

CHAMBER ACTION

1 The Justice Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to sexual predators and sexual offenders;
7 providing a popular name; amending s. 216.136, F.S.;
8 assigning an additional responsibility to the Criminal
9 Justice Estimating Conference; amending s. 775.082, F.S.;
10 requiring lifetime electronic monitoring for certain
11 offenders; creating s. 775.0821, F.S.; creating a felony
12 offense for removing, altering, or failing to maintain an
13 electronic monitoring device for the purpose of committing
14 a crime; providing criminal penalties; amending s. 775.21,
15 F.S.; revising criteria for sexual predator designation;
16 requiring certain notification of sentence to lifetime
17 electronic monitoring; extending period for petition to
18 remove sexual predator designation; creating s. 775.235,
19 F.S.; prohibiting the harboring of a sexual predator or
20 sexual offender; providing criminal penalties; amending s.
21 921.0022, F.S.; revising ranking for certain offenses
22 involving sexual predators and sexual offenders failing to
23 comply with registration requirements; ranking offenses

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24 involving sexual predators and sexual offenders failing to
25 comply with registration and other requirements; amending
26 s. 921.141, F.S.; creating an aggravating circumstance
27 pertaining to sexual predators for purposes of imposing
28 the death penalty; amending s. 943.043, F.S.; requiring
29 the Department of Corrections to share information with
30 local law enforcement agencies to assist in determining
31 the potential whereabouts of registered sexual predators
32 and sexual offenders; amending s. 944.606, F.S.; requiring
33 the Department of Corrections to provide information
34 regarding electronic monitoring to the Department of Law
35 Enforcement; amending s. 944.607, F.S.; requiring sexual
36 offenders sentenced to electronic monitoring to provide
37 such information to the Department of Corrections and for
38 such department to provide that information to the
39 Department of Law Enforcement; amending s. 947.1405, F.S.;
40 requiring sexual offenders and sexual predators on
41 conditional release to be placed on electronic monitoring;
42 requiring the Parole Commission to order sexual offenders
43 and sexual predators on conditional release to be returned
44 to prison until expiration of sentence for any material
45 violation of supervision; creating s. 947.1406, F.S.;
46 providing requirements for electronic monitoring of sexual
47 offenders and sexual predators on conditional release;
48 amending s. 948.06, F.S.; requiring electronic monitoring
49 for any violation of probation or community control
50 supervision by certain offenders and sexual predators;
51 creating s. 948.061, F.S.; requiring the Department of

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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52 Corrections to develop a risk assessment and alert system
 53 to monitor certain offenders placed on probation or
 54 community control; authorizing the department to adopt
 55 rules; requiring the department to have fingerprint-
 56 reading equipment and capability by a specified date;
 57 amending s. 948.11, F.S.; providing requirements for
 58 electronic monitoring of sexual offenders and sexual
 59 predators on community control or probation; amending s.
 60 948.30, F.S.; requiring sexual offenders and sexual
 61 predators on community control or probation to be placed
 62 on electronic monitoring; providing for severability;
 63 providing an effective date.

64

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

66

67 Section 1. This act may be cited as the "Jessica Lunsford
 68 Act."

69 Section 2. Paragraph (a) of subsection (5) of section
 70 216.136, Florida Statutes, is amended to read:

71 216.136 Consensus estimating conferences; duties and
 72 principals.--

73 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

74 (a) Duties.--The Criminal Justice Estimating Conference
 75 shall:

76 1. Develop such official information relating to the
 77 criminal justice system, including forecasts of prison
 78 admissions and population and of supervised felony offender

79 admissions and population, as the conference determines is
80 needed for the state planning and budgeting system.

81 2. Develop such official information relating to the
82 number of eligible discharges and the projected number of civil
83 commitments for determining space needs pursuant to the civil
84 proceedings provided under part V of chapter 394.

85 3. Develop official information relating to the number of
86 sexual offenders and sexual predators who are required by law to
87 be placed on community control, probation, or conditional
88 release who are subject to electronic monitoring.

