enforcement officer, part-time law enforcement
 914 officer, auxiliary law enforcement officer, correctional
 915 officer, part-time correctional officer, auxiliary correctional
 916 officer, correctional probation officer, part-time correctional
 917 probation officer, or auxiliary correctional probation officer,
 918 as those terms are defined in s. 943.10, engaged in the lawful
 919 performance of a legal duty.

920 Section 17. For the purpose of incorporating the amendment
 921 made by this act to section 782.04, Florida Statutes, in a
 922 reference thereto, subsection (1) of section 921.16, Florida
 923 Statutes, is reenacted to read:

924 921.16 When sentences to be concurrent and when
 925 consecutive.—

926 (1) A defendant convicted of two or more offenses charged
 927 in the same indictment, information, or affidavit or in
 928 consolidated indictments, informations, or affidavits shall
 929 serve the sentences of imprisonment concurrently unless the
 930 court directs that two or more of the sentences be served
 931 consecutively. Sentences of imprisonment for offenses not
 932 charged in the same indictment, information, or affidavit shall
 933 be served consecutively unless the court directs that two or
 934 more of the sentences be served concurrently. Any sentence for
 935 sexual battery as defined in chapter 794 or murder as defined in
 936 s. 782.04 must be imposed consecutively to any other sentence

937 for sexual battery or murder which arose out of a separate
 938 criminal episode or transaction.

939 Section 18. For the purpose of incorporating the amendment
 940 made by this act to section 782.04, Florida Statutes, in a
 941 reference thereto, paragraph (a) of subsection (1) of section
 942 948.062, Florida Statutes, is reenacted to read:

943 948.062 Reviewing and reporting serious offenses committed
 944 by offenders placed on probation or community control.—

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

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

949 Section 19. For the purpose of incorporating the amendment
 950 made by this act to section 782.04, Florida Statutes, in a
 951 reference thereto, paragraph (b) of subsection (3) of section
 952 985.265, Florida Statutes, is reenacted to read:

953 985.265 Detention transfer and release; education; adult
 954 jails.—

955 (3)

956 (b) When a juvenile is released from secure detention or
 957 transferred to nonsecure detention, detention staff shall
 958 immediately notify the appropriate law enforcement agency,
 959 school personnel, and victim if the juvenile is charged with
 960 committing any of the following offenses or attempting to commit
 961 any of the following offenses:

962 1. Murder, under s. 782.04;

- 963 2. Sexual battery, under chapter 794;
- 964 3. Stalking, under s. 784.048; or
- 965 4. Domestic violence, as defined in s. 741.28.

966
 967 Section 20. For the purpose of incorporating the amendment
 968 made by this act to section 782.04, Florida Statutes, in a
 969 reference thereto, paragraph (d) of subsection (1) of section
 970 1012.315, Florida Statutes, is reenacted to read:

971 1012.315 Disqualification from employment.—A person is
 972 ineligible for educator certification, and instructional
 973 personnel and school administrators, as defined in s. 1012.01,
 974 are ineligible for employment in any position that requires
 975 direct contact with students in a district school system,
 976 charter school, or private school that accepts scholarship
 977 students under s. 1002.39 or s. 1002.395, if the person,
 978 instructional personnel, or school administrator has been
 979 convicted of:

980 (1) Any felony offense prohibited under any of the
 981 following statutes:

982 (d) Section 782.04, relating to murder.

983 Section 21. For the purpose of incorporating the amendment
 984 made by this act to section 782.04 and 943.0435, Florida
 985 Statutes, in a reference thereto, paragraph (g) of subsection
 986 (2) of section 1012.467, Florida Statutes, is reenacted to read:

987 1012.467 Noninstructional contractors who are permitted
 988 access to school grounds when students are present; background

989 screening requirements.—

990 (2)

991 (g) A noninstructional contractor for whom a criminal
 992 history check is required under this section may not have been
 993 convicted of any of the following offenses designated in the
 994 Florida Statutes, any similar offense in another jurisdiction,
 995 or any similar offense committed in this state which has been
 996 redesignated from a former provision of the Florida Statutes to
 997 one of the following offenses:

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

1000 2. Section 393.135, relating to sexual misconduct with
 1001 certain developmentally disabled clients and the reporting of
 1002 such sexual misconduct.

1003 3. Section 394.4593, relating to sexual misconduct with
 1004 certain mental health patients and the reporting of such sexual
 1005 misconduct.

1006 4. Section 775.30, relating to terrorism.

1007 5. Section 782.04, relating to murder.

1008 6. Section 787.01, relating to kidnapping.

1009 7. Any offense under chapter 800, relating to lewdness and
 1010 indecent exposure.

1011 8. Section 826.04, relating to incest.

1012 9. Section 827.03, relating to child abuse, aggravated
 1013 child abuse, or neglect of a child.

1014 Section 22. For the purpose of incorporating the amendment

1015 made by this act to section 782.04, Florida Statutes, in
 1016 references thereto, subsections (1) and (2) of section 775.0823,
 1017 Florida Statutes, are reenacted to read:

1018 775.0823 Violent offenses committed against law
 1019 enforcement officers, correctional officers, state attorneys,
 1020 assistant state attorneys, justices, or judges.—The Legislature
 1021 does hereby provide for an increase and certainty of penalty for
 1022 any person convicted of a violent offense against any law
 1023 enforcement or correctional officer, as defined in s. 943.10(1),
 1024 (2), (3), (6), (7), (8), or (9); against any state attorney
 1025 elected pursuant to s. 27.01 or assistant state attorney
 1026 appointed under s. 27.181; or against any justice or judge of a
 1027 court described in Art. V of the State Constitution, which
 1028 offense arises out of or in the scope of the officer's duty as a
 1029 law enforcement or correctional officer, the state attorney's or
 1030 assistant state attorney's duty as a prosecutor or investigator,
 1031 or the justice's or judge's duty as a judicial officer, as
 1032 follows:

1033 (1) For murder in the first degree as described in s.
 1034 782.04(1), if the death sentence is not imposed, a sentence of
 1035 imprisonment for life without eligibility for release.

1036 (2) For attempted murder in the first degree as described
 1037 in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083,
 1038 or s. 775.084.

1039
 1040 Notwithstanding the provisions of s. 948.01, with respect to any

1041 person who is found to have violated this section, adjudication
 1042 of guilt or imposition of sentence shall not be suspended,
 1043 deferred, or withheld.

1044 Section 23. For the purpose of incorporating the amendment
 1045 made by this act to section 782.04, Florida Statutes, in a
 1046 reference thereto, paragraph (i) of subsection (3) of section
 1047 921.0022, Florida Statutes, is reenacted to read:

1048 921.0022 Criminal Punishment Code; offense severity
 1049 ranking chart.—

1050 (3) OFFENSE SEVERITY RANKING CHART

1051 (i) LEVEL 9

1052

Florida Statute	Felony Degree	Description
316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs

1053

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1057			resulting in great bodily harm.
	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
1058			
	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
1059			
	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
1060			
	775.0844	1st	Aggravated white collar crime.
1061			
	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
1062			
	782.04 (3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding

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1063			with serious bodily injury or death, and other specified felonies.
	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
1064			
	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
1065			
	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
1066			
	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
1067			
	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
1068			

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1069	787.02 (3) (a)	1st,PBL	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
1070	787.06 (3) (c) 1.	1st	Human trafficking for labor and services of an unauthorized alien child.
1071	787.06 (3) (d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
1072	787.06 (3) (f) 1.	1st,PBL	Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.
1073	790.161	1st	Attempted capital destructive device offense.

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1074	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
1075	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
1076	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
1077	794.011(4)(a)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.
1078	794.011(4)(b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
	794.011(4)(c)	1st	Sexual battery, certain circumstances; victim 12 years

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1079			of age or older; offender younger than 18 years.
	794.011 (4) (d)	1st, PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
1080			
	794.011 (8) (b)	1st, PBL	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
1081			
	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
1082			
	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
1083			
	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
1084			
	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other

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1085			deadly weapon.
1086	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
1087	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
1088	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
1089	817.535 (5) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.
	817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of

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			18 by his or her parent, legal guardian, or person exercising custodial authority.
1090	827.03 (2) (a)	1st	Aggravated child abuse.
1091	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
1092	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
1093	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
1094	893.135	1st	Attempted capital trafficking offense.
1095	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more

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1096			than 10,000 lbs.
	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
1097			
	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
1098			
	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.
1099			
	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
1100			
	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
1101			
	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
1102			
	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.

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

1104

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

1105

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

1106

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

1107

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

1108

1109 Section 24. For the purpose of incorporating the amendment
 1110 made by this act to section 782.04, Florida Statutes, in a
 1111 reference thereto, paragraph (i) of subsection (3) of section
 1112 947.146, Florida Statutes, is reenacted to read:

1113 947.146 Control Release Authority.—

1114 (3) Within 120 days prior to the date the state
 1115 correctional system is projected pursuant to s. 216.136 to
 1116 exceed 99 percent of total capacity, the authority shall
 1117 determine eligibility for and establish a control release date
 1118 for an appropriate number of parole ineligible inmates committed
 1119 to the department and incarcerated within the state who have
 1120 been determined by the authority to be eligible for
 1121 discretionary early release pursuant to this section. In
 1122 establishing control release dates, it is the intent of the
 1123 Legislature that the authority prioritize consideration of
 1124 eligible inmates closest to their tentative release date. The
 1125 authority shall rely upon commitment data on the offender
 1126 information system maintained by the department to initially
 1127 identify inmates who are to be reviewed for control release
 1128 consideration. The authority may use a method of objective risk
 1129 assessment in determining if an eligible inmate should be
 1130 released. Such assessment shall be a part of the department's
 1131 management information system. However, the authority shall have
 1132 sole responsibility for determining control release eligibility,
 1133 establishing a control release date, and effectuating the
 1134 release of a sufficient number of inmates to maintain the inmate
 1135 population between 99 percent and 100 percent of total capacity.
 1136 Inmates who are ineligible for control release are inmates who
 1137 are parole eligible or inmates who:
 1138 (i) Are convicted, or have been previously convicted, of
 1139 committing or attempting to commit murder in the first, second,

1140 or third degree under s. 782.04(1), (2), (3), or (4), or have
 1141 ever been convicted of any degree of murder or attempted murder
 1142 in another jurisdiction;

1143
 1144 In making control release eligibility determinations under this
 1145 subsection, the authority may rely on any document leading to or
 1146 generated during the course of the criminal proceedings,
 1147 including, but not limited to, any presentence or postsentence
 1148 investigation or any information contained in arrest reports
 1149 relating to circumstances of the offense.

