



**COMMITTEE ON HOMELAND SECURITY
& PUBLIC SAFETY**

COMMITTEE MEETING

WEDNESDAY, MARCH 19, 2008

8:15 a.m. – 9:30 a.m.

ROOM

Reed Hall (102 House Office Building)

**MEETING PACKET
ADDENDUM
&
AMENDMENTS**

BILL ANALYSIS

HB 1043

by

SOTO

STREET RACING

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1043 Street Racing

SPONSOR(S): Soto

TIED BILLS: **IDEN./SIM. BILLS:** SB 2604

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Homeland Security & Public Safety</u>	_____	Padgett <i>AP</i>	Kramer <i>JK</i>
2) <u>Safety & Security Council</u>	_____	_____	_____
3) <u>Policy & Budget Council</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The bill amends s. 316.191, F.S., related to racing on highways, in response to the Florida Fourth District Court of Appeal ruling declaring the current statute unconstitutionally vague because the definition of "racing" encompassed both lawful and unlawful conduct. The court held that the element of competition was a critical element of any race, and the absence of any language to that effect rendered the statute unconstitutionally vague.

The bill makes the following changes:

- amends the definitions of "race" and "drag race" in s. 316.191, F.S. to require that some form of competition or challenge exist; defines the terms exhibition of speed and exhibition of acceleration
- creates noncriminal penalties for spectators of races, drag races, and exhibitions of speed or acceleration
- decreases the penalty for a first violation of this section to a second degree misdemeanor
- increases the penalty for a violation of this section from a one year driver's license suspension to a two year driver's license suspension
- increases the penalty for a second violation of this section in five years from a two year driver's license suspension to a five year driver's license suspension
- creates a first degree misdemeanor if a person violates this section and damages the person or property of another
- creates a third degree felony if a person violates this section and causes serious bodily injury to another
- creates the second degree felony of racing manslaughter if a person violates this section and causes the death of another human being or unborn quick child
- creates a first degree felony if a person commits racing manslaughter and knew, or should have known, a crash occurred and failed to render aid
- allows law enforcement officers to arrest a person for a violation of this section if the crime does not occur in the presence of the officer
- allows forfeiture of any motor vehicle used in violation of this section; allows forfeiture if a vehicle used in violation of this section was negligently entrusted to a person who previously has been cited or charged with a violation of this section

The Criminal Justice Impact Conference has not met to determine the prison bed impact of this bill.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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competition or a challenge between two drivers.⁴ Absent such language, the court held the s. 316.191, F.S. was unconstitutionally vague on its face.⁵

Proposed Changes

HB 1043 provides that a person operating or in actual physical control of a motor vehicle, including a motorcycle, on any street, highway, or publicly accessible parking lot may not:

- drive in any race⁶;
- drive in any drag race⁷;
- drive in any exhibition of speed⁸;
- drive in any exhibition of acceleration⁹.

The bill also provides that a person may not:

- knowingly participate in, coordinate, facilitate, or collect moneys at any location for any such race, drag race, or exhibition of speed or acceleration;
- knowingly ride as a passenger in a race, drag race, or exhibition of speed or acceleration; or
- knowingly cause the movement of traffic to slow or stop for a race, drag race, or exhibition of speed or acceleration.

⁴ Id.

⁵ Id.

⁶ The bill defines "race" as the use of one or more motor vehicles in competition, arising from a challenge to demonstrate superiority of a motor vehicle or driver and the acceptance or competitive response to that challenge, either through a prior arrangement or in immediate response, in which the competitor attempts to outgain or outdistance another motor vehicle, to prevent another motor vehicle from passing, to arrive at a given destination ahead of another motor vehicle or motor vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes. A race may be prearranged or may occur through a competitive response to conduct on the part of one or more drivers that, under the totality of the circumstances, can reasonably be interpreted as a challenge to race.

⁷ The bill defines "drag race" as the operation of two or more motor vehicles in competition, arising from a challenge to demonstrate superiority of a motor vehicle or driver and the acceptance or competitive response to that challenge, either through a prior arrangement or in immediate response, from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more motor vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such motor vehicle or motor vehicles within a certain distance or time limit. A drag race may be prearranged or may occur through a competitive response to conduct on the part of one or more drivers that, under the totality of the circumstances, can reasonably be interpreted as a challenge to participate in a drag race.

⁸ The bill defines "exhibition of speed" as the use of a motor vehicle in a demonstration to another person or persons, including, but not limited to, any passenger of such motor vehicle or the driver or passenger of another motor vehicle, of the motor vehicle's speed or handling capabilities at a speed of at least double the posted or lawful speed limit or over 100 miles per hour, whichever is less.

⁹ The bill defines "exhibition of acceleration" as the use of a motor vehicle in a demonstration to another person or persons, including, but not limited to, any passenger of such motor vehicle or the driver or passenger of another motor vehicle, of the motor vehicle's ability to accelerate by a sudden increase in speed causing a tire to lose firm traction with, or burn, smoke, or squeal against, the road surface which results in the vehicle's continuous acceleration to a final speed that exceeds the posted or lawful speed limit.

Criminal Penalties¹⁰

HB 1043 provides a driver, passenger, or race organizer who violates any of the above provisions commits a second degree misdemeanor¹¹ rather than a first degree misdemeanor, punishable by up to 60 days in jail and a fine of not less than \$250 and not more than \$500. The bill also requires the court to revoke a person's driver's license for two years, rather than one year for a violation of the above provisions, regardless of whether adjudication is withheld.

The bill provides that if a driver, passenger, or race organizer violates any of the above provisions twice within a 5 year period, the person commits a first degree misdemeanor¹², punishable by up to one year in jail and a fine of not less than \$500 and not more than \$1,000. The bill prohibits the court from withholding adjudication for second or subsequent convictions for violations of this section, and requires the court to revoke the person's driver's license for 5 years. The bill provides that proof of a prior conviction under this section must be made with a certified copy of a prior judgment and sentence.

The bill provides that if a driver, passenger, or race organizer violate any of the above provisions and, as a result, causes damage to the property or person of another, the person commits a first degree misdemeanor; punishable by up to one year in jail, a fine of not less than \$500 and not more than \$1,000, and a 2 year driver's license suspension.

The bill provides that if a driver, passenger, or race organizer violates any of the above provisions and, as a result, causes or contributes to causing serious bodily injury to another, the person commits a third degree felony¹³; punishable by up to five years in prison and a fine of not less than \$1,000. The third degree felony is not ranked in the Offense Severity Ranking Chart and would default to a level 1 for sentencing purposes.¹⁴

The bill provides that if a driver, passenger, or race organizer violates any of the above provisions and causes or in any way contributes to causing the death of any human being or unborn quick child¹⁵, the person commits racing manslaughter. The bill prohibits the court from withholding adjudication of guilt for racing manslaughter and requires the court to order a permanent revocation of a person's driver's license. A person convicted of racing manslaughter commits:

- a second degree felony¹⁶ and a minimum \$5,000 fine, or

¹⁰ The criminal penalties created by the bill for offenses involving property damage, serious bodily injury, or racing manslaughter are identical to DUI penalties in those circumstances. See s. 316.193, F.S. The criminal penalties for racing manslaughter are also identical to those for vehicular homicide, excluding the four year minimum mandatory sentence. See s.782.071, F.S.

¹¹ See ss. 775.082, 775.083, F.S.

¹² See ss. 775.082, 775.083, F.S.

¹³ See ss. 775.082, 775.083, 775.084, F.S. The maximum fine for a third degree felony is \$5,000.

¹⁴ Section 921.0022, F.S.

¹⁵ Defined in accordance with s. 782.071, F.S.

¹⁶ A second degree felony is punishable by up to 15 years imprisonment and a maximum \$10,000 fine. Sections 775.082, 775.083, 775.084, F.S.

- a first degree felony¹⁷ and a minimum \$5,000 fine if the person knew or should have known that the crash occurred and the person failed to render aid.¹⁸

The bill provides a mandatory minimum prison term of four years for racing manslaughter, regardless of felony degree. The second and first degree felonies are not ranked in the Offense Severity Ranking Chart and would default to a level 4 and level 7, respectively, for purposes of sentencing.

Forfeiture

The bill provides that motor vehicles used in violation of this section are subject to forfeiture, whether driven by the owner; or in circumstances where a race organizer, passenger, or person who causes traffic to slow for purposes of holding a race allows a driver to use their vehicle in violation of this section, regardless of whether the offense was a misdemeanor or felony. The bill also provides that if a person negligently entrusts a vehicle to another person who violates this section, the vehicle is subject to forfeiture regardless of whether the criminal offense was a felony or misdemeanor. The bill provides the element of negligent entrustment is satisfied if a person entrusts a motor vehicle to another person knowing that such person has previously been cited or charged with any offense under this section, regardless of whether the charge or citation resulted in a conviction.

Spectators

The bill creates noncriminal penalties for spectators¹⁹ of races, drag races, and exhibitions of speed and acceleration prohibited by this section. The bill provides that a vehicle parked or operated in near proximity to a race, drag race, or exhibition of speed or acceleration under circumstances which indicate the driver or operator is a spectator creates a rebuttable presumption that the driver is a spectator. A spectator is subject to noncriminal penalties in s. 775.083, F.S. and must appear before a county judge to dispose of the violation. A person determined to be a spectator must pay a fine of not less than \$250 and not more than \$500.

Severability

The bill provides that if any provision of this section is found unconstitutional, the provision is severable and all other provisions of this section shall remain enforceable.

C. SECTION DIRECTORY:

Section 1 Cites the bill as the "Luis Rivera Ortega Street Racing Act."

Section 2 Amends s. 316.191, F.S. relating to racing on highways

Section 3 Provides an effective date of October 1, 2008.

¹⁷ A first degree felony is punishable by up to 30 years imprisonment and a maximum \$10,000 fine. Sections 775.082, 775.083, 775.084, F.S.

¹⁸ See s. 316.062, F.S.

¹⁹ The bill defines a "spectator" as any person who is knowingly present at and views an illegal race, drag race, or exhibition when such presence is the result of an affirmative choice to attend or participate in the race or exhibition. For purposes of determining whether or not an individual is a spectator, finders of fact shall consider the relationship between the racer and the individual, evidence of gambling or betting on the outcome of the race, and any other factor that would tend to show knowing attendance or participation.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill creates a noncriminal offense if a person is a spectator at a race, drag race, or exhibition of speed or acceleration. The fine for such a noncriminal offense is no less than \$250 and no more than \$500.

2. Expenditures:

The bill requires every person who is cited for the noncriminal violation of being a spectator at a race, drag race, or exhibition of speed or acceleration to appear before a judge. Based on the number of noncriminal citations issued, this could increase the judicial workload of county judges and clerks of court.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill provides that any motor vehicle used in violation of this section is subject to forfeiture as provided by the Florida Contraband Forfeiture Act. The forfeiture action applies where the driver is the registered owner of the vehicle, or where a race organizer, passenger, or person who causes traffic to slow for purposes of holding a race is the registered owner and allows the driver to use their vehicle in violation of this section. A forfeiture action may also be commenced where a person negligently entrusts their vehicle to a person who uses the vehicle in violation of this section. Additionally, the bill provides for increased driver's license suspensions for a criminal violation of this section.

D. FISCAL COMMENTS:

The Criminal Justice Impact Conference has not met to determine the fiscal impact of this bill. The bill creates the second degree felony offense of racing manslaughter which will require the imposition of a four year minimum mandatory sentence. The bill also creates a third degree felony offense of racing which causes serious bodily injury.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill appears to be exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Pursuant to s. 901.15, F.S., absent certain exceptions, a law enforcement officer may not arrest a person for a misdemeanor criminal offense without a warrant unless the offense occurs in the presence of the officer. The bill provides that law enforcement officers may arrest a person who violates this section even if the offense does not occur in the presence of an officer. The only applicable circumstance to s. 316.191 listed in s. 901.15, F.S. provides that a law enforcement officer may arrest a person for a violation of Ch. 316 if the offense does not occur in the presence of an officer only if a fellow officer relays information that a person has committed a violation of Ch. 316. If the intent is to broaden the scope of an officer's warrantless arrest powers, ch. 901.15, F.S. should be amended to include the exception in the bill to maintain organizational consistency.

The bill provides law enforcement officers, consistent with constitutional requirements, may arrest a person for a violation of this section regardless of whether the officer's determination to make an arrest is based upon information from anonymous tipsters, citizen informants, or other sources. Law enforcement officers must act consistent with constitutional requirements at all times and are permitted to make arrests based on information from the above sources, subject to the constitution. Therefore, this language is unnecessary.

The bill outlines procedures clerks of court must take if a law enforcement officer determines a person is a spectator and issues a noncriminal violation. Chapter 318 provides the procedures used for noncriminal traffic violations. Therefore, the language in the bill is redundant.

The bill allows for forfeiture if a person negligently entrusts their vehicle to a person who commits a criminal violation of this section with the knowledge that the person has previously been cited or charged for a violation of this section, regardless of whether a conviction occurred. This language seems to presume guilt for every person cited or charged under this section since the outcome of the case is irrelevant. A person could loan their vehicle to a person previously found not guilty of racing who then engages in a race in violation of this section, and the element of negligent entrustment would be satisfied.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

AMENDMENTS

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 305

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Committee on Homeland Security
2 & Public Safety

3 Representative Vana offered the following:

4
5 **Amendment (with directory and title amendments)**

6 Remove lines 49-51 and insert:

7 (5) Any person who violates any provision of this section
8 commits a noncriminal violation, punishable as provided in s.
9 775.083.

10
11 -----
12 **T I T L E A M E N D M E N T**

13 Remove lines 11-13 and insert:

14 minor to engage in certain conduct; providing noncriminal
15 penalties; providing exceptions; providing an effective
16 date.
17

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 417

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Committee on Homeland Security
2 & Public Safety

3 Representative Culp offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (3) of section 817.52, Florida
8 Statutes, is amended to read:

9 817.52 Obtaining vehicles with the intent to defraud,
10 failing to return hired vehicle, or tampering with mileage
11 device of hired vehicle.--

12 (3) FAILURE TO REDELIVER HIRED VEHICLE.--Whoever,
13 after hiring a motor vehicle under an agreement to redeliver the
14 same to the person letting such motor vehicle or his or her
15 agent, at the termination of the period for which it was let,
16 shall, without the consent of such person or persons and with
17 intent to defraud, abandon or willfully refuse to redeliver such
18 vehicle as agreed commits shall, upon conviction, be guilty of a
19 felony of the third degree, punishable as provided in s.

20 775.082, s. 775.083, or s. 775.084. No law enforcement agency
21 shall require information not required by this subsection to be
22 supplied in order to accept a report of a violation of this

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23 subsection. A report accepted by a law enforcement agency under
24 this subsection shall be entered into the National Crime
25 Information Center and the Florida Crime Information Center
26 listing the hired vehicle as a stolen vehicle.

27 Section 2. This act shall take effect July 1, 2008.

28

29

30

T I T L E A M E N D M E N T

31

32

Remove the entire title and insert:

33

An act relating to failure to redeliver hired vehicles;
34 amending s. 817.52, F.S.; providing that information not
35 required by this subsection shall not be required in order
36 to report the failure to redeliver that hired vehicle in
37 violation of the specified provision; requiring the entry
38 of reports of such failures in specified reporting systems;
39 providing an effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 605

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Homeland Security & Public Safety
2 Representative Rivera offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (3) of section 92.56, Florida
7 Statutes, is amended to read:

8 92.56 Judicial proceedings and court records involving
9 sexual offenses.--

10 (3) The state may use a pseudonym instead of the victim's
11 name to designate the victim of a crime described in chapter 794
12 or chapter 800, or of child abuse, aggravated child abuse, or
13 sexual performance by a child as described in chapter 827, or
14 any crime involving the production, possession, or promotion of
15 child pornography as described in chapter 847, in all court
16 records and records of court proceedings, both civil and
17 criminal.

18 Section 2. Section 796.035, Florida Statutes, is amended
19 to read:

20 796.035 Selling or buying of minors into sex trafficking
21 or prostitution; penalties.--Any parent, legal guardian, or

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22 other person having custody or control of a minor who sells or
23 otherwise transfers custody or control of such minor, or offers
24 to sell or otherwise transfer custody of such minor, with
25 knowledge that, as a consequence of the sale or transfer, ~~force,~~
26 ~~fraud, or coercion will be used to cause the minor will to~~
27 engage in prostitution, perform naked for compensation, or
28 otherwise participate in the trade of sex trafficking, commits a
29 felony of the first degree, punishable as provided in s.
30 775.082, s. 775.083, or s. 775.084.

31 Section 3. Subsection (7) of section 800.04, Florida
32 Statutes, is amended to read:

33 800.04 Lewd or lascivious offenses committed upon or in
34 the presence of persons less than 16 years of age.--

35 (7) LEWD OR LASCIVIOUS EXHIBITION.--

36 (a) A person who:

37 1. Intentionally masturbates;

38 2. Intentionally exposes the genitals in a lewd or
39 lascivious manner; or

40 3. Intentionally commits any other sexual act that does
41 not involve actual physical or sexual contact with the victim,
42 including, but not limited to, sadomasochistic abuse, sexual
43 bestiality, or the simulation of any act involving sexual
44 activity

45
46 in the presence of a victim who is less than 16 years of age,
47 commits lewd or lascivious exhibition.