89 Section 3. Subsection (10) of section 775.082, Florida
90 Statutes, is renumbered as subsection (11), and a new subsection
91 (10) is added to said section, to read:

92 775.082 Penalties; applicability of sentencing structures;
93 mandatory minimum sentences for certain reoffenders previously
94 released from prison.--

95 (10)(a) Any defendant convicted of any of the following
96 offenses shall, in addition to any other penalty provided by
97 law, be subject to electronic monitoring supervised by the
98 Department of Corrections for the remainder of his or her
99 natural life:

100 1. Section 787.01(3), relating to kidnapping a child under
101 age 13.

102 2. Section 787.02(3), relating to false imprisonment of a
103 child under age 13.

104 3. Section 787.025, relating to luring or enticing a
105 child.

106 4. Section 794.011(2), (3), (4), or (8), relating to
 107 sexual battery.

108 5. Section 800.04(4), relating to lewd or lascivious
 109 battery.

110 (b) Any defendant convicted of the following offenses:

111 1. Section 800.04(5), relating to lewd or lascivious
 112 molestation;

113 2. Section 787.01(3), relating to kidnapping;

114 3. Section 794.011(5), relating to sexual battery; or

115 4. Section 825.1025(2), relating to lewd or lascivious
 116 battery on an elderly person,

117

118 shall, in addition to any other penalty provided by law, be
 119 subject to electronic monitoring supervised by the Department of
 120 Corrections for the remainder of the defendant's natural life if
 121 the court determines that the defendant has been previously
 122 convicted for any violation of s. 800.04, s. 794.011, s. 787.01,
 123 s. 787.02, s. 787.025, or s. 825.1025, or any burglary of a
 124 dwelling under s. 810.02.

125 (c) The lifetime electronic monitoring required for
 126 offenders meeting the criteria of this subsection shall be in
 127 addition to any other provision of sentencing ordered by the
 128 court. The electronic monitoring shall commence upon expiration
 129 of the defendant's sentence of imprisonment, or after the
 130 period, if any, of probation, community control, or conditional
 131 release supervision, whichever occurs later. The Department of
 132 Corrections shall use a system of active electronic monitoring
 133 that identifies the location of a monitored offender and that

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134 can produce, upon request, reports or records of the offender's
135 presence near or within a crime scene or prohibited area or the
136 offender's departure from a specified geographic location. The
137 requirements of this subsection apply to all eligible defendants
138 whose crimes occurred on or after July 1, 2005. For purposes of
139 this subsection, the term "conviction" has the same meaning as
140 provided in s. 921.0021.

141 Section 4. Section 775.0821, Florida Statutes, is created
142 to read:

143 775.0821 Tampering with or removal of lifetime electronic
144 monitoring device.--

145 (1) Any person subject to lifetime electronic monitoring
146 under s. 775.082 who, for the purpose of facilitating the
147 commission of a crime, removes, defaces, alters, destroys, or
148 fails to maintain the electronic monitoring device in working
149 order commits a felony of the first degree, punishable as
150 provided in s. 775.082 or s. 775.083.

151 (2) Any person subject to lifetime electronic monitoring
152 under s. 775.082 must follow instructions provided by the
153 Department of Corrections or the electronic monitoring device
154 manufacturer to maintain the electronic monitoring device in
155 working order. Incidental damage or defacement of the electronic
156 monitoring device must be reported to the Department of
157 Corrections within 2 hours. Failure to comply with the reporting
158 requirement of this subsection is a felony of the third degree,
159 punishable as provided in s. 775.082 or s. 775.083.