1150 Section 25. For the purpose of incorporating the amendment
 1151 made by this act to section 782.04, Florida Statutes, in a
 1152 reference thereto, paragraph (a) of subsection (9) of section
 1153 394.912, Florida Statutes, is reenacted to read:

1154 394.912 Definitions.—As used in this part, the term:

1155 (9) "Sexually violent offense" means:

1156 (a) Murder of a human being while engaged in sexual
 1157 battery in violation of s. 782.04(1)(a)2.;

1158 Section 26. For the purpose of incorporating the amendment
 1159 made by this act to section 787.06, Florida Statutes, in a
 1160 reference thereto, subsection (19) of section 775.15, Florida
 1161 Statutes, is reenacted to read:

1162 775.15 Time limitations; general time limitations;
 1163 exceptions.—

1164 (19) A prosecution for a violation of s. 787.06 may be
 1165 commenced at any time. This subsection applies to any such

1166 offense except an offense the prosecution of which would have
 1167 been barred by subsection (2) on or before October 1, 2014.

1168
 1169 Section 27. For the purpose of incorporating the amendment
 1170 made by this act to section 796.07, Florida Statutes, in a
 1171 reference thereto, subsection (5) of section 60.05, Florida
 1172 Statutes, is reenacted to read:

1173 60.05 Abatement of nuisances.—

1174 (5) If the action was brought by the Attorney General, a
 1175 state attorney, or any other officer or agency of state
 1176 government; if the court finds either before or after trial that
 1177 there was no reasonable ground for the action; and if judgment
 1178 is rendered for the defendant, the costs and reasonable
 1179 attorney's fees shall be taxed against the state.

1180 Section 28. For the purpose of incorporating the amendment
 1181 made by this act to section 796.07, Florida Statutes, in a
 1182 reference thereto, paragraph (m) of subsection (1) of section
 1183 775.0877, Florida Statutes, is reenacted to read:

1184 775.0877 Criminal transmission of HIV; procedures;
 1185 penalties.—

1186 (1) In any case in which a person has been convicted of or
 1187 has pled nolo contendere or guilty to, regardless of whether
 1188 adjudication is withheld, any of the following offenses, or the
 1189 attempt thereof, which offense or attempted offense involves the
 1190 transmission of body fluids from one person to another:

1191 (m) Sections 796.07 and 796.08, relating to prostitution;

1192
 1193 the court shall order the offender to undergo HIV testing, to be
 1194 performed under the direction of the Department of Health in
 1195 accordance with s. 381.004, unless the offender has undergone
 1196 HIV testing voluntarily or pursuant to procedures established in
 1197 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
 1198 rule providing for HIV testing of criminal offenders or inmates,
 1199 subsequent to her or his arrest for an offense enumerated in
 1200 paragraphs (a)-(n) for which she or he was convicted or to which
 1201 she or he pled nolo contendere or guilty. The results of an HIV
 1202 test performed on an offender pursuant to this subsection are
 1203 not admissible in any criminal proceeding arising out of the
 1204 alleged offense.

1205 Section 29. For the purpose of incorporating the amendment
 1206 made by this act to section 796.07, Florida Statutes, in
 1207 references thereto, subsections (2) and (3) of section 796.08,
 1208 Florida Statutes, are reenacted to read:

1209 796.08 Screening for HIV and sexually transmissible
 1210 diseases; providing penalties.—

1211 (2) A person arrested under s. 796.07 may request
 1212 screening for a sexually transmissible disease under direction
 1213 of the Department of Health and, if infected, shall submit to
 1214 appropriate treatment and counseling. A person who requests
 1215 screening for a sexually transmissible disease under this
 1216 subsection must pay any costs associated with such screening.

1217 (3) A person convicted under s. 796.07 of prostitution or

1218 procuring another to commit prostitution must undergo screening
 1219 for a sexually transmissible disease, including, but not limited
 1220 to, screening to detect exposure to the human immunodeficiency
 1221 virus, under direction of the Department of Health. If the
 1222 person is infected, he or she must submit to treatment and
 1223 counseling prior to release from probation, community control,
 1224 or incarceration. Notwithstanding the provisions of s. 384.29,
 1225 the results of tests conducted pursuant to this subsection shall
 1226 be made available by the Department of Health to the offender,
 1227 medical personnel, appropriate state agencies, state attorneys,
 1228 and courts of appropriate jurisdiction in need of such
 1229 information in order to enforce the provisions of this chapter.

1230 Section 30. For the purpose of incorporating the amendment
 1231 made by this act to section 796.07, Florida Statutes, in a
 1232 reference thereto, subsection (2) of section 796.09, Florida
 1233 Statutes, is reenacted to read:

1234 796.09 Coercion; civil cause of action; evidence;
 1235 defenses; attorney's fees.—

1236 (2) As used in this section, the term "prostitution" has
 1237 the same meaning as in s. 796.07.

1238 Section 31. For the purpose of incorporating the amendment
 1239 made by this act to section 796.07, Florida Statutes, in a
 1240 reference thereto, paragraph (a) of subsection (1) of section
 1241 895.02, Florida Statutes, is reenacted to read:

1242 895.02 Definitions.—As used in ss. 895.01–895.08, the
 1243 term:

1244 (1) "Racketeering activity" means to commit, to attempt to
 1245 commit, to conspire to commit, or to solicit, coerce, or
 1246 intimidate another person to commit:

1247 (a) Any crime that is chargeable by petition, indictment,
 1248 or information under the following provisions of the Florida
 1249 Statutes:

1250 1. Section 210.18, relating to evasion of payment of
 1251 cigarette taxes.

1252 2. Section 316.1935, relating to fleeing or attempting to
 1253 elude a law enforcement officer and aggravated fleeing or
 1254 eluding.

1255 3. Section 403.727(3)(b), relating to environmental
 1256 control.

1257 4. Section 409.920 or s. 409.9201, relating to Medicaid
 1258 fraud.

1259 5. Section 414.39, relating to public assistance fraud.

1260 6. Section 440.105 or s. 440.106, relating to workers'
 1261 compensation.

1262 7. Section 443.071(4), relating to creation of a
 1263 fictitious employer scheme to commit reemployment assistance
 1264 fraud.

1265 8. Section 465.0161, relating to distribution of medicinal
 1266 drugs without a permit as an Internet pharmacy.

1267 9. Section 499.0051, relating to crimes involving
 1268 contraband and adulterated drugs.

1269 10. Part IV of chapter 501, relating to telemarketing.

- 1270 11. Chapter 517, relating to sale of securities and
- 1271 investor protection.
- 1272 12. Section 550.235 or s. 550.3551, relating to dogracing
- 1273 and horseracing.
- 1274 13. Chapter 550, relating to jai alai frontons.
- 1275 14. Section 551.109, relating to slot machine gaming.
- 1276 15. Chapter 552, relating to the manufacture,
- 1277 distribution, and use of explosives.
- 1278 16. Chapter 560, relating to money transmitters, if the
- 1279 violation is punishable as a felony.
- 1280 17. Chapter 562, relating to beverage law enforcement.
- 1281 18. Section 624.401, relating to transacting insurance
- 1282 without a certificate of authority, s. 624.437(4)(c)1., relating
- 1283 to operating an unauthorized multiple-employer welfare
- 1284 arrangement, or s. 626.902(1)(b), relating to representing or
- 1285 aiding an unauthorized insurer.
- 1286 19. Section 655.50, relating to reports of currency
- 1287 transactions, when such violation is punishable as a felony.
- 1288 20. Chapter 687, relating to interest and usurious
- 1289 practices.
- 1290 21. Section 721.08, s. 721.09, or s. 721.13, relating to
- 1291 real estate timeshare plans.
- 1292 22. Section 775.13(5)(b), relating to registration of
- 1293 persons found to have committed any offense for the purpose of
- 1294 benefiting, promoting, or furthering the interests of a criminal
- 1295 gang.

- 1296 23. Section 777.03, relating to commission of crimes by
- 1297 accessories after the fact.
- 1298 24. Chapter 782, relating to homicide.
- 1299 25. Chapter 784, relating to assault and battery.
- 1300 26. Chapter 787, relating to kidnapping or human
- 1301 trafficking.
- 1302 27. Chapter 790, relating to weapons and firearms.
- 1303 28. Chapter 794, relating to sexual battery, but only if
- 1304 such crime was committed with the intent to benefit, promote, or
- 1305 further the interests of a criminal gang, or for the purpose of
- 1306 increasing a criminal gang member's own standing or position
- 1307 within a criminal gang.
- 1308 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
- 1309 796.05, or s. 796.07, relating to prostitution.
- 1310 30. Chapter 806, relating to arson and criminal mischief.
- 1311 31. Chapter 810, relating to burglary and trespass.
- 1312 32. Chapter 812, relating to theft, robbery, and related
- 1313 crimes.
- 1314 33. Chapter 815, relating to computer-related crimes.
- 1315 34. Chapter 817, relating to fraudulent practices, false
- 1316 pretenses, fraud generally, and credit card crimes.
- 1317 35. Chapter 825, relating to abuse, neglect, or
- 1318 exploitation of an elderly person or disabled adult.
- 1319 36. Section 827.071, relating to commercial sexual
- 1320 exploitation of children.
- 1321 37. Section 828.122, relating to fighting or baiting

1322 animals.

1323 38. Chapter 831, relating to forgery and counterfeiting.

1324 39. Chapter 832, relating to issuance of worthless checks

1325 and drafts.

1326 40. Section 836.05, relating to extortion.

1327 41. Chapter 837, relating to perjury.

1328 42. Chapter 838, relating to bribery and misuse of public

1329 office.

1330 43. Chapter 843, relating to obstruction of justice.

1331 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or

1332 s. 847.07, relating to obscene literature and profanity.

1333 45. Chapter 849, relating to gambling, lottery, gambling

1334 or gaming devices, slot machines, or any of the provisions

1335 within that chapter.

1336 46. Chapter 874, relating to criminal gangs.

1337 47. Chapter 893, relating to drug abuse prevention and

1338 control.

1339 48. Chapter 896, relating to offenses related to financial

1340 transactions.

1341 49. Sections 914.22 and 914.23, relating to tampering with

1342 or harassing a witness, victim, or informant, and retaliation

1343 against a witness, victim, or informant.

1344 50. Sections 918.12 and 918.13, relating to tampering with

1345 jurors and evidence.

1346 Section 32. For the purpose of incorporating the amendment

1347 made by this act to section 796.07, Florida Statutes, in a

1348 reference thereto, paragraph (a) of subsection (1) of section
 1349 948.16, Florida Statutes, is reenacted to read:

1350 948.16 Misdemeanor pretrial substance abuse education and
 1351 treatment intervention program; misdemeanor pretrial veterans'
 1352 treatment intervention program.—

1353 (1)(a) A person who is charged with a nonviolent,
 1354 nontraffic-related misdemeanor and identified as having a
 1355 substance abuse problem or who is charged with a misdemeanor for
 1356 possession of a controlled substance or drug paraphernalia under
 1357 chapter 893, prostitution under s. 796.07, possession of alcohol
 1358 while under 21 years of age under s. 562.111, or possession of a
 1359 controlled substance without a valid prescription under s.
 1360 499.03, and who has not previously been convicted of a felony,
 1361 is eligible for voluntary admission into a misdemeanor pretrial
 1362 substance abuse education and treatment intervention program,
 1363 including a treatment-based drug court program established
 1364 pursuant to s. 397.334, approved by the chief judge of the
 1365 circuit, for a period based on the program requirements and the
 1366 treatment plan for the offender, upon motion of either party or
 1367 the court's own motion, except, if the state attorney believes
 1368 the facts and circumstances of the case suggest the defendant is
 1369 involved in dealing and selling controlled substances, the court
 1370 shall hold a preadmission hearing. If the state attorney
 1371 establishes, by a preponderance of the evidence at such hearing,
 1372 that the defendant was involved in dealing or selling controlled
 1373 substances, the court shall deny the defendant's admission into

1374 the pretrial intervention program.