48 ~~(b) A person who:~~

49 ~~1. Intentionally masturbates;~~

50 ~~2. Intentionally exposes the genitals in a lewd or~~
51 ~~lascivious manner; or~~

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52 ~~3. Intentionally commits any other sexual act that does~~
53 ~~not involve actual physical or sexual contact with the victim,~~
54 ~~including, but not limited to, sadomasochistic abuse, sexual~~
55 ~~bestiality, or the simulation of any act involving sexual~~
56 ~~activity~~

57
58 ~~live over a computer online service, Internet service, or local~~
59 ~~bulletin board service and who knows or should know or has~~
60 ~~reason to believe that the transmission is viewed on a computer~~
61 ~~or television monitor by a victim in this state who is less than~~
62 ~~16 years of age, commits lewd or lascivious exhibition. The fact~~
63 ~~that an undercover operative or law enforcement officer was~~
64 ~~involved in the detection and investigation of an offense under~~
65 ~~this paragraph shall not constitute a defense to a prosecution~~
66 ~~under this paragraph.~~

67 ~~(b)(e)~~ An offender 18 years of age or older who commits a
68 lewd or lascivious exhibition commits a felony of the second
69 degree, punishable as provided in s. 775.082, s. 775.083, or s.
70 775.084.

71 ~~(c)(d)~~ An offender less than 18 years of age who commits a
72 lewd or lascivious exhibition commits a felony of the third
73 degree, punishable as provided in s. 775.082, s. 775.083, or s.
74 775.084.

75 Section 4. Subsections (5), (6), and (7) of section
76 847.0135, Florida Statutes, are renumbered as subsections (6),
77 (7), and (8), respectively, and a subsection (5) is added to
78 that section, to read:

79 847.0135 Computer pornography; traveling to meet minor;
80 penalties.--

81 (5) (a) A person who:

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82 1. Intentionally masturbates;

83 2. Intentionally exposes the genitals in a lewd or
84 lascivious manner; or

85 3. Intentionally commits any other sexual act that does not
86 involve actual physical or sexual contact with the victim,
87 including, but not limited to, sadomasochistic abuse, sexual
88 bestiality, or the simulation of any act involving sexual
89 activity

90
91 live over a computer online service, Internet service, or local
92 bulletin board service and who knows or should know or has
93 reason to believe that the transmission is viewed on a computer
94 or television monitor by a victim in this state who is less than
95 16 years of age, commits lewd or lascivious exhibition in
96 violation of this subsection. The fact that an undercover
97 operative or law enforcement officer was involved in the
98 detection and investigation of an offense under this subsection
99 shall not constitute a defense to a prosecution under this
100 subsection.

101 (b) An offender 18 years of age or older who commits a
102 lewd or lascivious exhibition using a computer commits a felony
103 of the second degree, punishable as provided in s. 775.082, s.
104 775.083, or s. 775.084.

105 (c) An offender less than 18 years of age who commits a
106 lewd or lascivious exhibition using a computer commits a felony
107 of the third degree, punishable as provided in s. 775.082, s.
108 775.083, or s. 775.084.

109 (d) A mother's breastfeeding of her baby does not under
110 any circumstance constitute a violation of this subsection.

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111 Section 5. Section 847.002, Florida Statutes, is created
112 to read:

113 847.002 Child pornography prosecutions.--

114 (1) Any law enforcement officer who, pursuant to a criminal
115 investigation, recovers images of child pornography shall:

116 (a) Provide such images and any information regarding the
117 identity of a child depicted in such images to the National
118 Center for Missing and Exploited Children, Child Victim
119 Identification Program; and

120 (b) Request the law enforcement contact information from
121 the National Center for Missing and Exploited Children, Child
122 Victim Identification Program for any images recovered that
123 contain a known victim of child pornography, as defined in s.
124 960.03.

125 (2) Any law enforcement officer submitting a case for
126 prosecution that involves the production, promotion, or
127 possession of child pornography shall submit to the designated
128 prosecutor the law enforcement contact information provided by
129 the National Center for Missing and Exploited Children, Child
130 Victim Identification Program for any images involved in the
131 case which contain the depiction of a known victim of child
132 pornography as defined in s. 960.03.

133 (3) In every filed case involving a known victim of child
134 pornography, as defined in s. 960.03, the prosecuting agency
135 shall enter the following information into the Victims in Child
136 Pornography Tracking Repeat Exploitation database maintained by
137 the Office of the Attorney General:

138 (a) The case number and agency file number.

139 (b) The named defendant.

140 (c) The circuit court division and county.

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141 (d) Current court dates and the status of the case.

142 (e) Contact information for the prosecutor assigned.

143 (f) Verification that the prosecutor is or is not in
144 possession of a victim impact statement and will use the
145 statement in sentencing.

146 Section 6. Section 847.01357, Florida Statutes, is created
147 to read:

148 847.01357 Exploited children's civil remedy.--

149 (1) Any person who, while under the age of 18, was a
150 victim of a sexual abuse crime listed in chapter 794, chapter
151 800, chapter 827, or chapter 847, wherein any portion of such
152 abuse was used in the production of child pornography, and who
153 suffers personal or psychological injury as a result of the
154 production, promotion, or possession of such images, may bring
155 an action in any appropriate state court against the producer,
156 promoter, or possessor of such images, regardless of whether the
157 victim is now an adult. In any action brought under this
158 section, a prevailing plaintiff shall recover the actual damages
159 such person sustained and the cost of the suit, including
160 reasonable attorney's fees. Any such victim who is awarded
161 damages under this section shall be deemed to have sustained
162 damages of no less than \$150,000.

163 (2) Notwithstanding any other provisions of law, any
164 action commenced under this section must be filed within 3 years
165 of the later of:

166 (a) The conclusion of a related criminal case;

167 (b) The notification to the victim by a member of law
168 enforcement of the creation, possession, or promotion of
169 pornographic images; or

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170 (c) In the case of a victim under the age of 18, within 3
171 years after the person reaches the age of 18.

172 (3) Any victim who has a bona fide claim under this
173 section shall, upon request, be provided a pseudonym, pursuant
174 to s. 92.56(3), which shall be issued and maintained by the
175 Department of Legal Affairs for use in all legal pleadings. This
176 identifier shall be fully recognized in all courts in this state
177 as a valid legal identity.

178 (4) It is not a defense to a civil cause of action under
179 this section that the respondent did not know the victim or
180 commit the abuse depicted in any image of child pornography.

181 (5) To prevent the further exploitation of victims for
182 monetary gain by any other person, at the victim's request and
183 pursuant to agency approval, the Office of the Attorney General
184 may pursue cases on behalf of any Florida victim under this
185 section. All damages obtained in such cases shall go to the
186 victim, and the Office of the Attorney General may seek
187 reasonable attorney's fees and costs as authorized under this
188 section.

189 Section 7. Paragraph (d) of subsection (3) of section
190 960.03, Florida Statutes, is created, subsections (10) through
191 (13) of that section are renumbered as subsections (11) through
192 (14), respectively, a new subsection (10) is added to that
193 section, and present subsection (13) of that section is amended,
194 to read:

195 960.03 Definitions; ss. 960.01-960.28.--As used in ss.
196 960.01-960.28, unless the context otherwise requires, the term:

197 (3) "Crime" means:

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198 (d) Any violation of s. 827.071, s. 847.0135, s. 847.0137,
199 or s. 847.0138, related to on-line sexual exploitation and child
200 pornography.

201 (10) "Known victim of child pornography" means any person
202 who, while under the age of 18, was depicted in any image of
203 child pornography and who has been identified through a report
204 generated by a member of law enforcement and provided to the
205 National Center for Missing and Exploited Children's Child
206 Victim Identification Program.

207 (14) ~~(13)~~ "Victim" means:

208 (a) A person who suffers personal physical injury or death
209 as a direct result of a crime;

210 (b) A person less than 18 ~~16~~ years of age who was present
211 at the scene of a crime, saw or heard the crime, and suffered a
212 psychiatric or psychological injury because of the crime, but
213 who was not physically injured; or

214 (c) A person against whom a forcible felony was committed
215 and who suffers a psychiatric or psychological injury as a
216 direct result of that crime but who does not otherwise sustain a
217 personal physical injury or death;:-

218 Section 8. Section 960.197, Florida Statutes, is created
219 to read:

220 960.197 Assistance to victims of online sexual
221 exploitation and child pornography.--

222 (1) Notwithstanding the criteria set forth in s. 960.13
223 for crime victim compensation awards, the department may award
224 compensation for counseling and other mental health services to
225 treat psychological injury or trauma to:

226 (a) A child less than 18 years of age who suffers
227 psychiatric or psychological injury as a direct result of online

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228 sexual exploitation under any provision of s. 827.071, s.
229 847.0135, s. 847.0137, or s. 847.0138, and who does not
230 otherwise sustain a personal injury or death; or

231 (b) Any person who, while under the age of 18, was
232 depicted in any image or video, regardless of length, of child
233 pornography as defined in s. 847.001 and who has been identified
234 by law enforcement or the National Center for Missing and
235 Exploited Children as a known victim of child pornography, who
236 suffers psychiatric or psychological injury as a direct result
237 of the crime, and who does not otherwise sustain a personal
238 injury or death.

239 (2) Compensation under this section is not contingent upon
240 pursuit of a criminal investigation or prosecution.

241 Section 9. Paragraph (b) of subsection (2) of section
242 90.404, Florida Statutes, is amended to read:

243 90.404 Character evidence; when admissible.--

244 (2) OTHER CRIMES, WRONGS, OR ACTS.--

245 (b)1. In a criminal case in which the defendant is charged
246 with a crime involving child molestation, evidence of the
247 defendant's commission of other crimes, wrongs, or acts of child
248 molestation is admissible, and may be considered for its bearing
249 on any matter to which it is relevant.

250 2. For the purposes of this paragraph, the term "child
251 molestation" means conduct proscribed by s. 794.011, ~~or~~ s.
252 800.04, or s. 847.0135(5) when committed against a person 16
253 years of age or younger.

254 Section 10. Subsection (2) of section 92.565, Florida
255 Statutes, is amended to read:

256 92.565 Admissibility of confession in sexual abuse
257 cases.--

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258 (2) In any criminal action in which the defendant is
259 charged with a crime against a victim under s. 794.011; s.
260 794.05; s. 800.04; s. 826.04; s. 827.03, involving sexual abuse;
261 s. 827.04, involving sexual abuse; ~~or~~ s. 827.071; or s.
262 847.0135(5), or any other crime involving sexual abuse of
263 another, or with any attempt, solicitation, or conspiracy to
264 commit any of these crimes, the defendant's memorialized
265 confession or admission is admissible during trial without the
266 state having to prove a corpus delicti of the crime if the court
267 finds in a hearing conducted outside the presence of the jury
268 that the state is unable to show the existence of each element
269 of the crime, and having so found, further finds that the
270 defendant's confession or admission is trustworthy. Factors
271 which may be relevant in determining whether the state is unable
272 to show the existence of each element of the crime include, but
273 are not limited to, the fact that, at the time the crime was
274 committed, the victim was:

- 275 (a) Physically helpless, mentally incapacitated, or
276 mentally defective, as those terms are defined in s. 794.011;
277 (b) Physically incapacitated due to age, infirmity, or any
278 other cause; or
279 (c) Less than 12 years of age.

280 Section 11. Paragraph (e) of subsection (9) of section
281 394.912, Florida Statutes, is amended to read:

282 394.912 Definitions.--As used in this part, the term:

283 (9) "Sexually violent offense" means:

284 (e) Lewd, lascivious, or indecent assault or act upon or
285 in presence of the child in violation of s. 800.04 or s.
286 847.0135(5);

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287 Section 12. Section 409.2355, Florida Statutes, is amended
288 to read:

289 409.2355 Programs for prosecution of males over age 21 who
290 commit certain offenses involving girls under age 16.--Subject
291 to specific appropriated funds, the Department of Children and
292 Family Services is directed to establish a program by which
293 local communities, through the state attorney's office of each
294 judicial circuit, may apply for grants to fund innovative
295 programs for the prosecution of males over the age of 21 who
296 victimize girls under the age of 16 in violation of s. 794.011,
297 s. 794.05, s. 800.04, ~~or~~ s. 827.04(3), or s. 847.0135(5).

298 Section 13. Paragraph (a) of subsection (9) of section
299 775.082, Florida Statutes, is amended to read:

300 775.082 Penalties; applicability of sentencing structures;
301 mandatory minimum sentences for certain reoffenders previously
302 released from prison.--

303 (9)(a)1. "Prison releasee reoffender" means any defendant
304 who commits, or attempts to commit:

- 305 a. Treason;
- 306 b. Murder;
- 307 c. Manslaughter;
- 308 d. Sexual battery;
- 309 e. Carjacking;
- 310 f. Home-invasion robbery;
- 311 g. Robbery;
- 312 h. Arson;
- 313 i. Kidnapping;
- 314 j. Aggravated assault with a deadly weapon;
- 315 k. Aggravated battery;
- 316 l. Aggravated stalking;

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- 317 m. Aircraft piracy;
- 318 n. Unlawful throwing, placing, or discharging of a
- 319 destructive device or bomb;
- 320 o. Any felony that involves the use or threat of physical
- 321 force or violence against an individual;
- 322 p. Armed burglary;
- 323 q. Burglary of a dwelling or burglary of an occupied
- 324 structure; or
- 325 r. Any felony violation of s. 790.07, s. 800.04, s.
- 326 827.03, ~~or~~ s. 827.071, or s. 847.0135(5);
- 327

328 within 3 years after being released from a state correctional

329 facility operated by the Department of Corrections or a private

330 vendor or within 3 years after being released from a

331 correctional institution of another state, the District of

332 Columbia, the United States, any possession or territory of the

333 United States, or any foreign jurisdiction, following

334 incarceration for an offense for which the sentence is

335 punishable by more than 1 year in this state.

336 2. "Prison releasee reoffender" also means any defendant

337 who commits or attempts to commit any offense listed in sub-

338 subparagraphs (a)1.a.-r. while the defendant was serving a

339 prison sentence or on escape status from a state correctional

340 facility operated by the Department of Corrections or a private

341 vendor or while the defendant was on escape status from a

342 correctional institution of another state, the District of

343 Columbia, the United States, any possession or territory of the

344 United States, or any foreign jurisdiction, following

345 incarceration for an offense for which the sentence is

346 punishable by more than 1 year in this state.

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347 3. If the state attorney determines that a defendant is a
348 prison releasee reoffender as defined in subparagraph 1., the
349 state attorney may seek to have the court sentence the defendant
350 as a prison releasee reoffender. Upon proof from the state
351 attorney that establishes by a preponderance of the evidence
352 that a defendant is a prison releasee reoffender as defined in
353 this section, such defendant is not eligible for sentencing
354 under the sentencing guidelines and must be sentenced as
355 follows:

356 a. For a felony punishable by life, by a term of
357 imprisonment for life;

358 b. For a felony of the first degree, by a term of
359 imprisonment of 30 years;

360 c. For a felony of the second degree, by a term of
361 imprisonment of 15 years; and

362 d. For a felony of the third degree, by a term of
363 imprisonment of 5 years.

364 Section 14. Paragraph (d) of subsection (1) of section
365 775.084, Florida Statutes, is amended to read:

366 775.084 Violent career criminals; habitual felony
367 offenders and habitual violent felony offenders; three-time
368 violent felony offenders; definitions; procedure; enhanced
369 penalties or mandatory minimum prison terms.--

370 (1) As used in this act:

371 (d) "Violent career criminal" means a defendant for whom
372 the court must impose imprisonment pursuant to paragraph (4)(d),
373 if it finds that:

374 1. The defendant has previously been convicted as an adult
375 three or more times for an offense in this state or other
376 qualified offense that is:

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- 377 a. Any forcible felony, as described in s. 776.08;
- 378 b. Aggravated stalking, as described in s. 784.048(3) and
379 (4);
- 380 c. Aggravated child abuse, as described in s. 827.03(2);
- 381 d. Aggravated abuse of an elderly person or disabled
382 adult, as described in s. 825.102(2);
- 383 e. Lewd or lascivious battery, lewd or lascivious
384 molestation, lewd or lascivious conduct, or lewd or lascivious
385 exhibition, as described in s. 800.04 or s. 847.0135(5);
- 386 f. Escape, as described in s. 944.40; or
- 387 g. A felony violation of chapter 790 involving the use or
388 possession of a firearm.
- 389 2. The defendant has been incarcerated in a state prison
390 or a federal prison.
- 391 3. The primary felony offense for which the defendant is
392 to be sentenced is a felony enumerated in subparagraph 1. and
393 was committed on or after October 1, 1995, and:
- 394 a. While the defendant was serving a prison sentence or
395 other sentence, or court-ordered or lawfully imposed supervision
396 that is imposed as a result of a prior conviction for an
397 enumerated felony; or
- 398 b. Within 5 years after the conviction of the last prior
399 enumerated felony, or within 5 years after the defendant's
400 release from a prison sentence, probation, community control,
401 control release, conditional release, parole, or court-ordered
402 or lawfully imposed supervision or other sentence that is
403 imposed as a result of a prior conviction for an enumerated
404 felony, whichever is later.

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405 4. The defendant has not received a pardon for any felony
406 or other qualified offense that is necessary for the operation
407 of this paragraph.

408 5. A conviction of a felony or other qualified offense
409 necessary to the operation of this paragraph has not been set
410 aside in any postconviction proceeding.