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160 Section 5. Paragraph (b) of subsection (4) and paragraphs
161 (a), (b), and (1) of subsection (6) of section 775.21, Florida
162 Statutes, are amended to read:

163 775.21 The Florida Sexual Predators Act.--

164 (4) SEXUAL PREDATOR CRITERIA.--

165 (b) In order to be counted as a prior felony for purposes
166 of this subsection, the felony must have resulted in a
167 conviction ~~sentenced separately,~~ or an adjudication of
168 delinquency for an offense committed ~~entered separately,~~ prior
169 to the current offense ~~and sentenced or adjudicated separately~~
170 ~~from any other felony conviction that is to be counted as a~~
171 ~~prior felony. If the offender's prior enumerated felony was~~
172 ~~committed more than 10 years before the primary offense, it~~
173 ~~shall not be considered a prior felony under this subsection if~~
174 ~~the offender has not been convicted of any other crime for a~~
175 ~~period of 10 consecutive years from the most recent date of~~
176 ~~release from confinement, supervision, or sanction, whichever is~~
177 ~~later.~~

178 (6) REGISTRATION.--

179 (a) A sexual predator must register with the department by
180 providing the following information to the department:

181 1. Name, social security number, age, race, sex, date of
182 birth, height, weight, hair and eye color, photograph, address
183 of legal residence and address of any current temporary
184 residence, within the state or out of state, including a rural
185 route address and a post office box, date and place of any
186 employment, date and place of each conviction, fingerprints, and
187 a brief description of the crime or crimes committed by the

188 | offender. In addition, any sexual predator sentenced to lifetime
 189 | electronic monitoring under s. 775.082(10) must provide that
 190 | information to the department. A post office box shall not be
 191 | provided in lieu of a physical residential address.

192 | a. If the sexual predator's place of residence is a motor
 193 | vehicle, trailer, mobile home, or manufactured home, as defined
 194 | in chapter 320, the sexual predator shall also provide to the
 195 | department written notice of the vehicle identification number;
 196 | the license tag number; the registration number; and a
 197 | description, including color scheme, of the motor vehicle,
 198 | trailer, mobile home, or manufactured home. If a sexual
 199 | predator's place of residence is a vessel, live-aboard vessel,
 200 | or houseboat, as defined in chapter 327, the sexual predator
 201 | shall also provide to the department written notice of the hull
 202 | identification number; the manufacturer's serial number; the
 203 | name of the vessel, live-aboard vessel, or houseboat; the
 204 | registration number; and a description, including color scheme,
 205 | of the vessel, live-aboard vessel, or houseboat.

206 | b. If the sexual predator is enrolled, employed, or
 207 | carrying on a vocation at an institution of higher education in
 208 | this state, the sexual predator shall also provide to the
 209 | department the name, address, and county of each institution,
 210 | including each campus attended, and the sexual predator's
 211 | enrollment or employment status. Each change in enrollment or
 212 | employment status shall be reported in person at the sheriff's
 213 | office, or the Department of Corrections if the sexual predator
 214 | is in the custody or control of or under the supervision of the
 215 | Department of Corrections, within 48 hours after any change in

216 | status. The sheriff or the Department of Corrections shall
 217 | promptly notify each institution of the sexual predator's
 218 | presence and any change in the sexual predator's enrollment or
 219 | employment status.

220 | 2. Any other information determined necessary by the
 221 | department, including criminal and corrections records;
 222 | nonprivileged personnel and treatment records; and evidentiary
 223 | genetic markers when available.

224 | (b) If the sexual predator is in the custody or control
 225 | of, or under the supervision of, the Department of Corrections,
 226 | or is in the custody of a private correctional facility, the
 227 | sexual predator must register with the Department of
 228 | Corrections. The Department of Corrections shall provide to the
 229 | department registration information and the location of, and
 230 | local telephone number for, any Department of Corrections office
 231 | that is responsible for supervising the sexual predator. ~~In~~
 232 | ~~addition,~~ The Department of Corrections shall also notify the
 233 | department if the sexual predator escapes or absconds from
 234 | custody or supervision or if the sexual predator dies. In
 235 | addition, for any sexual predator sentenced to lifetime
 236 | electronic monitoring under s. 775.082(10), the Department of
 237 | Corrections must provide that information to the department.