1375 Section 33. For the purpose of incorporating the amendment
 1376 made by this act to section 775.21, Florida Statutes, in a
 1377 reference thereto, paragraph (a) of subsection (3) of section
 1378 39.0139, Florida Statutes, is reenacted to read:

1379 39.0139 Visitation or other contact; restrictions.—

1380 (3) PRESUMPTION OF DETRIMENT.—

1381 (a) A rebuttable presumption of detriment to a child is
 1382 created when:

1383 1. A court of competent jurisdiction has found probable
 1384 cause exists that a parent or caregiver has sexually abused a
 1385 child as defined in s. 39.01;

1386 2. A parent or caregiver has been found guilty of,
 1387 regardless of adjudication, or has entered a plea of guilty or
 1388 nolo contendere to, charges under the following statutes or
 1389 substantially similar statutes of other jurisdictions:

1390 a. Section 787.04, relating to removing minors from the
 1391 state or concealing minors contrary to court order;

1392 b. Section 794.011, relating to sexual battery;

1393 c. Section 798.02, relating to lewd and lascivious
 1394 behavior;

1395 d. Chapter 800, relating to lewdness and indecent
 1396 exposure;

1397 e. Section 826.04, relating to incest; or

1398 f. Chapter 827, relating to the abuse of children; or

1399 3. A court of competent jurisdiction has determined a

1400 parent or caregiver to be a sexual predator as defined in s.
 1401 775.21 or a parent or caregiver has received a substantially
 1402 similar designation under laws of another jurisdiction.

1403 Section 34. For the purpose of incorporating the amendment
 1404 made by this act to section 775.21, Florida Statutes, in a
 1405 reference thereto, paragraph (b) of subsection (6) of section
 1406 39.509, Florida Statutes, is reenacted to read:

1407 39.509 Grandparents rights.—Notwithstanding any other
 1408 provision of law, a maternal or paternal grandparent as well as
 1409 a stepgrandparent is entitled to reasonable visitation with his
 1410 or her grandchild who has been adjudicated a dependent child and
 1411 taken from the physical custody of the parent unless the court
 1412 finds that such visitation is not in the best interest of the
 1413 child or that such visitation would interfere with the goals of
 1414 the case plan. Reasonable visitation may be unsupervised and,
 1415 where appropriate and feasible, may be frequent and continuing.
 1416 Any order for visitation or other contact must conform to the
 1417 provisions of s. 39.0139.

1418 (6) In determining whether grandparental visitation is not
 1419 in the child's best interest, consideration may be given to the
 1420 following:

1421 (b) The designation by a court as a sexual predator as
 1422 defined in s. 775.21 or a substantially similar designation
 1423 under laws of another jurisdiction.

1424 Section 35. For the purpose of incorporating the amendment
 1425 made by this act to section 775.21, Florida Statutes, in a

1426 reference thereto, subsection (3) of section 63.092, Florida
 1427 Statutes, is reenacted to read:

1428 63.092 Report to the court of intended placement by an
 1429 adoption entity; at-risk placement; preliminary study.—

1430 (3) PRELIMINARY HOME STUDY.—Before placing the minor in
 1431 the intended adoptive home, a preliminary home study must be
 1432 performed by a licensed child-placing agency, a child-caring
 1433 agency registered under s. 409.176, a licensed professional, or
 1434 an agency described in s. 61.20(2), unless the adoptee is an
 1435 adult or the petitioner is a stepparent or a relative. If the
 1436 adoptee is an adult or the petitioner is a stepparent or a
 1437 relative, a preliminary home study may be required by the court
 1438 for good cause shown. The department is required to perform the
 1439 preliminary home study only if there is no licensed child-
 1440 placing agency, child-caring agency registered under s. 409.176,
 1441 licensed professional, or agency described in s. 61.20(2), in
 1442 the county where the prospective adoptive parents reside. The
 1443 preliminary home study must be made to determine the suitability
 1444 of the intended adoptive parents and may be completed prior to
 1445 identification of a prospective adoptive minor. A favorable
 1446 preliminary home study is valid for 1 year after the date of its
 1447 completion. Upon its completion, a signed copy of the home study
 1448 must be provided to the intended adoptive parents who were the
 1449 subject of the home study. A minor may not be placed in an
 1450 intended adoptive home before a favorable preliminary home study
 1451 is completed unless the adoptive home is also a licensed foster

1452 home under s. 409.175. The preliminary home study must include,
 1453 at a minimum:

- 1454 (a) An interview with the intended adoptive parents;
- 1455 (b) Records checks of the department's central abuse
 1456 registry and criminal records correspondence checks under s.
 1457 39.0138 through the Department of Law Enforcement on the
 1458 intended adoptive parents;
- 1459 (c) An assessment of the physical environment of the home;
- 1460 (d) A determination of the financial security of the
 1461 intended adoptive parents;
- 1462 (e) Documentation of counseling and education of the
 1463 intended adoptive parents on adoptive parenting;
- 1464 (f) Documentation that information on adoption and the
 1465 adoption process has been provided to the intended adoptive
 1466 parents;
- 1467 (g) Documentation that information on support services
 1468 available in the community has been provided to the intended
 1469 adoptive parents; and
- 1470 (h) A copy of each signed acknowledgment of receipt of
 1471 disclosure required by s. 63.085.

1472
 1473 If the preliminary home study is favorable, a minor may be
 1474 placed in the home pending entry of the judgment of adoption. A
 1475 minor may not be placed in the home if the preliminary home
 1476 study is unfavorable. If the preliminary home study is
 1477 unfavorable, the adoption entity may, within 20 days after

1478 receipt of a copy of the written recommendation, petition the
 1479 court to determine the suitability of the intended adoptive
 1480 home. A determination as to suitability under this subsection
 1481 does not act as a presumption of suitability at the final
 1482 hearing. In determining the suitability of the intended adoptive
 1483 home, the court must consider the totality of the circumstances
 1484 in the home. A minor may not be placed in a home in which there
 1485 resides any person determined by the court to be a sexual
 1486 predator as defined in s. 775.21 or to have been convicted of an
 1487 offense listed in s. 63.089(4)(b)2.

1488 Section 36. For the purpose of incorporating the
 1489 amendments made by this act to sections 775.21 and 943.0435,
 1490 Florida Statutes, in references thereto, paragraph (i) of
 1491 subsection (3) and subsection (6) of section 68.07, Florida
 1492 Statutes, are reenacted to read:

1493 68.07 Change of name.—

1494 (3) Each petition shall be verified and show:

1495 (i) Whether the petitioner has ever been required to
 1496 register as a sexual predator under s. 775.21 or as a sexual
 1497 offender under s. 943.0435.

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

1504 electronically notify the Department of Law Enforcement of the
 1505 name change, in a manner prescribed by that department, within 2
 1506 business days after the filing of the final judgment. The
 1507 Department of Law Enforcement must send a copy of the report to
 1508 the Department of Highway Safety and Motor Vehicles, which may
 1509 be delivered by electronic transmission. The report must contain
 1510 sufficient information to identify the petitioner, including the
 1511 results of the criminal history records check if applicable, the
 1512 new name of the petitioner, and the file number of the judgment.
 1513 The Department of Highway Safety and Motor Vehicles shall
 1514 monitor the records of any sexual predator or sexual offender
 1515 whose name has been provided to it by the Department of Law
 1516 Enforcement. If the sexual predator or sexual offender does not
 1517 obtain a replacement driver license or identification card
 1518 within the required time as specified in s. 775.21 or s.
 1519 943.0435, the Department of Highway Safety and Motor Vehicles
 1520 shall notify the Department of Law Enforcement. The Department
 1521 of Law Enforcement shall notify applicable law enforcement
 1522 agencies of the predator's or offender's failure to comply with
 1523 registration requirements. Any information retained by the
 1524 Department of Law Enforcement and the Department of Highway
 1525 Safety and Motor Vehicles may be revised or supplemented by said
 1526 departments to reflect changes made by the final judgment. With
 1527 respect to a person convicted of a felony in another state or of
 1528 a federal offense, the Department of Law Enforcement must send
 1529 the report to the respective state's office of law enforcement

1530 records or to the office of the Federal Bureau of Investigation.
 1531 The Department of Law Enforcement may forward the report to any
 1532 other law enforcement agency it believes may retain information
 1533 related to the petitioner.

1534 Section 37. For the purpose of incorporating the
 1535 amendments made by this act to sections 775.21, 943.0435, and
 1536 944.607, Florida Statutes, in references thereto, subsection (3)
 1537 of section 322.141, Florida Statutes, is reenacted to read:

1538 322.141 Color or markings of certain licenses or
 1539 identification cards.—

1540 (3) All licenses for the operation of motor vehicles or
 1541 identification cards originally issued or reissued by the
 1542 department to persons who are designated as sexual predators
 1543 under s. 775.21 or subject to registration as sexual offenders
 1544 under s. 943.0435 or s. 944.607, or who have a similar
 1545 designation or are subject to a similar registration under the
 1546 laws of another jurisdiction, shall have on the front of the
 1547 license or identification card the following:

1548 (a) For a person designated as a sexual predator under s.
 1549 775.21 or who has a similar designation under the laws of
 1550 another jurisdiction, the marking "SEXUAL PREDATOR."

1551 (b) For a person subject to registration as a sexual
 1552 offender under s. 943.0435 or s. 944.607, or subject to a
 1553 similar registration under the laws of another jurisdiction, the
 1554 marking "943.0435, F.S."

1555 Section 38. For the purpose of incorporating the

1556 amendments made by this act to sections 775.21 and 943.0435,
 1557 Florida Statutes, in references thereto, paragraphs (a) and (c)
 1558 of subsection (2) of section 397.4872, Florida Statutes, are
 1559 reenacted to read:

1560 397.4872 Exemption from disqualification; publication.—

1561 (2) The department may exempt a person from ss. 397.487(6)
 1562 and 397.4871(5) if it has been at least 3 years since the person
 1563 has completed or been lawfully released from confinement,
 1564 supervision, or sanction for the disqualifying offense. An
 1565 exemption from the disqualifying offenses may not be given under
 1566 any circumstances for any person who is a:

1567 (a) Sexual predator pursuant to s. 775.21;

1568 (c) Sexual offender pursuant to s. 943.0435, unless the
 1569 requirement to register as a sexual offender has been removed
 1570 pursuant to s. 943.04354.