411 Section 15. Paragraph (a) of subsection (13) and paragraph
412 (a) of subsection (16) of section 775.15, Florida Statutes, are
413 amended to read:

414 775.15 Time limitations; general time limitations;
415 exceptions.--

416 (13)(a) If the victim of a violation of s. 794.011, former
417 s. 794.05, Florida Statutes 1995, s. 800.04, ~~or~~ s. 826.04, or s.
418 847.0135(5) is under the age of 18, the applicable period of
419 limitation, if any, does not begin to run until the victim has
420 reached the age of 18 or the violation is reported to a law
421 enforcement agency or other governmental agency, whichever
422 occurs earlier. Such law enforcement agency or other
423 governmental agency shall promptly report such allegation to the
424 state attorney for the judicial circuit in which the alleged
425 violation occurred. If the offense is a first or second degree
426 felony violation of s. 794.011, and the offense is reported
427 within 72 hours after its commission, the prosecution for such
428 offense may be commenced at any time. This paragraph applies to
429 any such offense except an offense the prosecution of which
430 would have been barred by subsection (2) on or before December
431 31, 1984.

432 (16)(a) In addition to the time periods prescribed in this
433 section, a prosecution for any of the following offenses may be
434 commenced at any time after the date on which the identity of

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435 the accused is established, or should have been established by
436 the exercise of due diligence, through the analysis of
437 deoxyribonucleic acid (DNA) evidence, if a sufficient portion of
438 the evidence collected at the time of the original investigation
439 and tested for DNA is preserved and available for testing by the
440 accused:

441 1. Aggravated battery or any felony battery offense under
442 chapter 784.

443 2. Kidnapping under s. 787.01 or false imprisonment under
444 s. 787.02.

445 3. An offense of sexual battery under chapter 794.

446 4. A lewd or lascivious offense under s. 800.04, ~~or~~ s.
447 825.1025, or s. 847.0135(5).

448 5. A burglary offense under s. 810.02.

449 6. A robbery offense under s. 812.13, s. 812.131, or s.
450 812.135.

451 7. Carjacking under s. 812.133.

452 8. Aggravated child abuse under s. 827.03.

453 Section 16. Paragraph (a) of subsection (4) and paragraph
454 (b) of subsection (10) of section 775.21, Florida Statutes, are
455 amended to read:

456 775.21 The Florida Sexual Predators Act.--

457 (4) SEXUAL PREDATOR CRITERIA.--

458 (a) For a current offense committed on or after October 1,
459 1993, upon conviction, an offender shall be designated as a
460 "sexual predator" under subsection (5), and subject to
461 registration under subsection (6) and community and public
462 notification under subsection (7) if:

463 1. The felony is:

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464 a. A capital, life, or first-degree felony violation, or
465 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
466 is a minor and the defendant is not the victim's parent or
467 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
468 violation of a similar law of another jurisdiction; or

469 b. Any felony violation, or any attempt thereof, of s.
470 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
471 minor and the defendant is not the victim's parent or guardian;
472 s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
473 796.035; s. 800.04; s. 825.1025(2)(b); s. 827.071; s.
474 847.0135(5); s. 847.0145; or s. 985.701(1); or a violation of a
475 similar law of another jurisdiction, and the offender has
476 previously been convicted of or found to have committed, or has
477 pled nolo contendere or guilty to, regardless of adjudication,
478 any violation of s. 787.01, s. 787.02, or s. 787.025(2)(c),
479 where the victim is a minor and the defendant is not the
480 victim's parent or guardian; s. 794.011, excluding s.
481 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
482 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
483 847.0135(4); s. 847.0145; or s. 985.701(1); or a violation of a
484 similar law of another jurisdiction;

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

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

491 (10) PENALTIES.--

492 (b) A sexual predator who has been convicted of or found
493 to have committed, or has pled nolo contendere or guilty to,

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494 regardless of adjudication, any violation, or attempted
495 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
496 the victim is a minor and the defendant is not the victim's
497 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
498 794.05; s. 796.03; s. 796.035; s. 800.04; s. 827.071; s.
499 847.0133; s. 847.0135(5); s. 847.0145; or s. 985.701(1); or a
500 violation of a similar law of another jurisdiction when the
501 victim of the offense was a minor, and who works, whether for
502 compensation or as a volunteer, at any business, school, day
503 care center, park, playground, or other place where children
504 regularly congregate, commits a felony of the third degree,
505 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

506 Section 17. Subsections (7) and (8) of section 784.048,
507 Florida Statutes, are amended to read:

508 784.048 Stalking; definitions; penalties.--

509 (7) Any person who, after having been sentenced for a
510 violation of s. 794.011, ~~or~~ s. 800.04, or s. 847.0135(5) and
511 prohibited from contacting the victim of the offense under s.
512 921.244, willfully, maliciously, and repeatedly follows,
513 harasses, or cyberstalks the victim commits the offense of
514 aggravated stalking, a felony of the third degree, punishable as
515 provided in s. 775.082, s. 775.083, or s. 775.084.

516 (8) The punishment imposed under this section shall run
517 consecutive to any former sentence imposed for a conviction for
518 any offense under s. 794.011, ~~or~~ s. 800.04, or s. 847.0135(5).

519 Section 18. Paragraph (a) of subsection (3) of section
520 787.01, Florida Statutes, is amended to read:

521 787.01 Kidnapping; kidnapping of child under age 13,
522 aggravating circumstances.--

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523 (3) (a) A person who commits the offense of kidnapping upon
524 a child under the age of 13 and who, in the course of committing
525 the offense, commits one or more of the following:

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

527 2. Sexual battery, as defined in chapter 794, against the
528 child;

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

532 4. A violation of s. 796.03 or s. 796.04, relating to
533 prostitution, upon the child; or

534 5. Exploitation of the child or allowing the child to be
535 exploited, in violation of s. 450.151,

536
537 commits a life felony, punishable as provided in s. 775.082, s.
538 775.083, or s. 775.084.

539 Section 19. Paragraph (a) of subsection (3) of section
540 787.02, Florida Statutes, is amended to read:

541 787.02 False imprisonment; false imprisonment of child
542 under age 13, aggravating circumstances.--

543 (3) (a) A person who commits the offense of false
544 imprisonment upon a child under the age of 13 and who, in the
545 course of committing the offense, commits any offense enumerated
546 in subparagraphs 1.-5., commits a felony of the first degree,
547 punishable by imprisonment for a term of years not exceeding
548 life or as provided in s. 775.082, s. 775.083, or s. 775.084.

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

550 2. Sexual battery, as defined in chapter 794, against the
551 child;

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552 3. Lewd or lascivious battery, lewd or lascivious
553 molestation, lewd or lascivious conduct, or lewd or lascivious
554 exhibition, in violation of s. 800.04 or s. 847.0135(5);

555 4. A violation of s. 796.03 or s. 796.04, relating to
556 prostitution, upon the child; or

557 5. Exploitation of the child or allowing the child to be
558 exploited, in violation of s. 450.151.

559 Section 20. Paragraph (c) of subsection (2) of section
560 787.025, Florida Statutes, is amended to read:

561 787.025 Luring or enticing a child.--

562 (2)

563 (c) A person 18 years of age or older who, having been
564 previously convicted of a violation of chapter 794, ~~or~~ s.
565 800.04, or s. 847.0135(5), or a violation of a similar law of
566 another jurisdiction, intentionally lures or entices, or
567 attempts to lure or entice, a child under the age of 12 into a
568 structure, dwelling, or conveyance for other than a lawful
569 purpose commits a felony of the third degree, punishable as
570 provided in s. 775.082, s. 775.083, or s. 775.084.

571 Section 21. Section 794.065, Florida Statutes, is amended
572 to read:

573 794.065 Unlawful place of residence for persons convicted
574 of certain sex offenses.--

575 (1) It is unlawful for any person who has been convicted
576 of a violation of s. 794.011, s. 800.04, s. 827.071, s.
577 847.0135(5), or s. 847.0145, regardless of whether adjudication
578 has been withheld, in which the victim of the offense was less
579 than 16 years of age, to reside within 1,000 feet of any school,
580 day care center, park, or playground. A person who violates this
581 section and whose conviction under s. 794.011, s. 800.04, s.

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582 827.071, s. 847.0135(5), or s. 847.0145 was classified as a
583 felony of the first degree or higher commits a felony of the
584 third degree, punishable as provided in s. 775.082 or s.
585 775.083. A person who violates this section and whose conviction
586 under s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.
587 847.0145 was classified as a felony of the second or third
588 degree commits a misdemeanor of the first degree, punishable as
589 provided in s. 775.082 or s. 775.083.

590 (2) This section applies to any person convicted of a
591 violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5),
592 or s. 847.0145 for offenses that occur on or after October 1,
593 2004.

594 Section 22. Section 914.16, Florida Statutes, is amended
595 to read:

596 914.16 Child abuse and sexual abuse of victims under age
597 16 or persons with mental retardation; limits on
598 interviews.--The chief judge of each judicial circuit, after
599 consultation with the state attorney and the public defender for
600 the judicial circuit, the appropriate chief law enforcement
601 officer, and any other person deemed appropriate by the chief
602 judge, shall provide by order reasonable limits on the number of
603 interviews that a victim of a violation of s. 794.011, s.
604 800.04, ~~or~~ s. 827.03, or s. 847.0135(5) who is under 16 years of
605 age or a victim of a violation of s. 794.011, s. 800.02, s.
606 800.03, or s. 825.102 who is a person with mental retardation as
607 defined in s. 393.063 must submit to for law enforcement or
608 discovery purposes. The order shall, to the extent possible,
609 protect the victim from the psychological damage of repeated
610 interrogations while preserving the rights of the public, the
611 victim, and the person charged with the violation.

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612 Section 23. Paragraphs (d) and (e) of subsection (3) of
613 section 921.0022, Florida Statutes, are amended to read:

614 921.0022 Criminal Punishment Code; offense severity
615 ranking chart.--

616 (3) OFFENSE SEVERITY RANKING CHART

617 (d) LEVEL 4

618

Florida Statute	Felony Degree	Description
-----------------	---------------	-------------

619

316.1935(3) (a)	2nd	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.
-----------------	-----	--

620

499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
-------------	-----	---

621

499.0051(2)	3rd	Failure to authenticate pedigree papers.
-------------	-----	--

622

499.0051(6)	2nd	Sale or delivery, or possession with intent to sell, contraband legend drugs.
-------------	-----	---

623

784.07(2) (b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
---------------	-----	---

624

784.074(1) (c)	3rd	Battery of sexually violent predators
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facility staff.

625

784.075 3rd Battery on detention or commitment facility staff.

626

784.078 3rd Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.

627

784.08(2)(c) 3rd Battery on a person 65 years of age or older.

628

784.081(3) 3rd Battery on specified official or employee.

629

784.082(3) 3rd Battery by detained person on visitor or other detainee.

630

784.083(3) 3rd Battery on code inspector.

631

784.085 3rd Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

632

787.03(1) 3rd Interference with custody; wrongly takes minor from appointed guardian.

633

787.04(2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

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634	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
635	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
636	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
637	790.115 (2) (c)	3rd	Possessing firearm on school property.
638	800.04 (7) (c) (d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
639	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
640	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
641	810.06	3rd	Burglary; possession of tools.
642	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.

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643 812.014(2)(c)3. 3rd Grand theft, 3rd degree \$10,000 or more
but less than \$20,000.

644 812.014(2)(c)4. 3rd Grand theft, 3rd degree, a will,
-10. firearm, motor vehicle, livestock, etc.

645 812.0195(2) 3rd Dealing in stolen property by use of
the Internet; property stolen \$300 or
more.

646 817.563(1) 3rd Sell or deliver substance other than
controlled substance agreed upon,
excluding s. 893.03(5) drugs.

647 817.568(2)(a) 3rd Fraudulent use of personal
identification information.

648 817.625(2)(a) 3rd Fraudulent use of scanning device or
reencoder.

649 828.125(1) 2nd Kill, maim, or cause great bodily harm
or permanent breeding disability to any
registered horse or cattle.

650 837.02(1) 3rd Perjury in official proceedings.

651 837.021(1) 3rd Make contradictory statements in
official proceedings.

652

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653	838.022	3rd	Official misconduct.
654	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
655	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Family Services.
656	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
657	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
658	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
659	<u>847.0135(5)(c)</u>	<u>3rd</u>	<u>Lewd or lascivious exhibition using computer; offender less than 18 years.</u>
660	874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.
661	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).
	914.14(2)	3rd	Witnesses accepting bribes.

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662	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
663	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
664	918.12	3rd	Tampering with jurors.
665	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
666			
667	(e)	LEVEL 5	
668			
	Florida Statute	Felony Degree	Description
669	316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
670	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
671	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
672	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
673	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing

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674			HIV positive.
	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
675			
	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
676			
	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
677			
	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
678			
	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
679			
	790.01(2)	3rd	Carrying a concealed firearm.
680			
	790.162	2nd	Threat to throw or discharge destructive device.
681			
	790.163(1)	2nd	False report of deadly explosive or weapon of mass destruction.
682			
	790.221(1)	2nd	Possession of short-barreled shotgun or

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machine gun.

683

790.23 2nd Felons in possession of firearms,
ammunition, or electronic weapons or
devices.

684

800.04(6)(c) 3rd Lewd or lascivious conduct; offender
less than 18 years.

685

800.04(7) ~~(b)(e)~~ 2nd Lewd or lascivious exhibition; offender
18 years or older.

686

806.111(1) 3rd Possess, manufacture, or dispense fire
bomb with intent to damage any
structure or property.

687

812.0145(2)(b) 2nd Theft from person 65 years of age or
older; \$10,000 or more but less than
\$50,000.

688

812.015(8) 3rd Retail theft; property stolen is valued
at \$300 or more and one or more
specified acts.

689

812.019(1) 2nd Stolen property; dealing in or
trafficking in.

690

812.131(2)(b) 3rd Robbery by sudden snatching.

691

812.16(2) 3rd Owning, operating, or conducting a chop

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shop.

692

817.034(4)(a)2. 2nd Communications fraud, value \$20,000 to \$50,000.

693

817.234(11)(b) 2nd Insurance fraud; property value \$20,000 or more but less than \$100,000.

694

817.2341(1),(2) 3rd Filing false financial statements, (a)&(3)(a) making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.

695

817.568(2)(b) 2nd Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.

696

817.625(2)(b) 2nd Second or subsequent fraudulent use of scanning device or reencoder.

697

825.1025(4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

698

827.071(4) 2nd Possess with intent to promote any

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699			photographic material, motion picture, etc., which includes sexual conduct by a child.
	827.071(5)	3rd	Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.
700			
	839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
701			
	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
702			
	<u>847.0135(5)(b)</u>	<u>2nd</u>	<u>Lewd or lascivious exhibition using computer; offender 18 years or older.</u>
703			
	847.0137(2)&(3)	3rd	Transmission of pornography by electronic device or equipment.
704			
	847.0138(2)&(3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
705			
	874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
706			
	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine

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(or other s. 893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or (2)(c)4.
drugs).

707

893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis
(or other s. 893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
(2)(c)7., (2)(c)8., (2)(c)9., (3), or
(4) drugs) within 1,000 feet of a child
care facility, school, or state,
county, or municipal park or publicly
owned recreational facility or
community center.

708

893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine
(or other s. 893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or (2)(c)4.
drugs) within 1,000 feet of university.

709

893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis
or other drug prohibited under s.
893.03(1)(c), (2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9., (3), or (4) within
1,000 feet of property used for
religious services or a specified
business site.

710

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine
(or other s. 893.03(1)(a), (1)(b),

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(1) (d), or (2) (a), (2) (b), or (2) (c) 4.
drugs) within 1,000 feet of public
housing facility.

711

893.13(4) (b) 2nd Deliver to minor cannabis (or other s.
893.03(1) (c), (2) (c) 1., (2) (c) 2.,
(2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7.,
(2) (c) 8., (2) (c) 9., (3), or (4) drugs).

712

713 Section 24. Subsections (1) and (3) of section 921.244,
714 Florida Statutes, are amended to read:

715 921.244 Order of no contact; penalties.--

716 (1) At the time of sentencing an offender convicted of a
717 violation of s. 794.011, ~~or~~ s. 800.04, or s. 847.0135(5), the
718 court shall order that the offender be prohibited from having
719 any contact with the victim, directly or indirectly, including
720 through a third person, for the duration of the sentence
721 imposed. The court may reconsider the order upon the request of
722 the victim if the request is made at any time after the victim
723 has attained 18 years of age. In considering the request, the
724 court shall conduct an evidentiary hearing to determine whether
725 a change of circumstances has occurred which warrants a change
726 in the court order prohibiting contact and whether it is in the
727 best interest of the victim that the court order be modified or
728 rescinded.

729 (3) The punishment imposed under this section shall run
730 consecutive to any former sentence imposed for a conviction for
731 any offense under s. 794.011, ~~or~~ s. 800.04, or s. 847.0135(5).

732 Section 25. Subsection (1) of section 938.10, Florida
733 Statutes, is amended to read:

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734 938.10 Additional court cost imposed in cases of certain
735 crimes against minors.--

736 (1) If a person pleads guilty or nolo contendere to, or is
737 found guilty of, regardless of adjudication, any offense against
738 a minor in violation of s. 784.085, chapter 787, chapter 794, s.
739 796.03, s. 800.04, chapter 827, s. 847.0135(5), s. 847.0145, or
740 s. 985.701, the court shall impose a court cost of \$101 against
741 the offender in addition to any other cost or penalty required
742 by law.