238 | (1) A sexual predator must maintain registration with the
 239 | department for the duration of his or her life, unless the
 240 | sexual predator has received a full pardon or has had a
 241 | conviction set aside in a postconviction proceeding for any
 242 | offense that met the criteria for the sexual predator
 243 | designation. However, a sexual predator who was designated as a

244 sexual predator by a court before October 1, 1998, and who has
 245 been lawfully released from confinement, supervision, or
 246 sanction, whichever is later, for at least 10 years and has not
 247 been arrested for any felony or misdemeanor offense since
 248 release, may petition the criminal division of the circuit court
 249 in the circuit in which the sexual predator resides for the
 250 purpose of removing the sexual predator designation. A sexual
 251 predator who was designated a sexual predator by a court on or
 252 after October 1, 1998, who has been lawfully released from
 253 confinement, supervision, or sanction, whichever is later, for
 254 at least 20 years, and who has not been arrested for any felony
 255 or misdemeanor offense since release may petition the criminal
 256 division of the circuit court in the circuit in which the sexual
 257 predator resides for the purpose of removing the sexual predator
 258 designation. A sexual predator who was designated a sexual
 259 predator by a court on or after October 1, 2005, who has been
 260 lawfully released from confinement, supervision, or sanction,
 261 whichever is later, for at least 30 years and who has not been
 262 arrested for any felony or misdemeanor offense since release may
 263 petition the criminal division of the circuit court in the
 264 circuit in which the sexual predator resides for the purpose of
 265 removing the sexual predator designation. The court may grant or
 266 deny such relief if the petitioner demonstrates to the court
 267 that he or she has not been arrested for any crime since
 268 release, the requested relief complies with the provisions of
 269 the federal Jacob Wetterling Act, as amended, and any other
 270 federal standards applicable to the removal of the designation
 271 as a sexual predator or required to be met as a condition for

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272 the receipt of federal funds by the state, and the court is
 273 otherwise satisfied that the petitioner is not a current or
 274 potential threat to public safety. The state attorney in the
 275 circuit in which the petition is filed must be given notice of
 276 the petition at least 3 weeks before the hearing on the matter.
 277 The state attorney may present evidence in opposition to the
 278 requested relief or may otherwise demonstrate the reasons why
 279 the petition should be denied. If the court denies the petition,
 280 the court may set a future date at which the sexual predator may
 281 again petition the court for relief, subject to the standards
 282 for relief provided in this paragraph. Unless specified in the
 283 order, a sexual predator who is granted relief under this
 284 paragraph must comply with the requirements for registration as
 285 a sexual offender and other requirements provided under s.
 286 943.0435 or s. 944.607. If a petitioner obtains an order from
 287 the court that imposed the order designating the petitioner as a
 288 sexual predator which removes such designation, the petitioner
 289 shall forward a certified copy of the written findings or order
 290 to the department in order to have the sexual predator
 291 designation removed from the sexual predator registry.

292
 293 The sheriff shall promptly provide to the department the
 294 information received from the sexual predator.

295 Section 6. Section 775.235, Florida Statutes, is created
 296 to read:

297 775.235 Harboring sexual predator or sexual offender.--Any
 298 person who permits a sexual predator or sexual offender to
 299 reside with that person knowing that the sexual predator or

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300 sexual offender has failed to comply with requirements of s.
 301 775.21, s. 943.0435, or s. 944.607 commits a felony of the third
 302 degree, punishable as provided in s. 775.082 or s. 775.083.

303 Section 7. Paragraphs (f) and (g) of subsection (3) of
 304 section 921.0022, Florida Statutes, are amended to read:

305 921.0022 Criminal Punishment Code; offense severity
 306 ranking chart.--

307 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(f) LEVEL 6
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Forgery of pedigree papers.
499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
499.0051(5)	2nd	Sale of legend drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
775.21(10)	3rd	Sexual predators; failure to

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			register; failure to renew driver's license or identification card.
316	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
317	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
318	784.041	3rd	Felony battery.
319	784.048(3)	3rd	Aggravated stalking; credible threat.
320	784.048(5)	3rd	Aggravated stalking of person under 16.
321	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
322	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
323	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
324	784.081(2)	2nd	Aggravated assault on specified official or employee.
325	784.082(2)	2nd	Aggravated assault by detained