1571 Section 39. For the purpose of incorporating the
 1572 amendments made by this act to sections 775.21, 943.0435, and
 1573 944.607, Florida Statutes, in references thereto, paragraphs (e)
 1574 and (f) of subsection (4) of section 775.13, Florida Statutes,
 1575 are reenacted to read:

1576 775.13 Registration of convicted felons, exemptions;
 1577 penalties.—

1578 (4) This section does not apply to an offender:

1579 (e) Who is a sexual predator and has registered as
 1580 required under s. 775.21;

1581 (f) Who is a sexual offender and has registered as

1582 required in s. 943.0435 or s. 944.607; or

1583 Section 40. For the purpose of incorporating the
 1584 amendments made by this act to sections 775.21, 943.0435,
 1585 944.606, and 944.607, Florida Statutes, in references thereto,
 1586 section 775.25, Florida Statutes, is reenacted to read:

1587 775.25 Prosecutions for acts or omissions.—A sexual
 1588 predator or sexual offender who commits any act or omission in
 1589 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
 1590 944.607, or former s. 947.177 may be prosecuted for the act or
 1591 omission in the county in which the act or omission was
 1592 committed, in the county of the last registered address of the
 1593 sexual predator or sexual offender, in the county in which the
 1594 conviction occurred for the offense or offenses that meet the
 1595 criteria for designating a person as a sexual predator or sexual
 1596 offender, in the county where the sexual predator or sexual
 1597 offender was released from incarceration, or in the county of
 1598 the intended address of the sexual predator or sexual offender
 1599 as reported by the predator or offender prior to his or her
 1600 release from incarceration. In addition, a sexual predator may
 1601 be prosecuted for any such act or omission in the county in
 1602 which he or she was designated a sexual predator.

1603 Section 41. For the purpose of incorporating the
 1604 amendments made by this act to sections 775.21, 943.0435, and
 1605 944.607, Florida Statutes, in references thereto, paragraph (b)
 1606 of subsection (3) of section 775.261, Florida Statutes, is
 1607 reenacted to read:

1608 775.261 The Florida Career Offender Registration Act.—
 1609 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—
 1610 (b) This section does not apply to any person who has been
 1611 designated as a sexual predator and required to register under
 1612 s. 775.21 or who is required to register as a sexual offender
 1613 under s. 943.0435 or s. 944.607. However, if a person is no
 1614 longer required to register as a sexual predator under s. 775.21
 1615 or as a sexual offender under s. 943.0435 or s. 944.607, the
 1616 person must register as a career offender under this section if
 1617 the person is otherwise designated as a career offender as
 1618 provided in this section.

1619 Section 42. For the purpose of incorporating the amendment
 1620 made by this act to section 775.21, Florida Statutes, in a
 1621 reference thereto, subsection (1) of section 794.075, Florida
 1622 Statutes, is reenacted to read:

1623 794.075 Sexual predators; erectile dysfunction drugs.—
 1624 (1) A person may not possess a prescription drug, as
 1625 defined in s. 499.003(43), for the purpose of treating erectile
 1626 dysfunction if the person is designated as a sexual predator
 1627 under s. 775.21.

1628 Section 43. For the purpose of incorporating the amendment
 1629 made by this act to section 775.21, Florida Statutes, in a
 1630 reference thereto, paragraph (c) of subsection (1) of section
 1631 903.0351, Florida Statutes, is reenacted to read:

1632 903.0351 Restrictions on pretrial release pending
 1633 probation-violation hearing or community-control-violation

1634 hearing.—

1635 (1) In the instance of an alleged violation of felony
 1636 probation or community control, bail or any other form of
 1637 pretrial release shall not be granted prior to the resolution of
 1638 the probation-violation hearing or the community-control-
 1639 violation hearing to:

1640 (c) A person who is on felony probation or community
 1641 control and has previously been found by a court to be a
 1642 habitual violent felony offender as defined in s. 775.084(1)(b),
 1643 a three-time violent felony offender as defined in s.
 1644 775.084(1)(c), or a sexual predator under s. 775.21, and who is
 1645 arrested for committing a qualifying offense as defined in s.
 1646 948.06(8)(c) on or after the effective date of this act.

1647 Section 44. For the purpose of incorporating the
 1648 amendments made by this act to sections 775.21 and 943.0435,
 1649 Florida Statutes, in references thereto, paragraph (m) of
 1650 subsection (2) of section 903.046, Florida Statutes, is
 1651 reenacted to read:

1652 903.046 Purpose of and criteria for bail determination.—

1653 (2) When determining whether to release a defendant on
 1654 bail or other conditions, and what that bail or those conditions
 1655 may be, the court shall consider:

1656 (m) Whether the defendant, other than a defendant whose
 1657 only criminal charge is a misdemeanor offense under chapter 316,
 1658 is required to register as a sexual offender under s. 943.0435
 1659 or a sexual predator under s. 775.21; and, if so, he or she is

1660 not eligible for release on bail or surety bond until the first
 1661 appearance on the case in order to ensure the full participation
 1662 of the prosecutor and the protection of the public.

1663 Section 45. For the purpose of incorporating the amendment
 1664 made by this act to section 775.21, Florida Statutes, in a
 1665 reference thereto, paragraph (o) of subsection (5) of section
 1666 921.141, Florida Statutes, is reenacted to read:

1667 921.141 Sentence of death or life imprisonment for capital
 1668 felonies; further proceedings to determine sentence.—

1669 (5) AGGRAVATING CIRCUMSTANCES.—Aggravating circumstances
 1670 shall be limited to the following:

1671 (o) The capital felony was committed by a person
 1672 designated as a sexual predator pursuant to s. 775.21 or a
 1673 person previously designated as a sexual predator who had the
 1674 sexual predator designation removed.

1675 Section 46. For the purpose of incorporating the
 1676 amendments made by this act to sections 775.21 and 943.0435,
 1677 Florida Statutes, in references thereto, subsection (1) of
 1678 section 938.10, Florida Statutes, is reenacted to read:

1679 938.10 Additional court cost imposed in cases of certain
 1680 crimes.—

1681 (1) If a person pleads guilty or nolo contendere to, or is
 1682 found guilty of, regardless of adjudication, any offense against
 1683 a minor in violation of s. 784.085, chapter 787, chapter 794,
 1684 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.
 1685 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,

1686 s. 893.147(3), or s. 985.701, or any offense in violation of s.
 1687 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
 1688 court shall impose a court cost of \$151 against the offender in
 1689 addition to any other cost or penalty required by law.

1690 Section 47. For the purpose of incorporating the
 1691 amendments made by this act to sections 775.21, 944.606, and
 1692 944.607, Florida Statutes, in a reference thereto, subsections
 1693 (3), (4), and (5) of section 943.0435, Florida Statutes, are
 1694 reenacted to read:

1695 943.0435 Sexual offenders required to register with the
 1696 department; penalty.—

1697 (3) Within 48 hours after the report required under
 1698 subsection (2), a sexual offender shall report in person at a
 1699 driver license office of the Department of Highway Safety and
 1700 Motor Vehicles, unless a driver license or identification card
 1701 that complies with the requirements of s. 322.141(3) was
 1702 previously secured or updated under s. 944.607. At the driver
 1703 license office the sexual offender shall:

1704 (a) If otherwise qualified, secure a Florida driver
 1705 license, renew a Florida driver license, or secure an
 1706 identification card. The sexual offender shall identify himself
 1707 or herself as a sexual offender who is required to comply with
 1708 this section and shall provide proof that the sexual offender
 1709 reported as required in subsection (2). The sexual offender
 1710 shall provide any of the information specified in subsection
 1711 (2), if requested. The sexual offender shall submit to the

1712 taking of a photograph for use in issuing a driver license,
 1713 renewed license, or identification card, and for use by the
 1714 department in maintaining current records of sexual offenders.

1715 (b) Pay the costs assessed by the Department of Highway
 1716 Safety and Motor Vehicles for issuing or renewing a driver
 1717 license or identification card as required by this section. The
 1718 driver license or identification card issued must be in
 1719 compliance with s. 322.141(3).

1720 (c) Provide, upon request, any additional information
 1721 necessary to confirm the identity of the sexual offender,
 1722 including a set of fingerprints.

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

1738 provided in this section and ss. 943.043 and 944.606. A sexual
 1739 offender who is unable to secure or update a driver license or
 1740 identification card with the Department of Highway Safety and
 1741 Motor Vehicles as provided in subsection (3) and this subsection
 1742 shall also report any change in the sexual offender's permanent,
 1743 temporary, or transient residence or change in the offender's
 1744 name by reason of marriage or other legal process within 48
 1745 hours after the change to the sheriff's office in the county
 1746 where the offender resides or is located and provide
 1747 confirmation that he or she reported such information to the
 1748 Department of Highway Safety and Motor Vehicles.

1749 (b)1. A sexual offender who vacates a permanent,
 1750 temporary, or transient residence and fails to establish or
 1751 maintain another permanent, temporary, or transient residence
 1752 shall, within 48 hours after vacating the permanent, temporary,
 1753 or transient residence, report in person to the sheriff's office
 1754 of the county in which he or she is located. The sexual offender
 1755 shall specify the date upon which he or she intends to or did
 1756 vacate such residence. The sexual offender must provide or
 1757 update all of the registration information required under
 1758 paragraph (2)(b). The sexual offender must provide an address
 1759 for the residence or other place that he or she is or will be
 1760 located during the time in which he or she fails to establish or
 1761 maintain a permanent or temporary residence.

1762 2. A sexual offender shall report in person at the
 1763 sheriff's office in the county in which he or she is located

1764 within 48 hours after establishing a transient residence and
 1765 thereafter must report in person every 30 days to the sheriff's
 1766 office in the county in which he or she is located while
 1767 maintaining a transient residence. The sexual offender must
 1768 provide the addresses and locations where he or she maintains a
 1769 transient residence. Each sheriff's office shall establish
 1770 procedures for reporting transient residence information and
 1771 provide notice to transient registrants to report transient
 1772 residence information as required in this subparagraph.
 1773 Reporting to the sheriff's office as required by this
 1774 subparagraph does not exempt registrants from any reregistration
 1775 requirement. The sheriff may coordinate and enter into
 1776 agreements with police departments and other governmental
 1777 entities to facilitate additional reporting sites for transient
 1778 residence registration required in this subparagraph. The
 1779 sheriff's office shall, within 2 business days, electronically
 1780 submit and update all information provided by the sexual
 1781 offender to the department.

1782 (c) A sexual offender who remains at a permanent,
 1783 temporary, or transient residence after reporting his or her
 1784 intent to vacate such residence shall, within 48 hours after the
 1785 date upon which the offender indicated he or she would or did
 1786 vacate such residence, report in person to the agency to which
 1787 he or she reported pursuant to paragraph (b) for the purpose of
 1788 reporting his or her address at such residence. When the sheriff
 1789 receives the report, the sheriff shall promptly convey the

1790 information to the department. An offender who makes a report as
 1791 required under paragraph (b) but fails to make a report as
 1792 required under this paragraph commits a felony of the second
 1793 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1794 775.084.