743 Section 26. Subsections (1), (2), and (4) of section
744 943.04354, Florida Statutes, are amended to read:

745 943.04354 Removal of the requirement to register as a
746 sexual offender or sexual predator in special circumstances.--

747 (1) For purposes of this section, a person shall be
748 considered for removal of the requirement to register as a
749 sexual offender or sexual predator only if the person:

750 (a) Was or will be convicted or adjudicated delinquent of
751 a violation of s. 794.011, ~~or~~ s. 800.04, or s. 847.0135(5) or
752 the person committed a violation of s. 794.011, ~~or~~ s. 800.04, or
753 s. 847.0135(5) for which adjudication of guilt was or will be
754 withheld, and the person does not have any other conviction,
755 adjudication of delinquency, or withhold of adjudication of
756 guilt for a violation of s. 794.011, ~~or~~ s. 800.04, or s.
757 847.0135(5);

758 (b) Is required to register as a sexual offender or sexual
759 predator solely on the basis of this violation; and

760 (c) Is not more than 4 years older than the victim of this
761 violation who was 14 years of age or older but not more than 17
762 years of age at the time the person committed this violation.

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763 (2) If a person meets the criteria in subsection (1) and
764 the violation of s. 794.011, ~~or~~ s. 800.04, or s. 847.0135(5) was
765 committed on or after July 1, 2007, the person may move the
766 court that will sentence or dispose of this violation to remove
767 the requirement that the person register as a sexual offender or
768 sexual predator. The person must allege in the motion that he or
769 she meets the criteria in subsection (1) and that removal of the
770 registration requirement will not conflict with federal law. The
771 state attorney must be given notice of the motion at least 21
772 days before the date of sentencing or disposition of this
773 violation and may present evidence in opposition to the
774 requested relief or may otherwise demonstrate why the motion
775 should be denied. At sentencing or disposition of this
776 violation, the court shall rule on this motion and, if the court
777 determines the person meets the criteria in subsection (1) and
778 the removal of the registration requirement will not conflict
779 with federal law, it may grant the motion and order the removal
780 of the registration requirement. If the court denies the motion,
781 the person is not authorized under this section to petition for
782 removal of the registration requirement.

783 (4) If a person provides to the Department of Law
784 Enforcement a certified copy of the court's order removing the
785 requirement that the person register as a sexual offender or
786 sexual predator for the violation of s. 794.011, ~~or~~ s. 800.04,
787 or s. 847.0135(5), the registration requirement will not apply
788 to the person and the department shall remove all information
789 about the person from the public registry of sexual offenders
790 and sexual predators maintained by the department. However, the
791 removal of this information from the public registry does not
792 mean that the public is denied access to information about the

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793 person's criminal history or record that is otherwise available
794 as a public record.

795 Section 27. Subsection (7) of section 947.1405, Florida
796 Statutes, is amended to read:

797 947.1405 Conditional release program.--

798 (7)(a) Any inmate who is convicted of a crime committed on
799 or after October 1, 1995, or who has been previously convicted
800 of a crime committed on or after October 1, 1995, in violation
801 of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.
802 847.0145, and is subject to conditional release supervision,
803 shall have, in addition to any other conditions imposed, the
804 following special conditions imposed by the commission:

805 1. A mandatory curfew from 10 p.m. to 6 a.m. The
806 commission may designate another 8-hour period if the offender's
807 employment precludes the above specified time, and such
808 alternative is recommended by the Department of Corrections. If
809 the commission determines that imposing a curfew would endanger
810 the victim, the commission may consider alternative sanctions.

811 2. If the victim was under the age of 18, a prohibition on
812 living within 1,000 feet of a school, day care center, park,
813 playground, designated public school bus stop, or other place
814 where children regularly congregate. A releasee who is subject
815 to this subparagraph may not relocate to a residence that is
816 within 1,000 feet of a public school bus stop. Beginning October
817 1, 2004, the commission or the department may not approve a
818 residence that is located within 1,000 feet of a school, day
819 care center, park, playground, designated school bus stop, or
820 other place where children regularly congregate for any releasee
821 who is subject to this subparagraph. On October 1, 2004, the
822 department shall notify each affected school district of the

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823 location of the residence of a releasee 30 days prior to release
824 and thereafter, if the releasee relocates to a new residence,
825 shall notify any affected school district of the residence of
826 the releasee within 30 days after relocation. If, on October 1,
827 2004, any public school bus stop is located within 1,000 feet of
828 the existing residence of such releasee, the district school
829 board shall relocate that school bus stop. Beginning October 1,
830 2004, a district school board may not establish or relocate a
831 public school bus stop within 1,000 feet of the residence of a
832 releasee who is subject to this subparagraph. The failure of the
833 district school board to comply with this subparagraph shall not
834 result in a violation of conditional release supervision.

835 3. Active participation in and successful completion of a
836 sex offender treatment program with qualified practitioners
837 specifically trained to treat sex offenders, at the releasee's
838 own expense. If a qualified practitioner is not available within
839 a 50-mile radius of the releasee's residence, the offender shall
840 participate in other appropriate therapy.

841 4. A prohibition on any contact with the victim, directly
842 or indirectly, including through a third person, unless approved
843 by the victim, the offender's therapist, and the sentencing
844 court.

845 5. If the victim was under the age of 18, a prohibition
846 against contact with children under the age of 18 without review
847 and approval by the commission. The commission may approve
848 supervised contact with a child under the age of 18 if the
849 approval is based upon a recommendation for contact issued by a
850 qualified practitioner who is basing the recommendation on a
851 risk assessment. Further, the sex offender must be currently
852 enrolled in or have successfully completed a sex offender

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853 therapy program. The commission may not grant supervised contact
854 with a child if the contact is not recommended by a qualified
855 practitioner and may deny supervised contact with a child at any
856 time. When considering whether to approve supervised contact
857 with a child, the commission must review and consider the
858 following:

859 a. A risk assessment completed by a qualified
860 practitioner. The qualified practitioner must prepare a written
861 report that must include the findings of the assessment and
862 address each of the following components:

863 (I) The sex offender's current legal status;

864 (II) The sex offender's history of adult charges with
865 apparent sexual motivation;

866 (III) The sex offender's history of adult charges without
867 apparent sexual motivation;

868 (IV) The sex offender's history of juvenile charges,
869 whenever available;

870 (V) The sex offender's offender treatment history,
871 including a consultation from the sex offender's treating, or
872 most recent treating, therapist;

873 (VI) The sex offender's current mental status;

874 (VII) The sex offender's mental health and substance abuse
875 history as provided by the Department of Corrections;

876 (VIII) The sex offender's personal, social, educational,
877 and work history;

878 (IX) The results of current psychological testing of the
879 sex offender if determined necessary by the qualified
880 practitioner;

881 (X) A description of the proposed contact, including the
882 location, frequency, duration, and supervisory arrangement;

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883 (XI) The child's preference and relative comfort level
884 with the proposed contact, when age-appropriate;

885 (XII) The parent's or legal guardian's preference
886 regarding the proposed contact; and

887 (XIII) The qualified practitioner's opinion, along with
888 the basis for that opinion, as to whether the proposed contact
889 would likely pose significant risk of emotional or physical harm
890 to the child.

891
892 The written report of the assessment must be given to the
893 commission.

894 b. A recommendation made as a part of the risk-assessment
895 report as to whether supervised contact with the child should be
896 approved;

897 c. A written consent signed by the child's parent or legal
898 guardian, if the parent or legal guardian is not the sex
899 offender, agreeing to the sex offender having supervised contact
900 with the child after receiving full disclosure of the sex
901 offender's present legal status, past criminal history, and the
902 results of the risk assessment. The commission may not approve
903 contact with the child if the parent or legal guardian refuses
904 to give written consent for supervised contact;

905 d. A safety plan prepared by the qualified practitioner,
906 who provides treatment to the offender, in collaboration with
907 the sex offender, the child's parent or legal guardian, and the
908 child, when age appropriate, which details the acceptable
909 conditions of contact between the sex offender and the child.
910 The safety plan must be reviewed and approved by the Department
911 of Corrections before being submitted to the commission; and

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912 e. Evidence that the child's parent or legal guardian, if
913 the parent or legal guardian is not the sex offender,
914 understands the need for and agrees to the safety plan and has
915 agreed to provide, or to designate another adult to provide,
916 constant supervision any time the child is in contact with the
917 offender.

918
919 The commission may not appoint a person to conduct a risk
920 assessment and may not accept a risk assessment from a person
921 who has not demonstrated to the commission that he or she has
922 met the requirements of a qualified practitioner as defined in
923 this section.

924 6. If the victim was under age 18, a prohibition on
925 working for pay or as a volunteer at any school, day care
926 center, park, playground, or other place where children
927 regularly congregate, as prescribed by the commission.

928 7. Unless otherwise indicated in the treatment plan
929 provided by the sexual offender treatment program, a prohibition
930 on viewing, owning, or possessing any obscene, pornographic, or
931 sexually stimulating visual or auditory material, including
932 telephone, electronic media, computer programs, or computer
933 services that are relevant to the offender's deviant behavior
934 pattern.

935 8. Effective for a releasee whose crime is committed on or
936 after July 1, 2005, a prohibition on accessing the Internet or
937 other computer services until the offender's sex offender
938 treatment program, after a risk assessment is completed,
939 approves and implements a safety plan for the offender's
940 accessing or using the Internet or other computer services.

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941 9. A requirement that the releasee must submit two
942 specimens of blood to the Florida Department of Law Enforcement
943 to be registered with the DNA database.

944 10. A requirement that the releasee make restitution to
945 the victim, as determined by the sentencing court or the
946 commission, for all necessary medical and related professional
947 services relating to physical, psychiatric, and psychological
948 care.

949 11. Submission to a warrantless search by the community
950 control or probation officer of the probationer's or community
951 controllee's person, residence, or vehicle.

952 (b) For a releasee whose crime was committed on or after
953 October 1, 1997, in violation of chapter 794, s. 800.04, s.
954 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to
955 conditional release supervision, in addition to any other
956 provision of this subsection, the commission shall impose the
957 following additional conditions of conditional release
958 supervision:

959 1. As part of a treatment program, participation in a
960 minimum of one annual polygraph examination to obtain
961 information necessary for risk management and treatment and to
962 reduce the sex offender's denial mechanisms. The polygraph
963 examination must be conducted by a polygrapher trained
964 specifically in the use of the polygraph for the monitoring of
965 sex offenders, where available, and at the expense of the sex
966 offender. The results of the polygraph examination shall not be
967 used as evidence in a hearing to prove that a violation of
968 supervision has occurred.

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969 2. Maintenance of a driving log and a prohibition against
970 driving a motor vehicle alone without the prior approval of the
971 supervising officer.

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

974 4. If there was sexual contact, a submission to, at the
975 probationer's or community controllee's expense, an HIV test
976 with the results to be released to the victim or the victim's
977 parent or guardian.

978 5. Electronic monitoring of any form when ordered by the
979 commission.

980 Section 28. Subsection (2) of section 948.03, Florida
981 Statutes, is amended to read:

982 948.03 Terms and conditions of probation.--

983 (2) The enumeration of specific kinds of terms and
984 conditions shall not prevent the court from adding thereto such
985 other or others as it considers proper. However, the sentencing
986 court may only impose a condition of supervision allowing an
987 offender convicted of s. 794.011, s. 800.04, s. 827.071, s.
988 847.0135(5), or s. 847.0145, to reside in another state, if the
989 order stipulates that it is contingent upon the approval of the
990 receiving state interstate compact authority. The court may
991 rescind or modify at any time the terms and conditions
992 theretofore imposed by it upon the probationer. However, if the
993 court withholds adjudication of guilt or imposes a period of
994 incarceration as a condition of probation, the period shall not
995 exceed 364 days, and incarceration shall be restricted to either
996 a county facility, a probation and restitution center under the
997 jurisdiction of the Department of Corrections, a probation
998 program drug punishment phase I secure residential treatment

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999 institution, or a community residential facility owned or
1000 operated by any entity providing such services.

1001 Section 29. Paragraph (c) of subsection (8) of section
1002 948.06, Florida Statutes, is amended to read:

1003 948.06 Violation of probation or community control;
1004 revocation; modification; continuance; failure to pay
1005 restitution or cost of supervision.--

1006 (8)

1007 (c) For purposes of this section, the term "qualifying
1008 offense" means any of the following:

1009 1. Kidnapping or attempted kidnapping under s. 787.01,
1010 false imprisonment of a child under the age of 13 under s.
1011 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
1012 or (c).

1013 2. Murder or attempted murder under s. 782.04, attempted
1014 felony murder under s. 782.051, or manslaughter under s. 782.07.

1015 3. Aggravated battery or attempted aggravated battery
1016 under s. 784.045.

1017 4. Sexual battery or attempted sexual battery under s.
1018 794.011(2), (3), (4), or (8)(b) or (c).

1019 5. Lewd or lascivious battery or attempted lewd or
1020 lascivious battery under s. 800.04(4), lewd or lascivious
1021 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
1022 conduct under s. 800.04(6)(b), ~~or~~ lewd or lascivious exhibition
1023 under s. 800.04(7)(b)~~(c)~~, or lewd or lascivious exhibition on
1024 computer under s. 847.0135(5)(b).

1025 6. Robbery or attempted robbery under s. 812.13,
1026 carjacking or attempted carjacking under s. 812.133, or home
1027 invasion robbery or attempted home invasion robbery under s.
1028 812.135.

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1029 7. Lewd or lascivious offense upon or in the presence of
1030 an elderly or disabled person or attempted lewd or lascivious
1031 offense upon or in the presence of an elderly or disabled person
1032 under s. 825.1025.

1033 8. Sexual performance by a child or attempted sexual
1034 performance by a child under s. 827.071.

1035 9. Computer pornography under s. 847.0135(2) or (3),
1036 transmission of child pornography under s. 847.0137, or selling
1037 or buying of minors under s. 847.0145.

1038 10. Poisoning food or water under s. 859.01.

1039 11. Abuse of a dead human body under s. 872.06.

1040 12. Any burglary offense or attempted burglary offense
1041 that is either a first degree felony or second degree felony
1042 under s. 810.02(2) or (3).

1043 13. Arson or attempted arson under s. 806.01(1).

1044 14. Aggravated assault under s. 784.021.

1045 15. Aggravated stalking under s. 784.048(3), (4), (5), or
1046 (7).

1047 16. Aircraft piracy under s. 860.16.

1048 17. Unlawful throwing, placing, or discharging of a
1049 destructive device or bomb under s. 790.161(2), (3), or (4).

1050 18. Treason under s. 876.32.

1051 19. Any offense committed in another jurisdiction which
1052 would be an offense listed in this paragraph if that offense had
1053 been committed in this state.

1054 Section 30. Subsection (2) of section 948.101, Florida
1055 Statutes, is amended to read:

1056 948.101 Terms and conditions of community control and
1057 criminal quarantine community control.--

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1058 (2) The enumeration of specific kinds of terms and
1059 conditions does not prevent the court from adding thereto any
1060 other terms or conditions that the court considers proper.
1061 However, the sentencing court may only impose a condition of
1062 supervision allowing an offender convicted of s. 794.011, s.
1063 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 to reside in
1064 another state if the order stipulates that it is contingent upon
1065 the approval of the receiving state interstate compact
1066 authority. The court may rescind or modify at any time the terms
1067 and conditions theretofore imposed by it upon the offender in
1068 community control. However, if the court withholds adjudication
1069 of guilt or imposes a period of incarceration as a condition of
1070 community control, the period may not exceed 364 days, and
1071 incarceration shall be restricted to a county facility, a
1072 probation and restitution center under the jurisdiction of the
1073 Department of Corrections, a probation program drug punishment
1074 phase I secure residential treatment institution, or a community
1075 residential facility owned or operated by any entity providing
1076 such services.

1077 Section 31. Subsections (1) and (2) of section 948.30,
1078 Florida Statutes, are amended to read:

1079 948.30 Additional terms and conditions of probation or
1080 community control for certain sex offenses.--Conditions imposed
1081 pursuant to this section do not require oral pronouncement at
1082 the time of sentencing and shall be considered standard
1083 conditions of probation or community control for offenders
1084 specified in this section.

1085 (1) Effective for probationers or community controllees
1086 whose crime was committed on or after October 1, 1995, and who
1087 are placed under supervision for violation of chapter 794, s.

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1088 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, the court
1089 must impose the following conditions in addition to all other
1090 standard and special conditions imposed:

1091 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court
1092 may designate another 8-hour period if the offender's employment
1093 precludes the above specified time, and the alternative is
1094 recommended by the Department of Corrections. If the court
1095 determines that imposing a curfew would endanger the victim, the
1096 court may consider alternative sanctions.

1097 (b) If the victim was under the age of 18, a prohibition
1098 on living within 1,000 feet of a school, day care center, park,
1099 playground, or other place where children regularly congregate,
1100 as prescribed by the court. The 1,000-foot distance shall be
1101 measured in a straight line from the offender's place of
1102 residence to the nearest boundary line of the school, day care
1103 center, park, playground, or other place where children
1104 congregate. The distance may not be measured by a pedestrian
1105 route or automobile route.

1106 (c) Active participation in and successful completion of a
1107 sex offender treatment program with qualified practitioners
1108 specifically trained to treat sex offenders, at the
1109 probationer's or community controllee's own expense. If a
1110 qualified practitioner is not available within a 50-mile radius
1111 of the probationer's or community controllee's residence, the
1112 offender shall participate in other appropriate therapy.

1113 (d) A prohibition on any contact with the victim, directly
1114 or indirectly, including through a third person, unless approved
1115 by the victim, the offender's therapist, and the sentencing
1116 court.