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			person on visitor or other detainee.
326	784.083(2)	2nd	Aggravated assault on code inspector.
327	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
328	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
329	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
330	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
331	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
332	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
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334	794.05(1)	2nd	Unlawful sexual activity with specified minor.
335	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
336	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
337	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
338	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
339	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
340	812.015(9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
341	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
	817.034(4)(a)1.	1st	Communications fraud, value

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			greater than \$50,000.
342	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
343	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
344	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
345	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
346	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
347	827.03(1)	3rd	Abuse of a child.
348	827.03(3)(c)	3rd	Neglect of a child.
349	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
350	836.05	2nd	Threats; extortion.
351	836.10	2nd	Written threats to kill or do

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			bodily injury.
352	843.12	3rd	Aids or assists person to escape.
353	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
354	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
355	943.0435(9)	3rd	Sex offenders; failure to comply with reporting requirements.
356	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
357	944.40	2nd	Escapes.
358	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
359	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
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361	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
			(g) LEVEL 7
362	316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
363	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
364	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
365	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
366	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
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368	409.920(2)	3rd	Medicaid provider fraud.
369	456.065(2)	3rd	Practicing a health care profession without a license.
370	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
371	458.327(1)	3rd	Practicing medicine without a license.
372	459.013(1)	3rd	Practicing osteopathic medicine without a license.
373	460.411(1)	3rd	Practicing chiropractic medicine without a license.
374	461.012(1)	3rd	Practicing podiatric medicine without a license.
375	462.17	3rd	Practicing naturopathy without a license.
376	463.015(1)	3rd	Practicing optometry without a license.
377	464.016(1)	3rd	Practicing nursing without a license.
	465.015(2)	3rd	Practicing pharmacy without a

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			license.
378	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
379	467.201	3rd	Practicing midwifery without a license.
380	468.366	3rd	Delivering respiratory care services without a license.
381	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
382	483.901(9)	3rd	Practicing medical physics without a license.
383	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
384	484.053	3rd	Dispensing hearing aids without a license.
385	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
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387	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
388	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
389	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
390	<u>775.21(10)(a)</u>	<u>3rd</u>	<u>Sexual predator; failure to register; failure to renew driver's license or identification card.</u>
391	<u>775.21(10)(b)</u>	<u>3rd</u>	<u>Sexual predator working where children regularly congregate.</u>
392	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
	782.07(1)	2nd	Killing of a human being by the

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			act, procurement, or culpable negligence of another (manslaughter).
393	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
394	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
395	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
396	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
397	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
398	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
399	784.048(7)	3rd	Aggravated stalking; violation of court order.
400	784.07(2)(d)	1st	Aggravated battery on law

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			enforcement officer.
401	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
402	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
403	784.081(1)	1st	Aggravated battery on specified official or employee.
404	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
405	784.083(1)	1st	Aggravated battery on code inspector.
406	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
407	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
408	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
409	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb

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			while committing or attempting to commit a felony.
410	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
411	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
412	796.03	2nd	Procuring any person under 16 years for prostitution.
413	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
414	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
415	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
416	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.

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417	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
418	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
419	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
420	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
421	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
422	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
423	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
424	812.131(2)(a)	2nd	Robbery by sudden snatching.
425	812.133(2)(b)	1st	Carjacking; no firearm, deadly

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			weapon, or other weapon.
426	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
427	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
428	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
429	817.234(2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
430	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
431	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
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433	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
434	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
435	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
436	838.015	2nd	Bribery.
437	838.016	2nd	Unlawful compensation or reward for official behavior.
438	838.021(3)(a)	2nd	Unlawful harm to a public servant.
439	838.22	2nd	Bid tampering.
440	872.06	2nd	Abuse of a dead human body.
	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park

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			or publicly owned recreational facility or community center.
441	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
442	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
443	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
444	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
445	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
446	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
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448	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
449	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
450	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
451	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
452	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
453	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
454	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial

467 (o) The capital felony was committed by a person
 468 designated a sexual predator under s. 775.21 or a person
 469 previously designated a sexual predator whose sexual predator
 470 designation had been removed.