1795 (d) The failure of a sexual offender who maintains a
 1796 transient residence to report in person to the sheriff's office
 1797 every 30 days as required in subparagraph (b)2. is punishable as
 1798 provided in subsection (9).

1799 (e) A sexual offender shall register all electronic mail
 1800 addresses and Internet identifiers with the department before
 1801 using such electronic mail addresses and Internet identifiers.
 1802 The department shall establish an online system through which
 1803 sexual offenders may securely access and update all electronic
 1804 mail address and Internet identifier information.

1805 (5) This section does not apply to a sexual offender who
 1806 is also a sexual predator, as defined in s. 775.21. A sexual
 1807 predator must register as required under s. 775.21.

1808 Section 48. For the purpose of incorporating the amendment
 1809 made by this act to section 775.21 and 943.0435, Florida
 1810 Statutes, in references thereto, paragraph (a) of subsection (2)
 1811 of section 943.0585, Florida Statutes, is reenacted to read:

1812 943.0585 Court-ordered expunction of criminal history
 1813 records.—The courts of this state have jurisdiction over their
 1814 own procedures, including the maintenance, expunction, and
 1815 correction of judicial records containing criminal history

1816 information to the extent such procedures are not inconsistent
 1817 with the conditions, responsibilities, and duties established by
 1818 this section. Any court of competent jurisdiction may order a
 1819 criminal justice agency to expunge the criminal history record
 1820 of a minor or an adult who complies with the requirements of
 1821 this section. The court shall not order a criminal justice
 1822 agency to expunge a criminal history record until the person
 1823 seeking to expunge a criminal history record has applied for and
 1824 received a certificate of eligibility for expunction pursuant to
 1825 subsection (2) or subsection (5). A criminal history record that
 1826 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,
 1827 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,
 1828 s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135,
 1829 s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in
 1830 s. 907.041, or any violation specified as a predicate offense
 1831 for registration as a sexual predator pursuant to s. 775.21,
 1832 without regard to whether that offense alone is sufficient to
 1833 require such registration, or for registration as a sexual
 1834 offender pursuant to s. 943.0435, may not be expunged, without
 1835 regard to whether adjudication was withheld, if the defendant
 1836 was found guilty of or pled guilty or nolo contendere to the
 1837 offense, or if the defendant, as a minor, was found to have
 1838 committed, or pled guilty or nolo contendere to committing, the
 1839 offense as a delinquent act. The court may only order expunction
 1840 of a criminal history record pertaining to one arrest or one
 1841 incident of alleged criminal activity, except as provided in

1842 this section. The court may, at its sole discretion, order the
 1843 expunction of a criminal history record pertaining to more than
 1844 one arrest if the additional arrests directly relate to the
 1845 original arrest. If the court intends to order the expunction of
 1846 records pertaining to such additional arrests, such intent must
 1847 be specified in the order. A criminal justice agency may not
 1848 expunge any record pertaining to such additional arrests if the
 1849 order to expunge does not articulate the intention of the court
 1850 to expunge a record pertaining to more than one arrest. This
 1851 section does not prevent the court from ordering the expunction
 1852 of only a portion of a criminal history record pertaining to one
 1853 arrest or one incident of alleged criminal activity.

1854 Notwithstanding any law to the contrary, a criminal justice
 1855 agency may comply with laws, court orders, and official requests
 1856 of other jurisdictions relating to expunction, correction, or
 1857 confidential handling of criminal history records or information
 1858 derived therefrom. This section does not confer any right to the
 1859 expunction of any criminal history record, and any request for
 1860 expunction of a criminal history record may be denied at the
 1861 sole discretion of the court.

1862 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to
 1863 petitioning the court to expunge a criminal history record, a
 1864 person seeking to expunge a criminal history record shall apply
 1865 to the department for a certificate of eligibility for
 1866 expunction. The department shall, by rule adopted pursuant to
 1867 chapter 120, establish procedures pertaining to the application

1868 for and issuance of certificates of eligibility for expunction.
 1869 A certificate of eligibility for expunction is valid for 12
 1870 months after the date stamped on the certificate when issued by
 1871 the department. After that time, the petitioner must reapply to
 1872 the department for a new certificate of eligibility. Eligibility
 1873 for a renewed certification of eligibility must be based on the
 1874 status of the applicant and the law in effect at the time of the
 1875 renewal application. The department shall issue a certificate of
 1876 eligibility for expunction to a person who is the subject of a
 1877 criminal history record if that person:

1878 (a) Has obtained, and submitted to the department, a
 1879 written, certified statement from the appropriate state attorney
 1880 or statewide prosecutor which indicates:

1881 1. That an indictment, information, or other charging
 1882 document was not filed or issued in the case.

1883 2. That an indictment, information, or other charging
 1884 document, if filed or issued in the case, was dismissed or nolle
 1885 prosequi by the state attorney or statewide prosecutor, or was
 1886 dismissed by a court of competent jurisdiction, and that none of
 1887 the charges related to the arrest or alleged criminal activity
 1888 to which the petition to expunge pertains resulted in a trial,
 1889 without regard to whether the outcome of the trial was other
 1890 than an adjudication of guilt.

1891 3. That the criminal history record does not relate to a
 1892 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
 1893 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,

1894 s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,
 1895 s. 893.135, s. 916.1075, a violation enumerated in s. 907.041,
 1896 or any violation specified as a predicate offense for
 1897 registration as a sexual predator pursuant to s. 775.21, without
 1898 regard to whether that offense alone is sufficient to require
 1899 such registration, or for registration as a sexual offender
 1900 pursuant to s. 943.0435, where the defendant was found guilty
 1901 of, or pled guilty or nolo contendere to any such offense, or
 1902 that the defendant, as a minor, was found to have committed, or
 1903 pled guilty or nolo contendere to committing, such an offense as
 1904 a delinquent act, without regard to whether adjudication was
 1905 withheld.

1906 Section 49. For the purpose of incorporating the
 1907 amendments made by this act to sections 775.21 and 943.0435,
 1908 Florida Statutes, in references thereto, subsection (1) of
 1909 section 943.059, Florida Statutes, is reenacted to read:

1910 943.059 Court-ordered sealing of criminal history
 1911 records.—The courts of this state shall continue to have
 1912 jurisdiction over their own procedures, including the
 1913 maintenance, sealing, and correction of judicial records
 1914 containing criminal history information to the extent such
 1915 procedures are not inconsistent with the conditions,
 1916 responsibilities, and duties established by this section. Any
 1917 court of competent jurisdiction may order a criminal justice
 1918 agency to seal the criminal history record of a minor or an
 1919 adult who complies with the requirements of this section. The

1920 court shall not order a criminal justice agency to seal a
 1921 criminal history record until the person seeking to seal a
 1922 criminal history record has applied for and received a
 1923 certificate of eligibility for sealing pursuant to subsection
 1924 (2). A criminal history record that relates to a violation of s.
 1925 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
 1926 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071,
 1927 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135,
 1928 s. 916.1075, a violation enumerated in s. 907.041, or any
 1929 violation specified as a predicate offense for registration as a
 1930 sexual predator pursuant to s. 775.21, without regard to whether
 1931 that offense alone is sufficient to require such registration,
 1932 or for registration as a sexual offender pursuant to s.
 1933 943.0435, may not be sealed, without regard to whether
 1934 adjudication was withheld, if the defendant was found guilty of
 1935 or pled guilty or nolo contendere to the offense, or if the
 1936 defendant, as a minor, was found to have committed or pled
 1937 guilty or nolo contendere to committing the offense as a
 1938 delinquent act. The court may only order sealing of a criminal
 1939 history record pertaining to one arrest or one incident of
 1940 alleged criminal activity, except as provided in this section.
 1941 The court may, at its sole discretion, order the sealing of a
 1942 criminal history record pertaining to more than one arrest if
 1943 the additional arrests directly relate to the original arrest.
 1944 If the court intends to order the sealing of records pertaining
 1945 to such additional arrests, such intent must be specified in the

1946 order. A criminal justice agency may not seal any record
 1947 pertaining to such additional arrests if the order to seal does
 1948 not articulate the intention of the court to seal records
 1949 pertaining to more than one arrest. This section does not
 1950 prevent the court from ordering the sealing of only a portion of
 1951 a criminal history record pertaining to one arrest or one
 1952 incident of alleged criminal activity. Notwithstanding any law
 1953 to the contrary, a criminal justice agency may comply with laws,
 1954 court orders, and official requests of other jurisdictions
 1955 relating to sealing, correction, or confidential handling of
 1956 criminal history records or information derived therefrom. This
 1957 section does not confer any right to the sealing of any criminal
 1958 history record, and any request for sealing a criminal history
 1959 record may be denied at the sole discretion of the court.

1960 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
 1961 petition to a court to seal a criminal history record is
 1962 complete only when accompanied by:

1963 (a) A valid certificate of eligibility for sealing issued
 1964 by the department pursuant to subsection (2).

1965 (b) The petitioner's sworn statement attesting that the
 1966 petitioner:

1967 1. Has never, prior to the date on which the petition is
 1968 filed, been adjudicated guilty of a criminal offense or
 1969 comparable ordinance violation, or been adjudicated delinquent
 1970 for committing any felony or a misdemeanor specified in s.
 1971 943.051 (3) (b) .

1972 2. Has not been adjudicated guilty of or adjudicated
 1973 delinquent for committing any of the acts stemming from the
 1974 arrest or alleged criminal activity to which the petition to
 1975 seal pertains.

1976 3. Has never secured a prior sealing or expunction of a
 1977 criminal history record under this section, s. 943.0585, former
 1978 s. 893.14, former s. 901.33, or former s. 943.058.

1979 4. Is eligible for such a sealing to the best of his or
 1980 her knowledge or belief and does not have any other petition to
 1981 seal or any petition to expunge pending before any court.

1982
 1983 Any person who knowingly provides false information on such
 1984 sworn statement to the court commits a felony of the third
 1985 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1986 775.084.

1987 Section 50. For the purpose of incorporating the
 1988 amendments made by this act to sections 775.21 and 943.0435,
 1989 Florida Statutes, in references thereto, paragraph (a) of
 1990 subsection (4) and subsection (9) of section 944.607, Florida
 1991 Statutes, are reenacted to read:

1992 944.607 Notification to Department of Law Enforcement of
 1993 information on sexual offenders.—

1994 (4) A sexual offender, as described in this section, who
 1995 is under the supervision of the Department of Corrections but is
 1996 not incarcerated shall register with the Department of
 1997 Corrections within 3 business days after sentencing for a

1998 | registrable offense and otherwise provide information as
 1999 | required by this subsection.
 2000 | (a) The sexual offender shall provide his or her name;
 2001 | date of birth; social security number; race; sex; height;
 2002 | weight; hair and eye color; tattoos or other identifying marks;
 2003 | all electronic mail addresses and Internet identifiers required
 2004 | to be provided pursuant to s. 943.0435(4)(e); all home telephone
 2005 | numbers and cellular telephone numbers; the make, model, color,
 2006 | vehicle identification number (VIN), and license tag number of
 2007 | all vehicles owned; permanent or legal residence and address of
 2008 | temporary residence within the state or out of state while the
 2009 | sexual offender is under supervision in this state, including
 2010 | any rural route address or post office box; if no permanent or
 2011 | temporary address, any transient residence within the state; and
 2012 | address, location or description, and dates of any current or
 2013 | known future temporary residence within the state or out of
 2014 | state. The sexual offender shall also produce his or her
 2015 | passport, if he or she has a passport, and, if he or she is an
 2016 | alien, shall produce or provide information about documents
 2017 | establishing his or her immigration status. The sexual offender
 2018 | shall also provide information about any professional licenses
 2019 | he or she has. The Department of Corrections shall verify the
 2020 | address of each sexual offender in the manner described in ss.
 2021 | 775.21 and 943.0435. The department shall report to the
 2022 | Department of Law Enforcement any failure by a sexual predator
 2023 | or sexual offender to comply with registration requirements.