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1117 (e) If the victim was under the age of 18, a prohibition
1118 on contact with a child under the age of 18 except as provided
1119 in this paragraph. The court may approve supervised contact with
1120 a child under the age of 18 if the approval is based upon a
1121 recommendation for contact issued by a qualified practitioner
1122 who is basing the recommendation on a risk assessment. Further,
1123 the sex offender must be currently enrolled in or have
1124 successfully completed a sex offender therapy program. The court
1125 may not grant supervised contact with a child if the contact is
1126 not recommended by a qualified practitioner and may deny
1127 supervised contact with a child at any time. When considering
1128 whether to approve supervised contact with a child, the court
1129 must review and consider the following:

1130 1. A risk assessment completed by a qualified
1131 practitioner. The qualified practitioner must prepare a written
1132 report that must include the findings of the assessment and
1133 address each of the following components:

1134 a. The sex offender's current legal status;

1135 b. The sex offender's history of adult charges with
1136 apparent sexual motivation;

1137 c. The sex offender's history of adult charges without
1138 apparent sexual motivation;

1139 d. The sex offender's history of juvenile charges,
1140 whenever available;

1141 e. The sex offender's offender treatment history,
1142 including consultations with the sex offender's treating, or
1143 most recent treating, therapist;

1144 f. The sex offender's current mental status;

1145 g. The sex offender's mental health and substance abuse
1146 treatment history as provided by the Department of Corrections;

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1147 h. The sex offender's personal, social, educational, and
1148 work history;

1149 i. The results of current psychological testing of the sex
1150 offender if determined necessary by the qualified practitioner;

1151 j. A description of the proposed contact, including the
1152 location, frequency, duration, and supervisory arrangement;

1153 k. The child's preference and relative comfort level with
1154 the proposed contact, when age appropriate;

1155 l. The parent's or legal guardian's preference regarding
1156 the proposed contact; and

1157 m. The qualified practitioner's opinion, along with the
1158 basis for that opinion, as to whether the proposed contact would
1159 likely pose significant risk of emotional or physical harm to
1160 the child.

1161

1162 The written report of the assessment must be given to the court;

1163 2. A recommendation made as a part of the risk assessment
1164 report as to whether supervised contact with the child should be
1165 approved;

1166 3. A written consent signed by the child's parent or legal
1167 guardian, if the parent or legal guardian is not the sex
1168 offender, agreeing to the sex offender having supervised contact
1169 with the child after receiving full disclosure of the sex
1170 offender's present legal status, past criminal history, and the
1171 results of the risk assessment. The court may not approve
1172 contact with the child if the parent or legal guardian refuses
1173 to give written consent for supervised contact;

1174 4. A safety plan prepared by the qualified practitioner,
1175 who provides treatment to the offender, in collaboration with
1176 the sex offender, the child's parent or legal guardian, if the

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1177 parent or legal guardian is not the sex offender, and the child,
1178 when age appropriate, which details the acceptable conditions of
1179 contact between the sex offender and the child. The safety plan
1180 must be reviewed and approved by the court; and

1181 5. Evidence that the child's parent or legal guardian
1182 understands the need for and agrees to the safety plan and has
1183 agreed to provide, or to designate another adult to provide,
1184 constant supervision any time the child is in contact with the
1185 offender.

1186
1187 The court may not appoint a person to conduct a risk assessment
1188 and may not accept a risk assessment from a person who has not
1189 demonstrated to the court that he or she has met the
1190 requirements of a qualified practitioner as defined in this
1191 section.

1192 (f) If the victim was under age 18, a prohibition on
1193 working for pay or as a volunteer at any place where children
1194 regularly congregate, including, but not limited to, schools,
1195 day care centers, parks, playgrounds, pet stores, libraries,
1196 zoos, theme parks, and malls.

1197 (g) Unless otherwise indicated in the treatment plan
1198 provided by the sexual offender treatment program, a prohibition
1199 on viewing, accessing, owning, or possessing any obscene,
1200 pornographic, or sexually stimulating visual or auditory
1201 material, including telephone, electronic media, computer
1202 programs, or computer services that are relevant to the
1203 offender's deviant behavior pattern.

1204 (h) Effective for probationers and community controllees
1205 whose crime is committed on or after July 1, 2005, a prohibition
1206 on accessing the Internet or other computer services until the

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1207 offender's sex offender treatment program, after a risk
1208 assessment is completed, approves and implements a safety plan
1209 for the offender's accessing or using the Internet or other
1210 computer services.

1211 (i) A requirement that the probationer or community
1212 controllee must submit a specimen of blood or other approved
1213 biological specimen to the Department of Law Enforcement to be
1214 registered with the DNA data bank.

1215 (j) A requirement that the probationer or community
1216 controllee make restitution to the victim, as ordered by the
1217 court under s. 775.089, for all necessary medical and related
1218 professional services relating to physical, psychiatric, and
1219 psychological care.

1220 (k) Submission to a warrantless search by the community
1221 control or probation officer of the probationer's or community
1222 controllee's person, residence, or vehicle.

1223 (2) Effective for a probationer or community controllee
1224 whose crime was committed on or after October 1, 1997, and who
1225 is placed on community control or sex offender probation for a
1226 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),
1227 or s. 847.0145, in addition to any other provision of this
1228 section, the court must impose the following conditions of
1229 probation or community control:

1230 (a) As part of a treatment program, participation at least
1231 annually in polygraph examinations to obtain information
1232 necessary for risk management and treatment and to reduce the
1233 sex offender's denial mechanisms. A polygraph examination must
1234 be conducted by a polygrapher trained specifically in the use of
1235 the polygraph for the monitoring of sex offenders, where
1236 available, and shall be paid for by the sex offender. The

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1237 results of the polygraph examination shall not be used as
1238 evidence in court to prove that a violation of community
1239 supervision has occurred.

1240 (b) Maintenance of a driving log and a prohibition against
1241 driving a motor vehicle alone without the prior approval of the
1242 supervising officer.

1243 (c) A prohibition against obtaining or using a post office
1244 box without the prior approval of the supervising officer.

1245 (d) If there was sexual contact, a submission to, at the
1246 probationer's or community controllee's expense, an HIV test
1247 with the results to be released to the victim or the victim's
1248 parent or guardian.

1249 (e) Electronic monitoring when deemed necessary by the
1250 community control or probation officer and his or her
1251 supervisor, and ordered by the court at the recommendation of
1252 the Department of Corrections.

1253 Section 32. Subsection (1) of section 948.31, Florida
1254 Statutes, is amended to read:

1255 948.31 Diagnosis, evaluation, and treatment of offenders
1256 placed on probation or community control for certain sex
1257 offenses or child exploitation.--The court shall require a
1258 diagnosis and evaluation to determine the need of a probationer
1259 or offender in community control for treatment. If the court
1260 determines that a need therefor is established by such diagnosis
1261 and evaluation process, the court shall require outpatient
1262 counseling as a term or condition of probation or community
1263 control for any person who was found guilty of any of the
1264 following, or whose plea of guilty or nolo contendere to any of
1265 the following was accepted by the court:

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1266 (1) Lewd or lascivious battery, lewd or lascivious
1267 molestation, lewd or lascivious conduct, or lewd or lascivious
1268 exhibition, as defined in s. 800.04 or s. 847.0135(5).

1269
1270 Such counseling shall be required to be obtained from a
1271 community mental health center, a recognized social service
1272 agency providing mental health services, or a private mental
1273 health professional or through other professional counseling.
1274 The plan for counseling for the individual shall be provided to
1275 the court for review.

1276 Section 33. This act shall take effect October 1, 2008.

1277
1278 -----

T I T L E A M E N D M E N T

1279 Remove the entire title and insert:

1280 An act relating to exploited children; amending s. 92.56, F.S.;
1281 permitting use of a pseudonym to designate the victim of a crime
1282 involving a victim of production, possession, or promotion of
1283 child pornography; revising provisions concerning use of victim
1284 pseudonyms to specify that they may be used in civil and
1285 criminal proceedings; amending s. 796.035, F.S., prohibiting
1286 persons from selling minors knowing that as a result of the sale
1287 the minor will perform naked for compensation; amending s.
1288 800.04, F.S., relating to lewd or lascivious exhibition, to
1289 conform to changes made by the act; amending s. 847.0135, F.S.;
1290 to conform changes made by the act; creating s. 847.002, F.S.;
1291 requiring law enforcement officers to provide certain
1292 information to the National Center for Missing and Exploited
1293 Children; requiring law enforcement officers submitting a case
1294 for prosecution that involves the creation, possession, or
1295

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1296 promotion of child pornography to provide specified information
1297 to prosecutors; requiring prosecutors to enter specified
1298 information in a database maintained by the Attorney General;
1299 creating s. 847.01357, F.S.; providing a civil remedy for any
1300 person who, while under the age of 18, was a victim of certain
1301 sexual abuse crimes wherein any portion of that abuse was used
1302 in the production of child pornography and who suffers personal
1303 or psychological injury as a result of the production,
1304 promotion, or possession of such images; specifying damages;
1305 providing for limitation of actions; providing for confidential
1306 pseudonyms to specified claimants; precluding a defense to
1307 certain civil actions; permitting the Attorney General to pursue
1308 cases on behalf of victims; providing for disposition of damages
1309 and attorney's fees; amending s. 960.03, F.S.; expanding the
1310 definition of "crime" for purposes of victim compensation to
1311 include violations of ss. 827.071, 847.0135, 847.0137, and
1312 847.038, related to on-line sexual exploitation and child
1313 pornography; defining the term "known victim of child
1314 pornography;" expanding the definition of "victim" for purposes
1315 of victim compensation to include a person less than 18 years of
1316 age who was present at the scene of a crime, saw or heard the
1317 crime, and suffered a psychiatric or psychological injury
1318 because of the crime, but who was not physically injured;
1319 creating s. 960.197, F.S.; authorizing victim compensation
1320 awards to certain persons who suffer psychiatric or
1321 psychological injury as a result of certain crimes; amending ss.
1322 90.404, 92.565, 394.912, 409.2355, 775.082, 775.084, 775.15,
1323 775.21, 784.048, 787.01, 787.02, 787.025, 794.065, 914.16,
1324 921.0022, 921.244, 938.10, 943.0435, 943.04354, 943.0585,
1325 943.059, 944.606, 944.607, 947.1405, 948.013, 948.03, 948.06,

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1326 948.101, 948.30, 948.31, and 948.32, F.S.; conforming provisions
1327 to changes made by the act; providing an effective date.

1328

1329 WHEREAS, children who are sexually abused and then
1330 exploited by the creation of permanent images of that sexual
1331 abuse through child pornography are further harmed by the
1332 continued possession, promotion, and distribution of those
1333 images on the Internet, and

1334 WHEREAS, the possession of child pornography is not a
1335 victimless crime, and over 1,200 victims of child pornography
1336 are known by law enforcement, over 30 of whom were citizens of
1337 this state at the time of their abuse, and

1338 WHEREAS, victims of child pornography suffer repeated
1339 unending abuse not only as children, but throughout their lives,
1340 by those individuals who engage in the collection and
1341 distribution of the image of the victim's sexual abuse and
1342 exploitation, and

1343 WHEREAS, victims of child pornography currently do not
1344 receive notice, consideration, compensation, or any other rights
1345 assured to crime victims in this state pursuant to chapter 960,
1346 F.S., and

1347 WHEREAS, victims of child pornography are entitled to be
1348 heard and considered in any case involving the production,
1349 possession, and promotion of an image of their sexual-abuse, and
1350 these victims are due all the rights and protections afforded
1351 every other crime victim in this state, NOW, THEREFORE,

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Bill No. 755

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
- FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Homeland Security & Public Safety
2 Representative Nelson offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 17-41 and insert:

6 (1) A landlord who solicits an individual whom the landlord
7 knows is a sexual offender or sexual predator to rent or lease a
8 dwelling unit shall, within 5 days after the date that the
9 individual known to be a registered sexual offender or sexual
10 predator occupies the dwelling unit as a tenant, do all of the
11 following:

12 (a) Conduct a search for the tenant's name in the sexual
13 offender database.

14 (b) Confirm that the address of the tenant identified as a
15 sexual offender or sexual predator is correctly reflected on the
16 sexual offender database.

17 (c) Notify the sheriff of the county in which the dwelling
18 is located if the address of a tenant identified as a sexual
19 offender or sexual predator is not correctly reflected on the
20 sexual offender database.

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22 A landlord who violates this section commits a misdemeanor of
23 the second degree, punishable as provided in s. 775.082 or s.
24 775.083.

25 -----
26
27 **T I T L E A M E N D M E N T**

28 Remove lines 4-8 and insert:

29 solicits an individual whom the landlord knows is a sexual
30 offender or sexual predator to rent or lease a dwelling unit to
31 verify that individual's address; requiring that the landlord
32 notify the sheriff in certain instances; providing criminal
33 penalties; providing definitions;

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Amendment No. 1 (for drafter's use only)

Bill No. **HB 801**

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Homeland Security & Public
2 Safety

3 Representative(s) Snyder offered the following:

4
5 **Amendment (with directory and title amendments)**

6 Remove line(s) 43-110.

7
8
9 -----
10 **T I T L E A M E N D M E N T**

11 Remove entire title and insert:

12 A bill to be entitled

13 An act relating to unnatural and lascivious acts; amending s.
14 800.02 F.S.; providing enhanced penalties for third and
15 subsequent violations of specified provisions; providing
16 enhanced penalties for offenses involving unnatural and
17 lascivious acts committed within a specified distance of certain
18 locations; providing an effective date.

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Amendment No. 1 (for drafter's use only)

Bill No. **HB 1107**

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Homeland Security and Public
2 Safety

3 Representative(s) Glorioso offered the following:
4

5 **Amendment (with directory and title amendments)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (b) of subsection (3), paragraph (a)
8 of subsection (7), and paragraph (b) of subsection (10) of
9 section 775.21, Florida Statutes, are amended to read:

10 775.21 The Florida Sexual Predators Act.--

11 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE
12 INTENT.--

13 (b) The high level of threat that a sexual predator
14 presents to the public safety, and the long-term effects
15 suffered by victims of sex offenses, provide the state with
16 sufficient justification to implement a strategy that includes:

17 1. Incarcerating sexual predators and maintaining adequate
18 facilities to ensure that decisions to release sexual predators
19 into the community are not made on the basis of inadequate
20 space.

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21 2. Providing for specialized supervision of sexual
22 predators who are in the community by specially trained
23 probation officers with low caseloads, as described in ss.
24 947.1405(7) and 948.30. The sexual predator is subject to
25 specified terms and conditions implemented at sentencing or at
26 the time of release from incarceration, with a requirement that
27 only those sexual predators found to be indigent may defer
28 payment pursuant to s. 28.246 of all or part of the costs in
29 accordance with the provisions of that section ~~who are~~
30 ~~financially able must pay all or part of the costs of~~
31 ~~supervision.~~

32 3. Requiring the registration of sexual predators, with a
33 requirement that complete and accurate information be maintained
34 and accessible for use by law enforcement authorities,
35 communities, and the public.

36 4. Providing for community and public notification
37 concerning the presence of sexual predators.

38 5. Prohibiting sexual predators from working with
39 children, either for compensation or as a volunteer.

40 (7) COMMUNITY AND PUBLIC NOTIFICATION.--

41 (a) Law enforcement agencies must inform members of the
42 community and the public of a sexual predator's presence. Upon
43 notification of the presence of a sexual predator, the sheriff
44 of the county or the chief of police of the municipality where
45 the sexual predator establishes or maintains a permanent or
46 temporary residence shall notify members of the community and
47 the public of the presence of the sexual predator in a manner
48 deemed appropriate by the sheriff or the chief of police. Within
49 48 hours after receiving notification of the presence of a
50 sexual predator, the sheriff of the county or the chief of

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51 police of the municipality where the sexual predator temporarily
52 or permanently resides shall notify each licensed day care
53 center, elementary school, middle school, ~~and~~ high school, and
54 library within a 1-mile radius of the temporary or permanent
55 residence of the sexual predator of the presence of the sexual
56 predator. Information provided to members of the community and
57 the public regarding a sexual predator must include:

- 58 1. The name of the sexual predator;
- 59 2. A description of the sexual predator, including a
60 photograph;
- 61 3. The sexual predator's current address, including the
62 name of the county or municipality if known;
- 63 4. The circumstances of the sexual predator's offense or
64 offenses; and
- 65 5. Whether the victim of the sexual predator's offense or
66 offenses was, at the time of the offense, a minor or an adult.

67
68 This paragraph does not authorize the release of the name of any
69 victim of the sexual predator.

70 (10) PENALTIES.--

71 (b) A sexual predator who has been convicted of or found
72 to have committed, or has pled nolo contendere or guilty to,
73 regardless of adjudication, any violation, or attempted
74 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
75 the victim is a minor and the defendant is not the victim's
76 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
77 794.05; s. 796.03; s. 796.035; s. 800.04; s. 827.071; s.
78 847.0133; s. 847.0145; or s. 985.701(1); or a violation of a
79 similar law of another jurisdiction when the victim of the
80 offense was a minor, and who works, whether for compensation or

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81 as a volunteer, at any business, school, day care center, park,
82 playground, library, or other place where children regularly
83 congregate, commits a felony of the third degree, punishable as
84 provided in s. 775.082, s. 775.083, or s. 775.084.