471 Section 9. Subsection (5) is added to section 943.043,
 472 Florida Statutes, to read:

473 943.043 Toll-free telephone number; Internet notification;
 474 sexual predator and sexual offender information.--

475 (5) The department shall share information with local law
 476 enforcement agencies to assist local law enforcement agencies in
 477 determining the potential whereabouts of any sexual predator or
 478 sexual offender who fails to respond to address-verification
 479 attempts or otherwise absconds from registration.

480 Section 10. Paragraph (a) of subsection (3) of section
 481 944.606, Florida Statutes, is amended to read:

482 944.606 Sexual offenders; notification upon release.--

483 (3)(a) The department must provide information regarding
 484 any sexual offender who is being released after serving a period
 485 of incarceration for any offense, as follows:

486 1. The department must provide: the sexual offender's
 487 name, any change in the offender's name by reason of marriage or
 488 other legal process, and any alias, if known; the correctional
 489 facility from which the sexual offender is released; the sexual
 490 offender's social security number, race, sex, date of birth,
 491 height, weight, and hair and eye color; date and county of
 492 sentence and each crime for which the offender was sentenced; a
 493 copy of the offender's fingerprints and a digitized photograph
 494 taken within 60 days before release; the date of release of the

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495 sexual offender; and the offender's intended residence address,
 496 if known. The department shall notify the Department of Law
 497 Enforcement if the sexual offender escapes, absconds, or dies.
 498 In addition, for any sexual offender sentenced to lifetime
 499 electronic monitoring under s. 775.082(10), the department must
 500 provide that information to the Department of Law Enforcement.

501 If the sexual offender is in the custody of a private
 502 correctional facility, the facility shall take the digitized
 503 photograph of the sexual offender within 60 days before the
 504 sexual offender's release and provide this photograph to the
 505 Department of Corrections and also place it in the sexual
 506 offender's file. If the sexual offender is in the custody of a
 507 local jail, the custodian of the local jail shall notify the
 508 Department of Law Enforcement of the sexual offender's release
 509 and provide to the Department of Law Enforcement the information
 510 specified in this paragraph and any information specified in
 511 subparagraph 2. that the Department of Law Enforcement requests.

512 2. The department may provide any other information deemed
 513 necessary, including criminal and corrections records,
 514 nonprivileged personnel and treatment records, when available.

515 Section 11. Paragraph (a) of subsection (4) of section
 516 944.607, Florida Statutes, is amended, and paragraph (h) is
 517 added to subsection (6) of said section, to read:

518 944.607 Notification to Department of Law Enforcement of
 519 information on sexual offenders.--

520 (4) A sexual offender, as described in this section, who
 521 is under the supervision of the Department of Corrections but is
 522 not incarcerated must register with the Department of

523 Corrections and provide information as required by this
524 subsection.

525 (a) The sexual offender shall provide his or her name;
526 date of birth; social security number; race; sex; height;
527 weight; hair and eye color; tattoos or other identifying marks;
528 and permanent or legal residence and address of temporary
529 residence within the state or out of state while the sexual
530 offender is under supervision in this state, including any rural
531 route address or post office box. In addition, any sexual
532 offender sentenced to lifetime electronic monitoring under s.
533 775.082(10) must provide that information to the Department of
534 Corrections. The Department of Corrections shall verify the
535 address of each sexual offender in the manner described in ss.
536 775.21 and 943.0435.

537 (6) The information provided to the Department of Law
538 Enforcement must include:

539 (h) Information obtained from the Department of
540 Corrections that a sexual offender has been sentenced to
541 lifetime electronic monitoring under s. 775.082(10).

542
543 If any information provided by the department changes during the
544 time the sexual offender is under the department's control,
545 custody, or supervision, including any change in the offender's
546 name by reason of marriage or other legal process, the
547 department shall, in a timely manner, update the information and
548 provide it to the Department of Law Enforcement in the manner
549 prescribed in subsection (2).