2024 (9) A sexual offender, as described in this section, who
 2025 is under the supervision of the Department of Corrections but
 2026 who is not incarcerated shall, in addition to the registration
 2027 requirements provided in subsection (4), register and obtain a
 2028 distinctive driver license or identification card in the manner
 2029 provided in s. 943.0435(3), (4), and (5), unless the sexual
 2030 offender is a sexual predator, in which case he or she shall
 2031 register and obtain a distinctive driver license or
 2032 identification card as required under s. 775.21. A sexual
 2033 offender who fails to comply with the requirements of s.
 2034 943.0435 is subject to the penalties provided in s. 943.0435(9).

2035 Section 51. For the purpose of incorporating the
 2036 amendments made by this act to sections 775.21 and 944.607,
 2037 Florida Statutes, in references thereto, subsection (7) of
 2038 section 944.608, Florida Statutes, is reenacted to read:

2039 944.608 Notification to Department of Law Enforcement of
 2040 information on career offenders.—

2041 (7) A career offender who is under the supervision of the
 2042 department but who is not incarcerated shall, in addition to the
 2043 registration requirements provided in subsection (3), register
 2044 in the manner provided in s. 775.261(4)(c), unless the career
 2045 offender is a sexual predator, in which case he or she shall
 2046 register as required under s. 775.21, or is a sexual offender,
 2047 in which case he or she shall register as required in s.
 2048 944.607. A career offender who fails to comply with the
 2049 requirements of s. 775.261(4) is subject to the penalties

2050 provided in s. 775.261(8).

2051 Section 52. For the purpose of incorporating the amendment
 2052 made by this act to section 775.21, Florida Statutes, in
 2053 references thereto, subsection (4) of section 944.609, Florida
 2054 Statutes, is reenacted to read:

2055 944.609 Career offenders; notification upon release.—

2056 (4) The department or any law enforcement agency may
 2057 notify the community and the public of a career offender's
 2058 presence in the community. However, with respect to a career
 2059 offender who has been found to be a sexual predator under s.
 2060 775.21, the Department of Law Enforcement or any other law
 2061 enforcement agency must inform the community and the public of
 2062 the career offender's presence in the community, as provided in
 2063 s. 775.21.

2064 Section 53. For the purpose of incorporating the
 2065 amendments made by this act to sections 775.21 and 943.0435,
 2066 Florida Statutes, in references thereto, paragraph (c) of
 2067 subsection (2) and subsections (10) and (12) of section
 2068 947.1405, Florida Statutes, are reenacted to read:

2069 947.1405 Conditional release program.—

2070 (2) Any inmate who:

2071 (c) Is found to be a sexual predator under s. 775.21 or
 2072 former s. 775.23,

2073
 2074 shall, upon reaching the tentative release date or provisional
 2075 release date, whichever is earlier, as established by the

2076 Department of Corrections, be released under supervision subject
 2077 to specified terms and conditions, including payment of the cost
 2078 of supervision pursuant to s. 948.09. Such supervision shall be
 2079 applicable to all sentences within the overall term of sentences
 2080 if an inmate's overall term of sentences includes one or more
 2081 sentences that are eligible for conditional release supervision
 2082 as provided herein. Effective July 1, 1994, and applicable for
 2083 offenses committed on or after that date, the commission may
 2084 require, as a condition of conditional release, that the
 2085 releasee make payment of the debt due and owing to a county or
 2086 municipal detention facility under s. 951.032 for medical care,
 2087 treatment, hospitalization, or transportation received by the
 2088 releasee while in that detention facility. The commission, in
 2089 determining whether to order such repayment and the amount of
 2090 such repayment, shall consider the amount of the debt, whether
 2091 there was any fault of the institution for the medical expenses
 2092 incurred, the financial resources of the releasee, the present
 2093 and potential future financial needs and earning ability of the
 2094 releasee, and dependents, and other appropriate factors. If any
 2095 inmate placed on conditional release supervision is also subject
 2096 to probation or community control, resulting from a probationary
 2097 or community control split sentence within the overall term of
 2098 sentences, the Department of Corrections shall supervise such
 2099 person according to the conditions imposed by the court and the
 2100 commission shall defer to such supervision. If the court revokes
 2101 probation or community control and resentsences the offender to a

2102 term of incarceration, such revocation also constitutes a
 2103 sufficient basis for the revocation of the conditional release
 2104 supervision on any nonprobationary or noncommunity control
 2105 sentence without further hearing by the commission. If any such
 2106 supervision on any nonprobationary or noncommunity control
 2107 sentence is revoked, such revocation may result in a forfeiture
 2108 of all gain-time, and the commission may revoke the resulting
 2109 deferred conditional release supervision or take other action it
 2110 considers appropriate. If the term of conditional release
 2111 supervision exceeds that of the probation or community control,
 2112 then, upon expiration of the probation or community control,
 2113 authority for the supervision shall revert to the commission and
 2114 the supervision shall be subject to the conditions imposed by
 2115 the commission. A panel of no fewer than two commissioners shall
 2116 establish the terms and conditions of any such release. If the
 2117 offense was a controlled substance violation, the conditions
 2118 shall include a requirement that the offender submit to random
 2119 substance abuse testing intermittently throughout the term of
 2120 conditional release supervision, upon the direction of the
 2121 correctional probation officer as defined in s. 943.10(3). The
 2122 commission shall also determine whether the terms and conditions
 2123 of such release have been violated and whether such violation
 2124 warrants revocation of the conditional release.

2125 (10) Effective for a releasee whose crime was committed on
 2126 or after September 1, 2005, in violation of chapter 794, s.
 2127 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the

2128 unlawful activity involved a victim who was 15 years of age or
 2129 younger and the offender is 18 years of age or older or for a
 2130 releasee who is designated as a sexual predator pursuant to s.
 2131 775.21, in addition to any other provision of this section, the
 2132 commission must order electronic monitoring for the duration of
 2133 the releasee's supervision.

2134 (12) In addition to all other conditions imposed, for a
 2135 releasee who is subject to conditional release for a crime that
 2136 was committed on or after May 26, 2010, and who has been
 2137 convicted at any time of committing, or attempting, soliciting,
 2138 or conspiring to commit, any of the criminal offenses listed in
 2139 s. 943.0435(1)(a)1.a.(I), or a similar offense in another
 2140 jurisdiction against a victim who was under 18 years of age at
 2141 the time of the offense, if the releasee has not received a
 2142 pardon for any felony or similar law of another jurisdiction
 2143 necessary for the operation of this subsection, if a conviction
 2144 of a felony or similar law of another jurisdiction necessary for
 2145 the operation of this subsection has not been set aside in any
 2146 postconviction proceeding, or if the releasee has not been
 2147 removed from the requirement to register as a sexual offender or
 2148 sexual predator pursuant to s. 943.04354, the commission must
 2149 impose the following conditions:

2150 (a) A prohibition on visiting schools, child care
 2151 facilities, parks, and playgrounds without prior approval from
 2152 the releasee's supervising officer. The commission may also
 2153 designate additional prohibited locations to protect a victim.

2154 The prohibition ordered under this paragraph does not prohibit
 2155 the releasee from visiting a school, child care facility, park,
 2156 or playground for the sole purpose of attending a religious
 2157 service as defined in s. 775.0861 or picking up or dropping off
 2158 the releasee's child or grandchild at a child care facility or
 2159 school.

2160 (b) A prohibition on distributing candy or other items to
 2161 children on Halloween; wearing a Santa Claus costume, or other
 2162 costume to appeal to children, on or preceding Christmas;
 2163 wearing an Easter Bunny costume, or other costume to appeal to
 2164 children, on or preceding Easter; entertaining at children's
 2165 parties; or wearing a clown costume without prior approval from
 2166 the commission.

2167 Section 54. For the purpose of incorporating the
 2168 amendments made by this act to sections 782.04, 775.21,
 2169 943.0435, and 944.607, Florida Statutes, in references thereto,
 2170 paragraph (c) of subsection (4) and paragraphs (b), (c), and (d)
 2171 of subsection (8) of section 948.06, Florida Statutes, are
 2172 reenacted to read:

2173 948.06 Violation of probation or community control;
 2174 revocation; modification; continuance; failure to pay
 2175 restitution or cost of supervision.—

2176 (4) Notwithstanding any other provision of this section, a
 2177 felony probationer or an offender in community control who is
 2178 arrested for violating his or her probation or community control
 2179 in a material respect may be taken before the court in the

2180 county or circuit in which the probationer or offender was
 2181 arrested. That court shall advise him or her of the charge of a
 2182 violation and, if such charge is admitted, shall cause him or
 2183 her to be brought before the court that granted the probation or
 2184 community control. If the violation is not admitted by the
 2185 probationer or offender, the court may commit him or her or
 2186 release him or her with or without bail to await further
 2187 hearing. However, if the probationer or offender is under
 2188 supervision for any criminal offense proscribed in chapter 794,
 2189 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a
 2190 registered sexual predator or a registered sexual offender, or
 2191 is under supervision for a criminal offense for which he or she
 2192 would meet the registration criteria in s. 775.21, s. 943.0435,
 2193 or s. 944.607 but for the effective date of those sections, the
 2194 court must make a finding that the probationer or offender is
 2195 not a danger to the public prior to release with or without
 2196 bail. In determining the danger posed by the offender's or
 2197 probationer's release, the court may consider the nature and
 2198 circumstances of the violation and any new offenses charged; the
 2199 offender's or probationer's past and present conduct, including
 2200 convictions of crimes; any record of arrests without conviction
 2201 for crimes involving violence or sexual crimes; any other
 2202 evidence of allegations of unlawful sexual conduct or the use of
 2203 violence by the offender or probationer; the offender's or
 2204 probationer's family ties, length of residence in the community,
 2205 employment history, and mental condition; his or her history and

2206 | conduct during the probation or community control supervision
 2207 | from which the violation arises and any other previous
 2208 | supervisions, including disciplinary records of previous
 2209 | incarcerations; the likelihood that the offender or probationer
 2210 | will engage again in a criminal course of conduct; the weight of
 2211 | the evidence against the offender or probationer; and any other
 2212 | facts the court considers relevant. The court, as soon as is
 2213 | practicable, shall give the probationer or offender an
 2214 | opportunity to be fully heard on his or her behalf in person or
 2215 | by counsel. After the hearing, the court shall make findings of
 2216 | fact and forward the findings to the court that granted the
 2217 | probation or community control and to the probationer or
 2218 | offender or his or her attorney. The findings of fact by the
 2219 | hearing court are binding on the court that granted the
 2220 | probation or community control. Upon the probationer or offender
 2221 | being brought before it, the court that granted the probation or
 2222 | community control may revoke, modify, or continue the probation
 2223 | or community control or may place the probationer into community
 2224 | control as provided in this section. However, the probationer or
 2225 | offender shall not be released and shall not be admitted to
 2226 | bail, but shall be brought before the court that granted the
 2227 | probation or community control if any violation of felony
 2228 | probation or community control other than a failure to pay costs
 2229 | or fines or make restitution payments is alleged to have been
 2230 | committed by:

2231 | (c) A person who is on felony probation or community

2232 control and has previously been found by a court to be a
 2233 habitual violent felony offender as defined in s. 775.084(1)(b),
 2234 a three-time violent felony offender as defined in s.
 2235 775.084(1)(c), or a sexual predator under s. 775.21, and who is
 2236 arrested for committing a qualifying offense as defined in this
 2237 section on or after the effective date of this act.