85 Section 2. Section 775.215, Florida Statutes, is created
86 to read:

87 775.215 Residency distance limitations for persons
88 convicted of certain sexual offenses; local ordinances preempted
89 and repealed.--The adoption of residency distance limitations
90 for persons convicted of sexual offenses, including, but not
91 limited to, violations of s. 787.01, s. 787.02, s. 794.011, s.
92 800.04, s. 827.071, or s. 847.0145, regardless of whether
93 adjudication has been withheld, is expressly preempted to the
94 state. The provisions of ss. 794.065, 947.1405, and 948.30
95 establishing such distance limitations supersede the distance
96 limitations included in any such municipal or county ordinances.
97 Any such residency distance limitations adopted by a county or
98 municipality prior to October 1, 2008, are hereby repealed and
99 abolished as of October 1, 2008.

100 Section 3. Subsection (2) of section 775.24, Florida
101 Statutes, is amended to read:

102 775.24 Duty of the court to uphold laws governing sexual
103 predators and sexual offenders.--

104 (2) If a person meets the criteria in this chapter for
105 designation as a sexual predator or meets the criteria in s.
106 943.0435, s. 944.606, s. 944.607, or any other law for
107 classification as a sexual offender, the court may not enter an
108 order, for the purpose of approving a plea agreement or for any
109 other reason, which:

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110 (a) Exempts a person who meets the criteria for
111 designation as a sexual predator or classification as a sexual
112 offender from such designation or classification; ~~or~~ exempts
113 such person from the requirements for registration or community
114 and public notification imposed upon sexual predators and sexual
115 offenders; exempts such person from the distance limitations
116 contained in ss. 794.065, 947.1405, and 948.30; or exempts such
117 person from the provisions of s. 794.0701;

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

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

125 Section 4. Section 794.065, Florida Statutes, is amended
126 to read:

127 794.065 Unlawful place of residence for persons convicted
128 of certain sex offenses.--

129 (1) (a) 1. It is unlawful for any person who has been
130 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,
131 or s. 847.0145, regardless of whether adjudication has been
132 withheld, in which the victim of the offense was less than 16
133 years of age, to reside within 1,000 feet of any school, day
134 care center, park, or playground.

135 2. A person who violates this subsection ~~section~~ and whose
136 conviction for an offense listed in subparagraph 1. under s.
137 794.011, s. 800.04, s. 827.071, or s. 847.0145 was classified
138 as:

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139 a. A felony of the first degree or higher, commits a
140 felony of the third degree, punishable as provided in s. 775.082
141 or s. 775.083. ~~A person who violates this section and whose~~
142 ~~conviction under s. 794.011, s. 800.04, s. 827.071, or s.~~
143 ~~847.0145 was classified as~~

144 b. A felony of the second or third degree, commits a
145 misdemeanor of the first degree, punishable as provided in s.
146 775.082 or s. 775.083.

147 ~~(b)(2)~~ This subsection ~~section~~ applies to any person
148 convicted of an offense listed in subparagraph (a)1. if the
149 offense occurred a violation of s. 794.011, s. 800.04, s.
150 827.071, or s. 847.0145 for offenses that occur on or after
151 October 1, 2004.

152 (2)(a)1. It is unlawful for any person who has been
153 convicted of a violation of s. 787.01, s. 787.02, s. 794.011, s.
154 800.04, s. 827.071, or s. 847.0145, committed on or after
155 October 1, 2008, regardless of whether adjudication has been
156 withheld, in which the victim of the offense was less than 16
157 years of age, to reside within 1,500 feet of any school, day
158 care center, park, or playground.

159 2. A person violating this subsection whose conviction of
160 an offense listed in subparagraph 1. was classified as:

161 a. A felony of the first degree or higher, commits a
162 felony of the third degree, punishable as provided in s. 775.082
163 or s. 775.083.

164 b. A felony of the second or third degree, commits a
165 misdemeanor of the first degree, punishable as provided in s.
166 775.082 or s. 775.083.

167 (b) The distances in this subsection shall be measured in
168 a straight line from the offender's place of residence to the

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169 nearest boundary line of the school, day care center, park, or
170 playground.

171 Section 5. Section 794.0701, Florida Statutes, is created
172 to read:

173 794.0701 Loitering or prowling by persons convicted of
174 certain sex offenses.--Any person who:

175 (1) Has been convicted of a violation of s. 787.01, s.
176 787.02, s. 794.011, s. 800.04, s. 827.071, or s. 847.0145,
177 regardless of whether adjudication has been withheld, in which
178 the victim of the offense was less than 16 years of age; and

179 (2) Loiters or prowls as proscribed in s. 856.021 within
180 300 feet of a place where children regularly congregate,
181 including, but not limited to, a school, designated public
182 school bus stop, day care center, playground or park

183
184 commits a misdemeanor of the first degree, punishable as
185 provided in s. 775.082 or s. 775.083.

186 Section 6. Paragraph (a) of subsection (7) of section
187 947.1405, Florida Statutes, are amended, and subsection (11) is
188 added to that section, to read:

189 947.1405 Conditional release program.--

190 (7)(a) Any inmate who is convicted of a crime committed on
191 or after October 1, 1995, or who has been previously convicted
192 of a crime committed on or after October 1, 1995, in violation
193 of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and is
194 subject to conditional release supervision, shall have, in
195 addition to any other conditions imposed, the following special
196 conditions imposed by the commission:

197 1. A mandatory curfew from 10 p.m. to 6 a.m. The
198 commission may designate another 8-hour period if the offender's

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199 employment precludes the above specified time, and such
200 alternative is recommended by the Department of Corrections. If
201 the commission determines that imposing a curfew would endanger
202 the victim, the commission may consider alternative sanctions.

203 2.a. If the victim was under the age of 18, a prohibition
204 on living within 1,000 feet of a school, day care center, park,
205 playground, designated public school bus stop, or other place
206 where children regularly congregate. A releasee who is subject
207 to this subparagraph may not relocate to a residence that is
208 within 1,000 feet of a public school bus stop.

209 b. Beginning October 1, 2004, the commission or the
210 department may not approve a residence that is located within
211 1,000 feet of a school, day care center, park, playground,
212 designated school bus stop, or other place where children
213 regularly congregate for any releasee who is subject to this
214 subparagraph. On October 1, 2004, the department shall notify
215 each affected school district of the location of the residence
216 of a releasee 30 days prior to release and thereafter, if the
217 releasee relocates to a new residence, shall notify any affected
218 school district of the residence of the releasee within 30 days
219 after relocation. If, on October 1, 2004, any public school bus
220 stop is located within 1,000 feet of the existing residence of
221 such releasee, the district school board shall relocate that
222 school bus stop. Beginning October 1, 2004, a district school
223 board may not establish or relocate a public school bus stop
224 within 1,000 feet of the residence of a releasee who is subject
225 to this subparagraph. The failure of the district school board
226 to comply with this subparagraph shall not result in a violation
227 of conditional release supervision.

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228 c. If the victim was under the age of 18, beginning
229 October 1, 2008, neither the commission nor the department may
230 approve a residence located within 1,500 feet of a school, day
231 care center, park, playground, designated school bus stop, or
232 other place where children regularly congregate for any releasee
233 who is subject to this subparagraph. The distance in this sub-
234 subparagraph shall be measured in a straight line from the
235 offender's place of residence to the nearest boundary line of
236 the school, day care center, park, playground, or other place
237 where children regularly congregate. The distance may not be
238 measured by a pedestrian route or automobile route.

239 3. Active participation in and successful completion of a
240 sex offender treatment program with qualified practitioners
241 specifically trained to treat sex offenders, at the releasee's
242 own expense. If a qualified practitioner is not available within
243 a 50-mile radius of the releasee's residence, the offender shall
244 participate in other appropriate therapy.

245 4. A prohibition on any contact with the victim, directly
246 or indirectly, including through a third person, unless approved
247 by the victim, the offender's therapist, and the sentencing
248 court.

249 5. If the victim was under the age of 18, a prohibition
250 against contact with children under the age of 18 without review
251 and approval by the commission. The commission may approve
252 supervised contact with a child under the age of 18 if the
253 approval is based upon a recommendation for contact issued by a
254 qualified practitioner who is basing the recommendation on a
255 risk assessment. Further, the sex offender must be currently
256 enrolled in or have successfully completed a sex offender
257 therapy program. The commission may not grant supervised contact

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258 with a child if the contact is not recommended by a qualified
259 practitioner and may deny supervised contact with a child at any
260 time. When considering whether to approve supervised contact
261 with a child, the commission must review and consider the
262 following:

263 a. A risk assessment completed by a qualified
264 practitioner. The qualified practitioner must prepare a written
265 report that must include the findings of the assessment and
266 address each of the following components:

267 (I) The sex offender's current legal status;

268 (II) The sex offender's history of adult charges with
269 apparent sexual motivation;

270 (III) The sex offender's history of adult charges without
271 apparent sexual motivation;

272 (IV) The sex offender's history of juvenile charges,
273 whenever available;

274 (V) The sex offender's offender treatment history,
275 including a consultation from the sex offender's treating, or
276 most recent treating, therapist;

277 (VI) The sex offender's current mental status;

278 (VII) The sex offender's mental health and substance abuse
279 history as provided by the Department of Corrections;

280 (VIII) The sex offender's personal, social, educational,
281 and work history;

282 (IX) The results of current psychological testing of the
283 sex offender if determined necessary by the qualified
284 practitioner;

285 (X) A description of the proposed contact, including the
286 location, frequency, duration, and supervisory arrangement;

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287 (XI) The child's preference and relative comfort level
288 with the proposed contact, when age-appropriate;

289 (XII) The parent's or legal guardian's preference
290 regarding the proposed contact; and

291 (XIII) The qualified practitioner's opinion, along with
292 the basis for that opinion, as to whether the proposed contact
293 would likely pose significant risk of emotional or physical harm
294 to the child.

295

296 The written report of the assessment must be given to the
297 commission.

298 b. A recommendation made as a part of the risk-assessment
299 report as to whether supervised contact with the child should be
300 approved;

301 c. A written consent signed by the child's parent or legal
302 guardian, if the parent or legal guardian is not the sex
303 offender, agreeing to the sex offender having supervised contact
304 with the child after receiving full disclosure of the sex
305 offender's present legal status, past criminal history, and the
306 results of the risk assessment. The commission may not approve
307 contact with the child if the parent or legal guardian refuses
308 to give written consent for supervised contact;

309 d. A safety plan prepared by the qualified practitioner,
310 who provides treatment to the offender, in collaboration with
311 the sex offender, the child's parent or legal guardian, and the
312 child, when age appropriate, which details the acceptable
313 conditions of contact between the sex offender and the child.
314 The safety plan must be reviewed and approved by the Department
315 of Corrections before being submitted to the commission; and

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316 e. Evidence that the child's parent or legal guardian, if
317 the parent or legal guardian is not the sex offender,
318 understands the need for and agrees to the safety plan and has
319 agreed to provide, or to designate another adult to provide,
320 constant supervision any time the child is in contact with the
321 offender.

322
323 The commission may not appoint a person to conduct a risk
324 assessment and may not accept a risk assessment from a person
325 who has not demonstrated to the commission that he or she has
326 met the requirements of a qualified practitioner as defined in
327 this section.

328 6. If the victim was under age 18, a prohibition on
329 working for pay or as a volunteer at any school, day care
330 center, park, playground, library, or other place where children
331 regularly congregate, as prescribed by the commission.

332 7. Unless otherwise indicated in the treatment plan
333 provided by the sexual offender treatment program, a prohibition
334 on viewing, owning, or possessing any obscene, pornographic, or
335 sexually stimulating visual or auditory material, including
336 telephone, electronic media, computer programs, or computer
337 services that are relevant to the offender's deviant behavior
338 pattern.

339 8. Effective for a releasee whose crime is committed on or
340 after July 1, 2005, a prohibition on accessing the Internet or
341 other computer services until the offender's sex offender
342 treatment program, after a risk assessment is completed,
343 approves and implements a safety plan for the offender's
344 accessing or using the Internet or other computer services.

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345 9. A requirement that the releasee must submit two
346 specimens of blood to the Florida Department of Law Enforcement
347 to be registered with the DNA database.

348 10. A requirement that the releasee make restitution to
349 the victim, as determined by the sentencing court or the
350 commission, for all necessary medical and related professional
351 services relating to physical, psychiatric, and psychological
352 care.

353 11. Submission to a warrantless search by the community
354 control or probation officer of the probationer's or community
355 controllee's person, residence, or vehicle.

356 (11) (a) For a releasee whose crime was committed on or
357 after July 1, 2008, the commission must, in addition to all
358 other provisions of this section, impose the special conditions
359 in paragraph (b) on the following releasees:

360 1. A releasee whose crime was committed on or after July
361 1, 2008, in violation of s. 800.04(4), (5), or (6); s. 827.071;
362 or s. 847.0145 in this state or a similar offense in another
363 jurisdiction when, at the time of the offense, the victim was
364 under 16 years of age and the releasee was 18 years of age or
365 older.

366 2. A releasee who is designated as a sexual predator under
367 s. 775.21 or who has received a similar designation or
368 determination in another jurisdiction.

369 3. A releasee subject to registration as a sexual predator
370 under s. 775.21 or as a sexual offender under s. 943.0435 who
371 has committed an offense that would meet the criteria for the
372 designation or registration when at the time of the offense the
373 victim was under 16 years of age and the releasee was 18 years
374 of age or older, who commits a violation of s. 775.21 or s.

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375 943.0435 on or after July 1, 2008, and who is not otherwise
376 subject to this paragraph.

377 (b) The commission must order a prohibition on
378 distributing candy or other items to children on Halloween,
379 wearing a Santa Claus costume on or preceding Christmas, wearing
380 an Easter Bunny costume on or preceding Easter, entertaining at
381 children's parties, or wearing a clown costume without prior
382 approval from the court.

383
384 Section 7. Paragraph (b) of subsection (1) and subsection
385 (3) of section 948.30, Florida Statutes, are amended, and
386 subsection (4) is added to that section, to read:

387 948.30 Additional terms and conditions of probation or
388 community control for certain sex offenses.--Conditions imposed
389 pursuant to this section do not require oral pronouncement at
390 the time of sentencing and shall be considered standard
391 conditions of probation or community control for offenders
392 specified in this section.

393 (1) Effective for probationers or community controllees
394 whose crime was committed on or after October 1, 1995, and who
395 are placed under supervision for violation of chapter 794, s.
396 800.04, s. 827.071, or s. 847.0145, the court must impose the
397 following conditions in addition to all other standard and
398 special conditions imposed:

399 (b) 1. Except as provided in subparagraph 2., if the victim
400 was under the age of 18, a prohibition on living within 1,000
401 feet of a school, day care center, park, playground, or other
402 place where children regularly congregate, as prescribed by the
403 court. The 1,000-foot distance shall be measured in a straight
404 line from the offender's place of residence to the nearest

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405 boundary line of the school, day care center, park, playground,
406 or other place where children regularly congregate. The distance
407 may not be measured by a pedestrian route or automobile route.

408 2. For a probationer or community controllee whose crime
409 was committed on or after October 1, 2008, if the victim was
410 under the age of 18, a prohibition on living within 1,500 feet
411 of a school, day care center, park, playground, or other place
412 where children regularly congregate, as prescribed by the court.
413 This distance shall be measured in a straight line from the
414 offender's place of residence to the nearest boundary line of
415 the school, day care center, park, playground, or other place
416 where children regularly congregate. The distance may not be
417 measured by a pedestrian route or automobile route.

418 (3) Effective for a probationer or community controllee
419 whose crime was committed on or after September 1, 2005, and
420 who:

421 (a) Is placed on probation or community control for a
422 violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071,
423 or s. 847.0145 and the unlawful sexual activity involved a
424 victim under 16 ~~15~~ years of age ~~or younger~~ and the offender is
425 18 years of age or older;

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

428 (c) Has previously been convicted of a violation of
429 chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s.
430 847.0145 and the unlawful sexual activity involved a victim
431 under 16 ~~15~~ years of age ~~or younger~~ and the offender is 18 years
432 of age or older,
433

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434 the court must order, in addition to any other provision of this
435 section, mandatory electronic monitoring as a condition of the
436 probation or community control supervision.

437 (4) (a) The court must, in addition to all other provisions
438 of this section, impose the special conditions in paragraph (b)
439 on the following probationers or community controllees whose
440 crime was committed on or after July 1, 2008:

441 1. A probationer or community controllee who violated s.
442 800.04(4), (5), or (6); s. 827.071; or s. 847.0145 in this state
443 or committed a similar offense in another jurisdiction when, at
444 the time of the offense, the victim was under 16 years of age
445 and the probationer or community controllee was 18 years of age
446 or older.

447 2. A probationer or community controllee who is designated
448 as a sexual predator under s. 775.21 or who has received a
449 similar designation or determination in another jurisdiction.

450 3. A probationer or community controllee subject to
451 registration as a sexual predator under s. 775.21 or as a sexual
452 offender pursuant to s. 943.0435 who has committed an offense
453 that would meet the criteria for the designation or registration
454 when at the time of the offense the victim was under 16 years of
455 age and the probationer or community controllee was 18 years of
456 age or older, who commits a violation of s. 775.21 or s.
457 943.0435 on or after July 1, 2008, and who is not otherwise
458 subject to this paragraph.

459 (b) The court must order a prohibition on distributing
460 candy or other items to children on Halloween, wearing a Santa
461 Claus costume on or preceding Christmas, wearing an Easter Bunny
462 costume on or preceding Easter, entertaining at children's

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463 parties, or wearing a clown costume without prior approval from
464 the court.