550 Section 12. Paragraph (b) of subsection (7) of section
 551 947.1405, Florida Statutes, is amended, paragraph (c) is added
 552 to said subsection, subsection (9) is renumbered as subsection
 553 (10), and a new subsection (9) is added to said section, to
 554 read:

555 947.1405 Conditional release program.--

556 (7)

557 (b) For a releasee whose crime was committed on or after
 558 October 1, 1997, in violation of chapter 794, s. 800.04, s.
 559 827.071, or s. 847.0145, and who is subject to conditional
 560 release supervision, in addition to any other provision of this
 561 section ~~subsection~~, the commission shall impose the following
 562 additional conditions of conditional release supervision:

563 1. As part of a treatment program, participation in a
 564 minimum of one annual polygraph examination to obtain
 565 information necessary for risk management and treatment and to
 566 reduce the sex offender's denial mechanisms. The polygraph
 567 examination must be conducted by a polygrapher trained
 568 specifically in the use of the polygraph for the monitoring of
 569 sex offenders, where available, and at the expense of the sex
 570 offender. The results of the polygraph examination shall not be
 571 used as evidence in a hearing to prove that a violation of
 572 supervision has occurred.

573 2. Maintenance of a driving log and a prohibition against
 574 driving a motor vehicle alone without the prior approval of the
 575 supervising officer.

576 3. A prohibition against obtaining or using a post office
 577 box without the prior approval of the supervising officer.

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578 4. If there was sexual contact, a submission to, at the
579 probationer's or community controllee's expense, an HIV test
580 with the results to be released to the victim or the victim's
581 parent or guardian.

582 5. Electronic monitoring of any form when ordered by the
583 commission.

584 (c) Effective for a releasee whose crime was committed on
585 or after July 1, 2005, in violation of chapter 794, s. 800.04,
586 s. 827.071, or s. 847.0145, or who is designated a sexual
587 predator under s. 775.21, in addition to any other provision of
588 this section, the commission shall require electronic monitoring
589 as provided in s. 947.1406.

590 (9) For a releasee placed on electronic monitoring under
591 paragraph (7)(c) who the commission determines is in violation
592 of any material condition of supervision, the commission shall
593 order the releasee returned to prison until the expiration of
594 the sentence of imprisonment.

595 Section 13. Section 947.1406, Florida Statutes, is created
596 to read:

597 947.1406 Electronic monitoring for certain sex offenders
598 and sexual predators.--For any conditional releasee placed on
599 electronic monitoring under s. 947.1405(9), the department shall
600 use a system of active electronic monitoring that identifies the
601 location of a monitored offender and that can produce upon
602 request reports or records of the offender's presence near or
603 within a crime scene or prohibited area or the offender's
604 departure from a specified geographic location.

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605 Section 14. Subsection (8) is added to section 948.06,
606 Florida Statutes, to read:

607 948.06 Violation of probation or community control;
608 revocation; modification; continuance; failure to pay
609 restitution or cost of supervision.--

610 (8) This subsection shall apply to any probationer or
611 community controllee under supervision for a violation of s.
612 787.01, s. 787.02, s. 787.025, s. 794.011, s. 800.04, s.
613 827.071, or s. 847.0145, or who is designated a sexual predator
614 under s. 775.21, regardless of when his or her crime was
615 committed. In any case, when a violation of supervision is
616 admitted or determined by the court to be proven, and the court
617 returns the violator to probation or community control
618 supervision, the court must, in addition to any other condition
619 of supervision, order electronic monitoring as described in s.
620 948.11(6).

621 Section 15. Section 948.061, Florida Statutes, is created
622 to read:

623 948.061 Identifying, assessing, and monitoring certain
624 high-risk offenders on community supervision; providing
625 cumulative criminal and supervision histories to the court.--

626 (1) By December 1, 2005, the department shall develop a
627 graduated risk assessment and alert system that continuously
628 identifies, assesses, and closely monitors a high-risk offender
629 who is placed on probation or in community control and who:

630 (a) Has previously been placed on probation or in
631 community control and has a history of committing multiple
632 violations of community supervision in this state or in any

633 other jurisdiction or has previously been incarcerated in this
 634 state or in any other jurisdiction.