2238 (8)

2239 (b) For purposes of this section and ss. 903.0351,
 2240 948.064, and 921.0024, the term "violent felony offender of
 2241 special concern" means a person who is on:

2242 1. Felony probation or community control related to the
 2243 commission of a qualifying offense committed on or after the
 2244 effective date of this act;

2245 2. Felony probation or community control for any offense
 2246 committed on or after the effective date of this act, and has
 2247 previously been convicted of a qualifying offense;

2248 3. Felony probation or community control for any offense
 2249 committed on or after the effective date of this act, and is
 2250 found to have violated that probation or community control by
 2251 committing a qualifying offense;

2252 4. Felony probation or community control and has
 2253 previously been found by a court to be a habitual violent felony
 2254 offender as defined in s. 775.084(1)(b) and has committed a
 2255 qualifying offense on or after the effective date of this act;

2256 5. Felony probation or community control and has
 2257 previously been found by a court to be a three-time violent

2258 felony offender as defined in s. 775.084(1)(c) and has committed
 2259 a qualifying offense on or after the effective date of this act;
 2260 or

2261 6. Felony probation or community control and has
 2262 previously been found by a court to be a sexual predator under
 2263 s. 775.21 and has committed a qualifying offense on or after the
 2264 effective date of this act.

2265 (c) For purposes of this section, the term "qualifying
 2266 offense" means any of the following:

2267 1. Kidnapping or attempted kidnapping under s. 787.01,
 2268 false imprisonment of a child under the age of 13 under s.
 2269 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
 2270 or (c).

2271 2. Murder or attempted murder under s. 782.04, attempted
 2272 felony murder under s. 782.051, or manslaughter under s. 782.07.

2273 3. Aggravated battery or attempted aggravated battery
 2274 under s. 784.045.

2275 4. Sexual battery or attempted sexual battery under s.
 2276 794.011(2), (3), (4), or (8)(b) or (c).

2277 5. Lewd or lascivious battery or attempted lewd or
 2278 lascivious battery under s. 800.04(4), lewd or lascivious
 2279 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
 2280 conduct under s. 800.04(6)(b), lewd or lascivious exhibition
 2281 under s. 800.04(7)(b), or lewd or lascivious exhibition on
 2282 computer under s. 847.0135(5)(b).

2283 6. Robbery or attempted robbery under s. 812.13,

2284 carjacking or attempted carjacking under s. 812.133, or home
 2285 invasion robbery or attempted home invasion robbery under s.
 2286 812.135.

2287 7. Lewd or lascivious offense upon or in the presence of
 2288 an elderly or disabled person or attempted lewd or lascivious
 2289 offense upon or in the presence of an elderly or disabled person
 2290 under s. 825.1025.

2291 8. Sexual performance by a child or attempted sexual
 2292 performance by a child under s. 827.071.

2293 9. Computer pornography under s. 847.0135(2) or (3),
 2294 transmission of child pornography under s. 847.0137, or selling
 2295 or buying of minors under s. 847.0145.

2296 10. Poisoning food or water under s. 859.01.

2297 11. Abuse of a dead human body under s. 872.06.

2298 12. Any burglary offense or attempted burglary offense
 2299 that is either a first degree felony or second degree felony
 2300 under s. 810.02(2) or (3).

2301 13. Arson or attempted arson under s. 806.01(1).

2302 14. Aggravated assault under s. 784.021.

2303 15. Aggravated stalking under s. 784.048(3), (4), (5), or
 2304 (7).

2305 16. Aircraft piracy under s. 860.16.

2306 17. Unlawful throwing, placing, or discharging of a
 2307 destructive device or bomb under s. 790.161(2), (3), or (4).

2308 18. Treason under s. 876.32.

2309 19. Any offense committed in another jurisdiction which

2310 would be an offense listed in this paragraph if that offense had
 2311 been committed in this state.

2312 (d) In the case of an alleged violation of probation or
 2313 community control other than a failure to pay costs, fines, or
 2314 restitution, the following individuals shall remain in custody
 2315 pending the resolution of the probation or community control
 2316 violation:

2317 1. A violent felony offender of special concern, as
 2318 defined in this section;

2319 2. A person who is on felony probation or community
 2320 control for any offense committed on or after the effective date
 2321 of this act and who is arrested for a qualifying offense as
 2322 defined in this section; or

2323 3. A person who is on felony probation or community
 2324 control and has previously been found by a court to be a
 2325 habitual violent felony offender as defined in s. 775.084(1)(b),
 2326 a three-time violent felony offender as defined in s.
 2327 775.084(1)(c), or a sexual predator under s. 775.21, and who is
 2328 arrested for committing a qualifying offense as defined in this
 2329 section on or after the effective date of this act.

2330
 2331 The court shall not dismiss the probation or community control
 2332 violation warrant pending against an offender enumerated in this
 2333 paragraph without holding a recorded violation-of-probation
 2334 hearing at which both the state and the offender are
 2335 represented.

2336 Section 55. For the purpose of incorporating the
 2337 amendments made by this act to sections 775.21, 943.0435, and
 2338 944.607, Florida Statutes, in references thereto, section
 2339 948.063, Florida Statutes, is reenacted to read:

2340 948.063 Violations of probation or community control by
 2341 designated sexual offenders and sexual predators.—

2342 (1) If probation or community control for any felony
 2343 offense is revoked by the court pursuant to s. 948.06(2)(e) and
 2344 the offender is designated as a sexual offender pursuant to s.
 2345 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
 2346 775.21 for unlawful sexual activity involving a victim 15 years
 2347 of age or younger and the offender is 18 years of age or older,
 2348 and if the court imposes a subsequent term of supervision
 2349 following the revocation of probation or community control, the
 2350 court must order electronic monitoring as a condition of the
 2351 subsequent term of probation or community control.

2352 (2) If the probationer or offender is required to register
 2353 as a sexual predator under s. 775.21 or as a sexual offender
 2354 under s. 943.0435 or s. 944.607 for unlawful sexual activity
 2355 involving a victim 15 years of age or younger and the
 2356 probationer or offender is 18 years of age or older and has
 2357 violated the conditions of his or her probation or community
 2358 control, but the court does not revoke the probation or
 2359 community control, the court shall nevertheless modify the
 2360 probation or community control to include electronic monitoring
 2361 for any probationer or offender not then subject to electronic

2362 monitoring.

2363 Section 56. For the purpose of incorporating the amendment
 2364 made by this act to section 775.21, Florida Statutes, in a
 2365 reference thereto, subsection (4) of section 948.064, Florida
 2366 Statutes, is reenacted to read:

2367 948.064 Notification of status as a violent felony
 2368 offender of special concern.—

2369 (4) The state attorney, or the statewide prosecutor if
 2370 applicable, shall advise the court at each critical stage in the
 2371 judicial process, at which the state attorney or statewide
 2372 prosecutor is represented, whether an alleged or convicted
 2373 offender is a violent felony offender of special concern; a
 2374 person who is on felony probation or community control for any
 2375 offense committed on or after the effective date of this act and
 2376 who is arrested for a qualifying offense; or a person who is on
 2377 felony probation or community control and has previously been
 2378 found by a court to be a habitual violent felony offender as
 2379 defined in s. 775.084(1)(b), a three-time violent felony
 2380 offender as defined in s. 775.084(1)(c), or a sexual predator
 2381 under s. 775.21, and who is arrested for committing a qualifying
 2382 offense on or after the effective date of this act.

2383 Section 57. For the purpose of incorporating the amendment
 2384 made by this act to section 775.21, Florida Statutes, in a
 2385 reference thereto, subsection (3) of section 948.12, Florida
 2386 Statutes, is reenacted to read:

2387 948.12 Intensive supervision for postprison release of

2388 violent offenders.—It is the finding of the Legislature that the
 2389 population of violent offenders released from state prison into
 2390 the community poses the greatest threat to the public safety of
 2391 the groups of offenders under community supervision. Therefore,
 2392 for the purpose of enhanced public safety, any offender released
 2393 from state prison who:

2394 (3) Has been found to be a sexual predator pursuant to s.
 2395 775.21,

2396
 2397 and who has a term of probation to follow the period of
 2398 incarceration shall be provided intensive supervision by
 2399 experienced correctional probation officers. Subject to specific
 2400 appropriation by the Legislature, caseloads may be restricted to
 2401 a maximum of 40 offenders per officer to provide for enhanced
 2402 public safety as well as to effectively monitor conditions of
 2403 electronic monitoring or curfews, if such was ordered by the
 2404 court.

2405 Section 58. For the purpose of incorporating the
 2406 amendments made by this act to sections 775.21 and 943.0435,
 2407 Florida Statutes, in references thereto, paragraph (b) of
 2408 subsection (3) and subsection (4) of section 948.30, Florida
 2409 Statutes, are reenacted to read:

2410 948.30 Additional terms and conditions of probation or
 2411 community control for certain sex offenses.—Conditions imposed
 2412 pursuant to this section do not require oral pronouncement at
 2413 the time of sentencing and shall be considered standard

2414 conditions of probation or community control for offenders
 2415 specified in this section.

2416 (3) Effective for a probationer or community controllee
 2417 whose crime was committed on or after September 1, 2005, and
 2418 who:

2419 (b) Is designated a sexual predator pursuant to s. 775.21;
 2420 or

2421
 2422 the court must order, in addition to any other provision of this
 2423 section, mandatory electronic monitoring as a condition of the
 2424 probation or community control supervision.