465 Section 8. This act shall take effect October 1, 2008.

466 -----

467 **T I T L E A M E N D M E N T**

468 Remove entire title and insert:

469 An act relating to public safety; amending s. 775.21,
470 F.S.; revising provisions relating to reimbursement of
471 specified costs by sexual predators; revising provisions
472 relating to the residence of sexual predators; providing
473 criminal penalties; prohibiting sexual predators from
474 working within a specified distance of certain facilities;
475 providing criminal penalties; creating s. 775.215, F.S.;
476 specifying residency distance limitations for persons
477 convicted of certain sexual offenses; preempting certain
478 local ordinances and providing for repeal of such
479 ordinances; amending s. 775.24, F.S.; revising provisions
480 relating to the duty of the court to uphold certain laws;
481 amending s. 794.065, F.S.; providing additional residency
482 restrictions on certain offenders; providing penalties;
483 creating s. 794.0701, F.S.; providing for enhanced
484 penalties for loitering or prowling by persons convicted
485 of certain sex offenses; amending s. 947.1405, F.S.;
486 providing additional conditional release restrictions for
487 certain offenders; amending s. 948.06, F.S.; revising
488 provisions relating to probation or community control for
489 sexual predators and sexual offenders; amending s. 948.30,
490 F.S.; revising provisions relating to terms and conditions
491 of probation or community control for certain sex
492 offenses; providing additional restrictions for certain

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493 | probationers or community controllees who committed sexual
494 | offenses with minors under the age of 16; providing an
495 | effective date.
496 |

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Bill No. 1133

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Homeland Security & Public Safety
2 Representative Domino offered the following:

3
4 **Amendment (with title amendments)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (3) of section 540.11, Florida
7 Statutes, is amended to read:

8 540.11 Unauthorized copying of phonograph records, disk,
9 wire, tape, film, or other article on which sounds are
10 recorded.--

11 (3) (a) It is unlawful:

12 1. To sell or offer for sale or resale, advertise, cause
13 the sale or resale of, rent, transport or cause to be rented or
14 transported, or possess for any of these purposes any article
15 with the knowledge, or with reasonable grounds to know, that the
16 sounds thereon have been transferred without the consent of the
17 owner.

18 2. To sell or offer for sale or resale, advertise, cause
19 the sale or resale of, rent, transport or cause to be rented or
20 transported, or possess for any of these purposes any article
21 embodying any performance, whether live before an audience or

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22 transmitted by wire or through the air by radio or television,
23 which was recorded without the consent of the performer.

24 3. Knowingly, for commercial advantage or private
25 financial gain to sell or resell, offer for sale or resale,
26 advertise, cause the sale or resale of, rent, transport or cause
27 to be rented or transported, or possess for such purposes, any
28 phonograph record, disk, wire, tape, film, or other article on
29 which sounds are recorded, unless the outside cover, box, or
30 jacket clearly and conspicuously discloses the actual name and
31 address of the manufacturer thereof, and the name of the actual
32 performer or group.

33 (b)1. A person who violates paragraph (a) commits a felony
34 of the third degree, punishable as provided in s. 775.082, by a
35 fine of up to \$250,000, or both if the offense involves at least
36 1,000 unauthorized articles embodying sound or at least 65
37 unauthorized audiovisual articles during any 180-day period or
38 is a second or subsequent conviction under either this
39 subparagraph or subparagraph 2. ~~of this subsection.~~

40 2. A person who violates paragraph (a) commits a felony of
41 the third degree, punishable as provided in s. 775.082, by a
42 fine of up to \$150,000, or both if the offense involves more
43 than 100 but less than 1,000 unauthorized articles embodying
44 sound or more than 7 but less than 65 unauthorized audiovisual
45 articles during any 180-day period.

46 3. A person who otherwise violates this subsection commits
47 a misdemeanor of the first degree, punishable as provided in s.
48 775.082, by a fine of up to \$25,000, or both.

49 4. The court shall order a person who violates paragraph
50 (a) to make restitution to an owner who suffered injury
51 resulting from the violation, or trade association representing

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52 such owner, in accordance with s. 775.089. The amount of
53 restitution shall be based on the average wholesale value of
54 authorized articles corresponding to the number of unauthorized
55 articles involved in the offense, unless a greater value can be
56 proven. The order shall also include investigative costs
57 relating to the offense.

58 Section 2. This act shall take effect July 1, 2008.

60 -----
61 **T I T L E A M E N D M E N T**

62 Remove the entire title and insert:

63 An act relating to unauthorized copies of recordings; amending
64 s. 540.11, F.S.; requiring a court to order a person who
65 violates state law regarding the unauthorized sale, resale,
66 rental, or transportation of certain articles to make
67 restitution to the owner who suffered injury resulting from the
68 violation or to the trade association representing such owner;
69 requiring that the amount of restitution be based on the
70 average wholesale value of authorized articles corresponding to
71 the number of unauthorized articles involved in the offense,
72 including investigative costs relating to the offense;
73 providing an effective date.

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22 (4) Unless previously secured or updated, each sexual
23 offender and sexual predator shall report to the department
24 during the month of his or her reregistration as required under
25 s. 775.21(8), s. 943.0435(14), ~~or~~ s. 944.607(13), or s. 985.4815
26 in order to obtain an updated or renewed driver's license or
27 identification card as required by subsection (3).

28 Section 2. Paragraph (g) of subsection (2), paragraphs (a)
29 and (c) of subsection (4), paragraphs (a) and (d) of subsection
30 (5), paragraphs (a), (c), (e), (f), (g), (i), (j), and (k) of
31 subsection (6), paragraph (a) of subsection (7), paragraph (a)
32 of subsection (8), and paragraphs (a), (b), and (c) of
33 subsection (10) of section 775.21, Florida Statutes, are
34 amended, and paragraphs (l) and (m) are added to subsection (2)-
35 of that section, to read:

36 775.21 The Florida Sexual Predators Act.--

37 (2) DEFINITIONS.--As used in this section, the term:

38 (g) "Temporary residence" means a place where the person
39 abides, lodges, or resides, including, but not limited to,
40 vacation, business, or personal travel destinations in or out of
41 this state, for a period of 5 or more days in the aggregate
42 during any calendar year and which is not the person's permanent
43 address or, for a person whose permanent residence is not in
44 this state, a place where the person is employed, practices a
45 vocation, or is enrolled as a student for any period of time in
46 this state.

47 (l) "Transient residence" means a place or county where a
48 person lives, remains, or is located for a period of 5 or more
49 days in the aggregate during a calendar year and which is not
50 the person's permanent or temporary address, and the term
51 includes, but is not limited to, any place where the person

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52 sleeps or seeks shelter, including a location that has no
53 specific street address.

54 (m) "Secondary educational institution" means any trade,
55 professional, or secondary school, whether public, private,
56 religious, denominational, parochial, or nonparochial, attended
57 for any purpose, including, but not limited to, secular,
58 religious, or cultural studies.

59 (4) SEXUAL PREDATOR CRITERIA.--

60 (a) For a current offense committed on or after October 1,
61 1993, upon conviction, an offender shall be designated as a
62 "sexual predator" under subsection (5), and subject to
63 registration under subsection (6) and community and public
64 notification under subsection (7) if:

65 1. The felony is:

66 a. A capital, life, or first-degree felony violation, or
67 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
68 is a minor and the defendant is not the victim's parent or
69 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or any
70 conviction for a similar offense committed in this state which
71 has been redesignated from a former statute number to one of
72 those listed in this sub-subparagraph, or a violation of a
73 similar law of another jurisdiction; or

74 b. Any felony violation, or any attempt, solicitation, or
75 conspiracy to commit any felony violation thereof, of s. 787.01,
76 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
77 the defendant is not the victim's parent or guardian; s.
78 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
79 796.035; s. 800.04; s. 810.145, where the victim is a minor; s.
80 825.1025(2)(b); s. 827.071; s. 847.0145; or s. 985.701(1); or
81 any conviction for a similar offense committed in this state
82 which has been redesignated from a former statute number to one

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83 of those listed in this sub-subparagraph, or a violation of a
84 similar law of another jurisdiction, and the offender has
85 previously been convicted of or found to have committed, or
86 attempted, solicited, or conspired to commit, or has pled nolo
87 contendere or guilty to, regardless of adjudication, any
88 violation of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
89 the victim is a minor and the defendant is not the victim's
90 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
91 794.05; s. 796.03; s. 796.035; s. 800.04; felony violation of
92 s. 810.145, where the victim is a minor; s. 825.1025; s.
93 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(5)(4);
94 s. 847.0145; or s. 985.701(1); or any conviction for a similar
95 offense committed in this state which has been redesignated from
96 a former statute number to one of those listed in this sub-
97 subparagraph; or a violation of a similar law of another
98 jurisdiction;

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

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

105 (c) If an offender has been registered as a sexual
106 predator by the Department of Corrections, the department, or
107 any other law enforcement agency and if:

108 1. The court did not, for whatever reason, make a written
109 finding at the time of sentencing that the offender was a sexual
110 predator; or

111 2. The offender was administratively registered as a
112 sexual predator because the Department of Corrections, the
113 department, or any other law enforcement agency obtained

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114 information that indicated that the offender met the criteria
115 for designation as a sexual predator based on a violation of a
116 similar law in another jurisdiction,
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118 the department shall remove that offender from the department's
119 list of sexual predators and, for an offender described under
120 subparagraph 1., shall notify the state attorney who prosecuted
121 the offense that met the criteria for administrative designation
122 as a sexual predator, and, for an offender described under this
123 paragraph, shall notify the state attorney of the county where
124 the offender establishes or maintains a permanent, ~~or temporary,~~
125 or transient residence. The state attorney shall bring the
126 matter to the court's attention in order to establish that the
127 offender meets the criteria for designation as a sexual
128 predator. If the court makes a written finding that the offender
129 is a sexual predator, the offender must be designated as a
130 sexual predator, must register or be registered as a sexual
131 predator with the department as provided in subsection (6), and
132 is subject to the community and public notification as provided
133 in subsection (7). If the court does not make a written finding
134 that the offender is a sexual predator, the offender may not be
135 designated as a sexual predator with respect to that offense and
136 is not required to register or be registered as a sexual
137 predator with the department.

138 (5) SEXUAL PREDATOR DESIGNATION.--An offender is
139 designated as a sexual predator as follows:

140 (a)1. An offender who meets the sexual predator criteria
141 described in paragraph (4)(d) is a sexual predator, and the
142 court shall make a written finding at the time such offender is
143 determined to be a sexually violent predator under chapter 394
144 that such person meets the criteria for designation as a sexual

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145 predator for purposes of this section. The clerk shall transmit
146 a copy of the order containing the written finding to the
147 department within 48 hours after the entry of the order;

148 2. An offender who meets the sexual predator criteria
149 described in paragraph (4) (a) who is before the court for
150 sentencing for a current offense committed on or after October
151 1, 1993, is a sexual predator, and the sentencing court must
152 make a written finding at the time of sentencing that the
153 offender is a sexual predator, and the clerk of the court shall
154 transmit a copy of the order containing the written finding to
155 the department within 48 hours after the entry of the order; or

156 3. If the Department of Corrections, the department, or
157 any other law enforcement agency obtains information which
158 indicates that an offender who establishes or maintains a
159 permanent, ~~or~~ temporary, or transient residence in this state
160 meets the sexual predator criteria described in paragraph (4) (a)
161 or paragraph (4) (d) because the offender was civilly committed
162 or committed a similar violation in another jurisdiction on or
163 after October 1, 1993, the Department of Corrections, the
164 department, or the law enforcement agency shall notify the state
165 attorney of the county where the offender establishes or
166 maintains a permanent, ~~or~~ temporary, or transient residence of
167 the offender's presence in the community. The state attorney
168 shall file a petition with the criminal division of the circuit
169 court for the purpose of holding a hearing to determine if the
170 offender's criminal record or record of civil commitment from
171 another jurisdiction meets the sexual predator criteria. If the
172 court finds that the offender meets the sexual predator criteria
173 because the offender has violated a similar law or similar laws
174 in another jurisdiction, the court shall make a written finding
175 that the offender is a sexual predator.

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When the court makes a written finding that an offender is a sexual predator, the court shall inform the sexual predator of the registration and community and public notification requirements described in this section. Within 48 hours after the court designating an offender as a sexual predator, the clerk of the circuit court shall transmit a copy of the court's written sexual predator finding to the department. If the offender is sentenced to a term of imprisonment or supervision, a copy of the court's written sexual predator finding must be submitted to the Department of Corrections.

(d) A person who establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person was a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender, shall register in the manner provided in s. 943.0435, ~~or~~ s. 944.607, or s. 985.4815 and shall be subject to community and public notification as provided in s. 943.0435, ~~or~~ s. 944.607, or s. 985.4815. A person who meets the criteria of this section is subject to the requirements and penalty provisions of s. 943.0435, ~~or~~ s. 944.607, or s. 985.4815 until the person provides the department with an order issued by the court that designated the person as a sexual predator, as a sexually violent predator, or by another sexual offender designation in the state or jurisdiction in which the order was issued which states that such designation has been removed or

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207 demonstrates to the department that such designation, if not
208 imposed by a court, has been removed by operation of law or
209 court order in the state or jurisdiction in which the
210 designation was made, and provided such person no longer meets
211 the criteria for registration as a sexual offender under the
212 laws of this state.

213 (6) REGISTRATION.--

214 (a) A sexual predator must register with the department
215 through the sheriff's office by providing the following
216 information to the department:

217 1. Name, nicknames, and pseudonyms; social security
218 number, including any alias or false social security numbers
219 ever used; age; race; sex; date of birth, including any alias
220 or false date of birth ever used; height, weight, hair and eye
221 color, and physical description, including scars, marks, and
222 tattoos; photograph; address of legal residence and address of
223 any current temporary residence, within the state or out of
224 state, including a rural route address and a post office box,
225 or, if no permanent or temporary address, any transient
226 residence within the state; address or location description and
227 dates of any current or known future temporary residence within
228 the state or out of state; any electronic mail address and any
229 instant message name required to be provided pursuant to
230 subparagraph (g)4.; all phone numbers, including fixed location
231 and cellular phone numbers and any other designations used for
232 purposes of routing or self-identification in telephonic
233 communications; date and place of any current or known future
234 employment, volunteer work, trade, or business, including
235 employer address or location if no specific address is
236 available; all professional licenses that authorize him or her
237 to engage in an occupation or carry out a trade or business; all

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238 driver's license and identification card numbers and
239 identifiers; all travel and immigration documents, including
240 passport and visa, and identifying information from such
241 documents, including, but not limited to, unique identifiers and
242 pertinent issuance and expiration dates, location of issuance,
243 destinations, and immigration status; biometric identification
244 information, including fingerprints and palm prints; date and
245 place of each conviction; ~~fingerprints,~~ and a brief description
246 of the crime or crimes committed by the offender. A post office
247 box shall not be provided in lieu of a physical residential
248 address. A sexual predator designated under this section on or
249 after June 1, 2009, must submit a set of palm prints during
250 registration. The sheriff shall promptly provide to the
251 department the palm prints in an electronic format. The
252 department is authorized to provide the palm prints to the
253 Federal Bureau of Investigation and to other criminal justice
254 agencies.

255 a. If the sexual predator's place of residence is a motor
256 vehicle, trailer, mobile home, or manufactured home, as defined
257 in chapter 320, the sexual predator shall also provide to the
258 department written notice of the vehicle identification number;
259 the license tag number; the registration number; and a
260 description, including color scheme, of the motor vehicle,
261 trailer, mobile home, or manufactured home. If a sexual
262 predator's place of residence is a vessel, live-aboard vessel,
263 or houseboat, as defined in chapter 327, the sexual predator
264 shall also provide to the department written notice of the hull
265 identification number; the manufacturer's serial number; the
266 name of the vessel, live-aboard vessel, or houseboat; the
267 registration number; and a description, including color scheme,
268 of the vessel, live-aboard vessel, or houseboat.

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269 b. If the sexual predator is or will be enrolled,
270 employed, or carrying on a vocation at an institution of higher
271 education or secondary educational institution in this state,
272 the sexual predator shall ~~also~~ provide to the department the
273 name, address, and county of each institution, including each
274 campus attended, and the sexual predator's enrollment or
275 employment status. Each change in enrollment or employment
276 status shall be reported in person at the sheriff's office, or
277 the Department of Corrections if the sexual predator is in the
278 custody or control of or under the supervision of the Department
279 of Corrections, within 48 hours after any change in status. The
280 sheriff or the Department of Corrections shall promptly notify
281 each institution of the sexual predator's presence and any
282 change in the sexual predator's enrollment or employment status.

283 c. If the sexual predator is employed, volunteers, or
284 carries out any trade or business, the sexual predator shall
285 register the employment address or location for that activity if
286 no specific address is available. In the case where the sexual
287 predator's employment lacks a fixed employment address or
288 location, the sexual predator shall register information
289 regarding his or her probable location during the course of the
290 employment, including normal routes or general areas, with
291 whatever definiteness is possible. Each change in the
292 registration information required in this sub-subparagraph shall
293 be reported in person at the sheriff's office, or the Department
294 of Corrections if the sexual predator is in the custody or
295 control of or under the supervision of the Department of
296 Corrections, within 48 hours after any change in status. The
297 sheriff or the Department of Corrections shall promptly notify
298 the department of this change of the sexual predator's
299 registration information.