635 (b) Has experienced more than one of the following risk
 636 factors that could potentially make the offender more likely to
 637 pose a danger to others:

- 638 1. Attempted suicide or had severe depression;
- 639 2. Marital instability or a history of domestic violence;
- 640 3. A history of substance abuse;
- 641 4. Unemployment or substantial financial difficulties;
- 642 5. A history of violence or sex acts against children,
 643 particularly involving strangers; or
- 644 6. Any other risk factor identified by the department.

645 (2) In providing criminal history and background
 646 information to the court for these high-risk offenders, the
 647 correctional probation officer shall provide at each hearing
 648 before the court a complete chronology of the offender's
 649 criminal history and prior terms of probation or community
 650 control, including all substantive or technical violations of
 651 probation or community control. The department may adopt rules
 652 as necessary to administer this section.

653 (3) In monitoring the location of high-risk offenders, the
 654 department, shall, no later than October 1, 2006, have
 655 fingerprint-reading equipment and capability that will
 656 immediately identify the probationer or community controllee
 657 when he or she reports to his or her designated probation
 658 officer and alert department probation officials when
 659 probationers and community controllees are subsequently
 660 rearrested.

661 Section 16. Subsection (6) is added to section 948.11,
662 Florida Statutes, to read:

663 948.11 Electronic monitoring devices.--

664 (6) For any probationer or community controllee placed on
665 electronic monitoring under s. 948.30(3), the Department of
666 Corrections shall use a system of active electronic monitoring
667 that identifies the location of a monitored offender and that
668 can produce, upon request, reports or records of the offender's
669 presence near or within a crime scene or prohibited area or the
670 offender's departure from a specified geographic location.

671 Section 17. Subsection (2) of section 948.30, Florida
672 Statutes, is amended, and subsection (3) is added to said
673 section, to read:

674 948.30 Additional terms and conditions of probation or
675 community control for certain sex offenses.--Conditions imposed
676 pursuant to this section do not require oral pronouncement at
677 the time of sentencing and shall be considered standard
678 conditions of probation or community control for offenders
679 specified in this section.

680 (2) Effective for a probationer or community controllee
681 whose crime was committed on or after October 1, 1997, and who
682 is on supervision ~~placed on sex offender probation~~ for a
683 violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145,
684 in addition to any other provision of this section ~~subsection~~,
685 the court must impose the following conditions of probation or
686 community control:

687 (a) As part of a treatment program, participation at least
688 annually in polygraph examinations to obtain information

689 necessary for risk management and treatment and to reduce the
 690 sex offender's denial mechanisms. A polygraph examination must
 691 be conducted by a polygrapher trained specifically in the use of
 692 the polygraph for the monitoring of sex offenders, where
 693 available, and shall be paid for by the sex offender. The
 694 results of the polygraph examination shall not be used as
 695 evidence in court to prove that a violation of community
 696 supervision has occurred.

697 (b) Maintenance of a driving log and a prohibition against
 698 driving a motor vehicle alone without the prior approval of the
 699 supervising officer.

700 (c) A prohibition against obtaining or using a post office
 701 box without the prior approval of the supervising officer.

702 (d) If there was sexual contact, a submission to, at the
 703 probationer's or community controllee's expense, an HIV test
 704 with the results to be released to the victim or the victim's
 705 parent or guardian.

706 (e) Electronic monitoring when deemed necessary by the
 707 community control or probation officer and his or her
 708 supervisor, and ordered by the court at the recommendation of
 709 the Department of Corrections.

710 (3) Effective for a probationer or community controllee
 711 whose crime was committed on or after July 1, 2005, and who is
 712 on supervision for a violation of chapter 794, s. 800.04, s.
 713 827.071, or s. 847.0145, or who is designated a sexual predator
 714 under s. 775.21, in addition to any other provision of this
 715 section, the court shall order electronic monitoring as provided
 716 in s. 948.11(6).

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717 Section 18. If any provision of this act or its
718 application to any person or circumstance is held invalid, the
719 invalidity does not affect other provisions or applications of
720 the act that can be given effect without the invalid provision
721 or application, and to this end the provisions of this act are
722 declared severable.

723 Section 19. This act shall take effect July 1, 2005.