2425 (4) In addition to all other conditions imposed, for a
 2426 probationer or community controllee who is subject to
 2427 supervision for a crime that was committed on or after May 26,
 2428 2010, and who has been convicted at any time of committing, or
 2429 attempting, soliciting, or conspiring to commit, any of the
 2430 criminal offenses listed in s. 943.0435(1)(a)1.a.(I), or a
 2431 similar offense in another jurisdiction, against a victim who
 2432 was under the age of 18 at the time of the offense; if the
 2433 offender has not received a pardon for any felony or similar law
 2434 of another jurisdiction necessary for the operation of this
 2435 subsection, if a conviction of a felony or similar law of
 2436 another jurisdiction necessary for the operation of this
 2437 subsection has not been set aside in any postconviction
 2438 proceeding, or if the offender has not been removed from the
 2439 requirement to register as a sexual offender or sexual predator

2440 pursuant to s. 943.04354, the court must impose the following
 2441 conditions:

2442 (a) A prohibition on visiting schools, child care
 2443 facilities, parks, and playgrounds, without prior approval from
 2444 the offender's supervising officer. The court may also designate
 2445 additional locations to protect a victim. The prohibition
 2446 ordered under this paragraph does not prohibit the offender from
 2447 visiting a school, child care facility, park, or playground for
 2448 the sole purpose of attending a religious service as defined in
 2449 s. 775.0861 or picking up or dropping off the offender's
 2450 children or grandchildren at a child care facility or school.
 2451

2452 (b) A prohibition on distributing candy or other items to
 2453 children on Halloween; wearing a Santa Claus costume, or other
 2454 costume to appeal to children, on or preceding Christmas;
 2455 wearing an Easter Bunny costume, or other costume to appeal to
 2456 children, on or preceding Easter; entertaining at children's
 2457 parties; or wearing a clown costume; without prior approval from
 2458 the court.

2459 Section 59. For the purpose of incorporating the
 2460 amendments made by this act to sections 775.21, 943.0435,
 2461 944.606, and 944.607, Florida Statutes, in references thereto,
 2462 section 948.31, Florida Statutes, is reenacted to read:

2463 948.31 Evaluation and treatment of sexual predators and
 2464 offenders on probation or community control.—The court may
 2465 require any probationer or community controllee who is required

2466 to register as a sexual predator under s. 775.21 or sexual
 2467 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
 2468 an evaluation, at the probationer or community controllee's
 2469 expense, by a qualified practitioner to determine whether such
 2470 probationer or community controllee needs sexual offender
 2471 treatment. If the qualified practitioner determines that sexual
 2472 offender treatment is needed and recommends treatment, the
 2473 probationer or community controllee must successfully complete
 2474 and pay for the treatment. Such treatment must be obtained from
 2475 a qualified practitioner as defined in s. 948.001. Treatment may
 2476 not be administered by a qualified practitioner who has been
 2477 convicted or adjudicated delinquent of committing, or
 2478 attempting, soliciting, or conspiring to commit, any offense
 2479 that is listed in s. 943.0435(1)(a)1.a.(I).

2480 Section 60. For the purpose of incorporating the amendment
 2481 made by this act to sections 775.21, 943.0435, 944.606, and
 2482 944.607, Florida Statutes, in references thereto, paragraph (b)
 2483 of subsection (6) of section 985.04, Florida Statutes, is
 2484 reenacted to read:

2485 985.04 Oaths; records; confidential information.—

2486 (6)

2487 (b) Sexual offender and predator registration information
 2488 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
 2489 and 985.4815 is a public record pursuant to s. 119.07(1) and as
 2490 otherwise provided by law.

2491 Section 61. For the purpose of incorporating the amendment

2492 made by this act to sections 775.21 and 943.0435, Florida
 2493 Statutes, in references thereto, subsection (9) of section
 2494 985.4815, Florida Statutes, is reenacted to read:

2495 985.4815 Notification to Department of Law Enforcement of
 2496 information on juvenile sexual offenders.—

2497 (9) A sexual offender, as described in this section, who
 2498 is under the care, jurisdiction, or supervision of the
 2499 department but who is not incarcerated shall, in addition to the
 2500 registration requirements provided in subsection (4), register
 2501 in the manner provided in s. 943.0435(3), (4), and (5), unless
 2502 the sexual offender is a sexual predator, in which case he or
 2503 she shall register as required under s. 775.21. A sexual
 2504 offender who fails to comply with the requirements of s.
 2505 943.0435 is subject to the penalties provided in s. 943.0435(9).

2506 Section 62. For the purpose of incorporating the amendment
 2507 made by this act to sections 775.21 and 943.0435, Florida
 2508 Statutes, in references thereto, paragraph (b) of subsection (1)
 2509 of section 92.55, Florida Statutes, is reenacted to read:

2510 92.55 Judicial or other proceedings involving victim or
 2511 witness under the age of 16, a person who has an intellectual
 2512 disability, or a sexual offense victim or witness; special
 2513 protections; use of registered service or therapy animals.—

2514 (1) For purposes of this section, the term:

2515 (b) "Sexual offense" means any offense specified in s.
 2516 775.21(4)(a)1. or s. 943.0435(1)(a)1.a.(I).

2517 Section 63. For the purpose of incorporating the amendment

2518 made by this act to section 943.0435, Florida Statutes, in a
 2519 reference thereto, paragraph (a) of subsection (2) of section
 2520 394.9125, Florida Statutes, is reenacted to read:

2521 394.9125 State attorney; authority to refer a person for
 2522 civil commitment.—

2523 (2) A state attorney may refer a person to the department
 2524 for civil commitment proceedings if the person:

2525 (a) Is required to register as a sexual offender pursuant
 2526 to s. 943.0435;

2527 Section 64. For the purpose of incorporating the
 2528 amendments made by this act to sections 943.0435 and 944.607,
 2529 Florida Statutes, in references thereto, paragraph (d) of
 2530 subsection (5) and paragraph (c) of subsection (10) of section
 2531 775.21, Florida Statutes, are reenacted to read:

2532 775.21 The Florida Sexual Predators Act.—

2533 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
 2534 as a sexual predator as follows:

2535 (d) A person who establishes or maintains a residence in
 2536 this state and who has not been designated as a sexual predator
 2537 by a court of this state but who has been designated as a sexual
 2538 predator, as a sexually violent predator, or by another sexual
 2539 offender designation in another state or jurisdiction and was,
 2540 as a result of such designation, subjected to registration or
 2541 community or public notification, or both, or would be if the
 2542 person was a resident of that state or jurisdiction, without
 2543 regard to whether the person otherwise meets the criteria for

2544 registration as a sexual offender, shall register in the manner
 2545 provided in s. 943.0435 or s. 944.607 and shall be subject to
 2546 community and public notification as provided in s. 943.0435 or
 2547 s. 944.607. A person who meets the criteria of this section is
 2548 subject to the requirements and penalty provisions of s.
 2549 943.0435 or s. 944.607 until the person provides the department
 2550 with an order issued by the court that designated the person as
 2551 a sexual predator, as a sexually violent predator, or by another
 2552 sexual offender designation in the state or jurisdiction in
 2553 which the order was issued which states that such designation
 2554 has been removed or demonstrates to the department that such
 2555 designation, if not imposed by a court, has been removed by
 2556 operation of law or court order in the state or jurisdiction in
 2557 which the designation was made, and provided such person no
 2558 longer meets the criteria for registration as a sexual offender
 2559 under the laws of this state.

2560 (10) PENALTIES.—

2561 (c) Any person who misuses public records information
 2562 relating to a sexual predator, as defined in this section, or a
 2563 sexual offender, as defined in s. 943.0435 or s. 944.607, to
 2564 secure a payment from such a predator or offender; who knowingly
 2565 distributes or publishes false information relating to such a
 2566 predator or offender which the person misrepresents as being
 2567 public records information; or who materially alters public
 2568 records information with the intent to misrepresent the
 2569 information, including documents, summaries of public records

2570 information provided by law enforcement agencies, or public
 2571 records information displayed by law enforcement agencies on
 2572 websites or provided through other means of communication,
 2573 commits a misdemeanor of the first degree, punishable as
 2574 provided in s. 775.082 or s. 775.083.

2575 Section 65. For the purpose of incorporating the
 2576 amendments made by this act to sections 943.0435, 944.606, and
 2577 944.607, Florida Statutes, in references thereto, subsection (2)
 2578 of section 775.24, Florida Statutes, is reenacted to read:

2579 775.24 Duty of the court to uphold laws governing sexual
 2580 predators and sexual offenders.—

2581 (2) If a person meets the criteria in this chapter for
 2582 designation as a sexual predator or meets the criteria in s.
 2583 943.0435, s. 944.606, s. 944.607, or any other law for
 2584 classification as a sexual offender, the court may not enter an
 2585 order, for the purpose of approving a plea agreement or for any
 2586 other reason, which:

2587 (a) Exempts a person who meets the criteria for
 2588 designation as a sexual predator or classification as a sexual
 2589 offender from such designation or classification, or exempts
 2590 such person from the requirements for registration or community
 2591 and public notification imposed upon sexual predators and sexual
 2592 offenders;

2593 (b) Restricts the compiling, reporting, or release of
 2594 public records information that relates to sexual predators or
 2595 sexual offenders; or

2596 (c) Prevents any person or entity from performing its
 2597 duties or operating within its statutorily conferred authority
 2598 as such duty or authority relates to sexual predators or sexual
 2599 offenders.

2600 Section 66. For the purpose of incorporating the
 2601 amendments made by this act to sections 775.21, 943.0435,
 2602 944.606 and 944.607, Florida Statutes, in references thereto,
 2603 subsection (2) of section 943.0436, Florida Statutes, is
 2604 reenacted to read:

2605 943.0436 Duty of the court to uphold laws governing sexual
 2606 predators and sexual offenders.—

2607 (2) If a person meets the criteria in chapter 775 for
 2608 designation as a sexual predator or meets the criteria in s.
 2609 943.0435, s. 944.606, s. 944.607, or any other law for
 2610 classification as a sexual offender, the court may not enter an
 2611 order, for the purpose of approving a plea agreement or for any
 2612 other reason, which:

2613 (a) Exempts a person who meets the criteria for
 2614 designation as a sexual predator or classification as a sexual
 2615 offender from such designation or classification, or exempts
 2616 such person from the requirements for registration or community
 2617 and public notification imposed upon sexual predators and sexual
 2618 offenders;

2619 (b) Restricts the compiling, reporting, or release of
 2620 public records information that relates to sexual predators or
 2621 sexual offenders; or

2622 (c) Prevents any person or entity from performing its
 2623 duties or operating within its statutorily conferred authority
 2624 as such duty or authority relates to sexual predators or sexual
 2625 offenders.

2626 Section 67. For the purpose of incorporating the amendment
 2627 made by this act to section 943.0435, Florida Statutes, in a
 2628 reference thereto, subsection (2) of section 775.0862, Florida
 2629 Statutes, is reenacted to read:

2630 775.0862 Sexual offenses against students by authority
 2631 figures; reclassification.—

2632 (2) The felony degree of a violation of an offense listed
 2633 in s. 943.0435(1)(a)1.a., unless the offense is a violation of
 2634 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified
 2635 as provided in this section if the offense is committed by an
 2636 authority figure of a school against a student of the school.

2637 Section 68. This act shall take effect October 1, 2016.