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300 d. If the sexual predator owns or operates any vehicle,
301 vessel, aircraft, or other land vehicle for personal use or in
302 the course of any employment, the sexual predator shall register
303 information regarding such vehicle, vessel, aircraft, or other
304 land vehicle, including license tag number and information,
305 description, including trade or business names or information
306 thereon, registration and other identifiers, and information
307 regarding the place or places where such vehicle, vessel,
308 aircraft, or other land vehicle is habitually parked, docked, or
309 otherwise kept if the location is different than the
310 registrant's address. If the sexual predator has access to a
311 fleet consisting of more than 5 employment vehicles,
312 registration of individual vehicle registration and license tag
313 information is not mandated provided that physical descriptive
314 information identifying the common characteristics, markings and
315 locations amongst the fleet vehicles and the sexual predator's
316 access to the fleet of vehicles is registered. Each change in
317 the registration information required in this sub-subparagraph
318 shall be reported in person at the sheriff's office, or the
319 Department of Corrections if the sexual predator is in the
320 custody or control of or under the supervision of the Department
321 of Corrections, within 48 hours after any change in status. The
322 sheriff or the Department of Corrections shall promptly notify
323 the department of this change of the sexual predator's
324 registration information.

325 2. Any other information determined necessary by the
326 department, including criminal and corrections records;
327 nonprivileged personnel and treatment records; and evidentiary
328 genetic markers when available.

329 (c) If the sexual predator is in the custody of a local
330 jail, the custodian of the local jail shall electronically

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331 register the sexual predator within 3 business days after intake
332 of the sexual predator for any reason and upon release, and
333 shall forward the registration information to the department.

334 The custodian of the local jail shall also take a digitized
335 photograph of the sexual predator while the sexual predator
336 remains in custody and shall provide the digitized photograph to
337 the department. The custodian shall notify the department if the
338 sexual predator escapes from custody or dies.

339 (e)1. If the sexual predator is not in the custody or
340 control of, or under the supervision of, the Department of
341 Corrections or is not in the custody of a private correctional
342 facility, the sexual predator shall register in person:

343 a. At the sheriff's office in the county where he or she
344 establishes or maintains a residence within 48 hours after
345 establishing or maintaining a residence in this state; and

346 b. At the sheriff's office in the county where he or she
347 was designated a sexual predator by the court within 48 hours
348 after such finding is made.

349 2. Any change in the sexual predator's permanent, ~~or~~
350 temporary, or transient residence, name, or any electronic mail
351 address and any instant message name required to be provided
352 pursuant to subparagraph (g)4., after the sexual predator
353 registers in person at the sheriff's office as provided in
354 subparagraph 1., shall be accomplished in the manner provided in
355 paragraphs (g), (i), and (j). When a sexual predator registers
356 with the sheriff's office, the sheriff shall take a photograph
357 and a set of biometric identification information, including
358 fingerprints and palm prints, fingerprints of the predator and
359 forward the photographs and biometric identification information
360 fingerprints to the department, along with the information that
361 the predator is required to provide pursuant to this section.

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362 (f) Within 48 hours after the registration required under
363 paragraph (a) or paragraph (e), a sexual predator who is not
364 incarcerated and who resides in the community, including a
365 sexual predator under the supervision of the Department of
366 Corrections, shall register in person at a driver's license
367 office of the Department of Highway Safety and Motor Vehicles
368 and shall present proof of registration. At the driver's license
369 office the sexual predator shall:

370 1. If otherwise qualified, secure a Florida driver's
371 license, renew a Florida driver's license, or secure an
372 identification card. The sexual predator shall identify himself
373 or herself as a sexual predator who is required to comply with
374 this section, provide his or her place of permanent, ~~or~~
375 temporary, or transient residence, including a rural route
376 address and a post office box, and submit to the taking of a
377 photograph for use in issuing a driver's license, renewed
378 license, or identification card, and for use by the department
379 in maintaining current records of sexual predators. A post
380 office box shall not be provided in lieu of a physical
381 residential address. If the sexual predator's place of residence
382 is a motor vehicle, trailer, mobile home, or manufactured home,
383 as defined in chapter 320, the sexual predator shall also
384 provide to the Department of Highway Safety and Motor Vehicles
385 the vehicle identification number; the license tag number; the
386 registration number; and a description, including color scheme,
387 of the motor vehicle, trailer, mobile home, or manufactured
388 home. If a sexual predator's place of residence is a vessel,
389 live-aboard vessel, or houseboat, as defined in chapter 327, the
390 sexual predator shall also provide to the Department of Highway
391 Safety and Motor Vehicles the hull identification number; the
392 manufacturer's serial number; the name of the vessel, live-

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393 aboard vessel, or houseboat; the registration number; and a
394 description, including color scheme, of the vessel, live-aboard
395 vessel, or houseboat.

396 2. Pay the costs assessed by the Department of Highway
397 Safety and Motor Vehicles for issuing or renewing a driver's
398 license or identification card as required by this section. The
399 driver's license or identification card issued to the sexual
400 predator must be in compliance with s. 322.141(3).

401 3. Provide, upon request, any additional information
402 necessary to confirm the identity of the sexual predator,
403 including a set of fingerprints.

404 (g)1. Each time a sexual predator's driver's license or
405 identification card is subject to renewal, and, without regard
406 to the status of the predator's driver's license or
407 identification card, within 48 hours after any change of the
408 predator's residence or change in the predator's name by reason
409 of marriage or other legal process, the predator shall report in
410 person to a driver's license office and shall be subject to the
411 requirements specified in paragraph (f). The Department of
412 Highway Safety and Motor Vehicles shall forward to the
413 department and to the Department of Corrections all photographs
414 and information provided by sexual predators. Notwithstanding
415 the restrictions set forth in s. 322.142, the Department of
416 Highway Safety and Motor Vehicles is authorized to release a
417 reproduction of a color-photograph or digital-image license to
418 the Department of Law Enforcement for purposes of public
419 notification of sexual predators as provided in this section.

420 2. A sexual predator who vacates a permanent or temporary
421 residence and fails to establish or maintain another permanent
422 or temporary residence shall, within 48 hours after vacating the
423 permanent or temporary residence, report in person to the

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424 sheriff's office of the county in which he or she is located.
425 The sexual predator shall specify the date upon which he or she
426 intends to or did vacate such residence. The sexual predator
427 must provide or update all of the registration information
428 required under paragraph (a). The sexual predator must provide
429 an address for the residence or other place location that he or
430 she is or will be located ~~occupying~~ during the time in which he
431 or she fails to establish or maintain a permanent or temporary
432 residence.

433 3. A sexual predator who remains at a permanent or
434 temporary residence after reporting his or her intent to vacate
435 such residence shall, within 48 hours after the date upon which
436 the predator indicated he or she would or did vacate such
437 residence, report in person to the sheriff's office to which he
438 or she reported pursuant to subparagraph 2. for the purpose of
439 reporting his or her address at such residence. When the sheriff
440 receives the report, the sheriff shall promptly convey the
441 information to the department. An offender who makes a report as
442 required under subparagraph 2. but fails to make a report as
443 required under this subparagraph commits a felony of the second
444 degree, punishable as provided in s. 775.082, s. 775.083, or s.
445 775.084.

446 4. A sexual predator must register any electronic mail
447 address or instant message name with the department prior to
448 using such electronic mail address or instant message name on or
449 after October 1, 2007. The department shall establish an online
450 system through which sexual predators may securely access and
451 update all electronic mail address and instant message name
452 information.

453 (i) A sexual predator who intends to establish a
454 temporary, permanent, or transient residence in another state or

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455 jurisdiction other than the State of Florida shall report in
456 person to the sheriff of the county of current residence within
457 48 hours before the date he or she intends to leave this state
458 to establish residence in another state or jurisdiction. The
459 sexual predator must provide to the sheriff the address,
460 municipality, county, and state of intended residence. The
461 sheriff shall promptly provide to the department the information
462 received from the sexual predator. The department shall notify
463 the statewide law enforcement agency, or a comparable agency, in
464 the intended state or jurisdiction of residence of the sexual
465 predator's intended residence. The failure of a sexual predator
466 to provide his or her intended place of residence is punishable
467 as provided in subsection (10).

468 (j) A sexual predator who indicates his or her intent to
469 reside or establish a temporary or transient residence in
470 another state or jurisdiction other than the State of Florida
471 and later decides to remain in this state shall, within 48 hours
472 after the date upon which the sexual predator indicated he or
473 she would leave this state, report in person to the sheriff to
474 which the sexual predator reported the intended change of
475 residence, and report his or her intent to remain in this state.
476 If the sheriff is notified by the sexual predator that he or she
477 intends to remain in this state, the sheriff shall promptly
478 report this information to the department. A sexual predator who
479 reports his or her intent to reside or establish a temporary or
480 transient residence in another state or jurisdiction, but who
481 remains in this state without reporting to the sheriff in the
482 manner required by this paragraph, commits a felony of the
483 second degree, punishable as provided in s. 775.082, s. 775.083,
484 or s. 775.084.

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485 (k)1. The department is responsible for the online
486 maintenance of current information regarding each registered
487 sexual predator. The department must maintain hotline access for
488 state, local, and federal law enforcement agencies to obtain
489 instantaneous locator file and offender characteristics
490 information on all released registered sexual predators for
491 purposes of monitoring, tracking, and prosecution. The
492 photograph and biometric identification information does
493 ~~fingerprints~~ do not have to be stored in a computerized format.

494 2. The department's sexual predator registration list,
495 containing the information described in subparagraph (a)1., is a
496 public record. The department is authorized to disseminate this
497 public information by any means deemed appropriate, including
498 operating a toll-free telephone number for this purpose. When
499 the department provides information regarding a registered
500 sexual predator to the public, department personnel must advise
501 the person making the inquiry that positive identification of a
502 person believed to be a sexual predator cannot be established
503 unless a fingerprint comparison is made, and that it is illegal
504 to use public information regarding a registered sexual predator
505 to facilitate the commission of a crime.

506 3. The department shall adopt guidelines as necessary
507 regarding the registration of sexual predators and the
508 dissemination of information regarding sexual predators as
509 required by this section.

510 (7) COMMUNITY AND PUBLIC NOTIFICATION.--

511 (a) Law enforcement agencies must inform members of the
512 community and the public of a sexual predator's presence. Upon
513 notification of the presence of a sexual predator, the sheriff
514 of the county or the chief of police of the municipality where
515 the sexual predator establishes or maintains a permanent or

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516 temporary residence shall notify members of the community and
517 the public of the presence of the sexual predator in a manner
518 deemed appropriate by the sheriff or the chief of police. Within
519 48 hours after receiving notification of the presence of a
520 sexual predator, the sheriff of the county or the chief of
521 police of the municipality where the sexual predator temporarily
522 or permanently resides shall notify each licensed day care
523 center, elementary school, middle school, and high school within
524 a 1-mile radius of the temporary or permanent residence of the
525 sexual predator of the presence of the sexual predator.

526 Information provided to members of the community and the public
527 regarding a sexual predator must include:

528 1. The name, nicknames, aliases, and pseudonyms of the
529 sexual predator;

530 2. A description of the sexual predator, including a
531 photograph, scars, marks and tattoos;

532 3. The sexual predator's current permanent, temporary, and
533 transient addresses and descriptions of registered locations
534 that have no specific street address, including the name of the
535 county or municipality if known;

536 4. The circumstances of the sexual predator's offense or
537 offenses; and

538 5. Whether the victim of the sexual predator's offense or
539 offenses was, at the time of the offense, a minor or an adult.

540 6. The sexual predator's employment address or, if the
541 sexual predator has no fixed employment address, information
542 regarding his or her probable location during the course of
543 employment, including normal routes or general areas, with
544 whatever definiteness is possible, and, if applicable,
545 information regarding places where the sexual predator
546 volunteers or carries out a trade or business.

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547 7. The sexual predator's institution of higher education
548 or secondary educational institution address.

549 8. The license tag number and description of each vehicle
550 owned or operated by the sexual predator.

551

552 This paragraph does not authorize the release of the name of any
553 victim of the sexual predator.

554 (8) VERIFICATION.--The department and the Department of
555 Corrections shall implement a system for verifying the addresses
556 of sexual predators. The system must be consistent with the
557 provisions of the federal Adam Walsh Child Protection and Safety
558 Act of 2006 and any other federal standards applicable to such
559 verification or required to be met as a condition for the
560 receipt of federal funds by the state. The Department of
561 Corrections shall verify the addresses of sexual predators who
562 are not incarcerated but who reside in the community under the
563 supervision of the Department of Corrections and shall report to
564 the department any failure by a sexual predator to comply with
565 registration requirements. County and local law enforcement
566 agencies, in conjunction with the department, shall verify the
567 addresses of sexual predators who are not under the care,
568 custody, control, or supervision of the Department of
569 Corrections. Local law enforcement agencies shall report to the
570 department any failure by a sexual predator to comply with
571 registration requirements.

572 (a) A sexual predator must report in person each year
573 during the month of the sexual predator's birthday and during
574 every third month thereafter to the sheriff's office in the
575 county in which he or she resides or is otherwise located to
576 reregister. The sheriff's office may determine the appropriate
577 times and days for reporting by the sexual predator, which shall

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578 be consistent with the reporting requirements of this paragraph.
579 Reregistration shall include any changes to the following
580 information:

581 1. Name, nicknames, and pseudonyms; social security
582 number, including any alias or false social security numbers
583 ever used; age; race; sex; date of birth, including any alias or
584 false date of birth ever used; height; weight; hair and eye
585 color; physical description, including scars, marks, and
586 tattoos; address of any permanent residence and address of any
587 current temporary residence, within the state or out of state,
588 including a rural route address and a post office box; if no
589 permanent or temporary address, any transient residence within
590 the state; address or location, description, and dates of any
591 current or known future temporary residence both within the
592 state and out of state; any electronic mail address and any
593 instant message name required to be provided pursuant to
594 subparagraph (6)(g)4.; all phone numbers, including fixed
595 location and cellular phone numbers and any other designations
596 used for purposes of routing or self-identification in
597 telephonic communications; date and place of any current or
598 known future employment; volunteer work, trade, or business,
599 including employer address or location if no specific address is
600 available; all professional licenses held by the sexual predator
601 that authorize him or her to engage in an occupation or carry
602 out a trade or business; all driver's license and identification
603 card numbers and identifiers; all travel and immigration
604 documents, including passport and visa, and identifying
605 information from such documents, including, but not limited to,
606 unique identifiers and pertinent issuance and expiration dates,
607 location of issuance, destinations, and immigration status; any
608 owned or operated vehicle, vessel, aircraft, or land vehicle

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609 make, model, color, and license tag number, and information,
610 description, including trade or business names or information
611 thereon, registration and other identifier information, and
612 information regarding the place or places where such vehicle,
613 vessel, aircraft, or land vehicle is habitually parked, docked
614 or, otherwise kept if the location is different than the
615 registrant's address. If the sexual predator has access to a
616 fleet consisting of more than 5 employment vehicles,
617 registration of individual vehicle registration and license tag
618 information is not mandated provided that physical descriptive
619 information identifying the common characteristics, markings and
620 locations amongst the fleet vehicles and the sexual predator's
621 access to the fleet of vehicles is registered; fingerprints;
622 biometric identification information; and photograph. A post
623 office box shall not be provided in lieu of a physical
624 residential address. On or after June 1, 2009, and by December
625 1, 2009, unless previously submitted as part of registration or
626 reregistration as required under this subsection, sexual
627 predators shall submit palm prints during the month of their
628 reregistration as required under this subsection. The sheriff
629 shall promptly provide to the department the palm prints in an
630 electronic format. The department is authorized to provide the
631 palm prints to the Federal Bureau of Investigation and to other
632 criminal justice agencies.

633 2. If the sexual predator is or will be enrolled,
634 employed, or carrying on a vocation at an institution of higher
635 education or secondary educational institution in this state,
636 the sexual predator shall ~~also~~ provide to the department the
637 name, address, and county of each institution, including each
638 campus attended, and the sexual predator's enrollment or
639 employment status.

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640 3. If the sexual predator's place of residence is a motor
641 vehicle, trailer, mobile home, or manufactured home, as defined
642 in chapter 320, the sexual predator shall also provide the
643 vehicle identification number; the license tag number; the
644 registration number; and a description, including color scheme,
645 of the motor vehicle, trailer, mobile home, or manufactured
646 home. If the sexual predator's place of residence is a vessel,
647 live-aboard vessel, or houseboat, as defined in chapter 327, the
648 sexual predator shall also provide the hull identification
649 number; the manufacturer's serial number; the name of the
650 vessel, live-aboard vessel, or houseboat; the registration
651 number; and a description, including color scheme, of the
652 vessel, live-aboard vessel, or houseboat.

653 (10) PENALTIES.--

654 (a) Except as otherwise specifically provided, a sexual
655 predator who fails to register; who fails, after registration,
656 to maintain, acquire, or renew a driver's license or
657 identification card; who fails to provide required location
658 information, electronic mail address information, instant
659 message name information, or change-of-name information; who
660 fails to make a required report in connection with vacating a
661 permanent residence; who fails to reregister as required; who
662 fails to respond to any address verification correspondence from
663 the department within 3 weeks of the date of the correspondence;
664 who knowingly provides false information by act or omission,
665 under penalty of perjury; or who otherwise fails, by act or
666 omission, to comply with the requirements of this section,
667 commits a felony of the third degree, punishable as provided in
668 s. 775.082, s. 775.083, or s. 775.084.

669 (b) A sexual predator who has been convicted of or found
670 to have committed, or has pled nolo contendere or guilty to,

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671 regardless of adjudication, any violation, or attempted
672 violation, of s. 787.01, s. 787.02, or s. 787.025(2) (c), where
673 the victim is a minor and the defendant is not the victim's
674 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
675 794.05; s. 796.03; s. 796.035; s. 800.04; felony violation of s.
676 810.145, where the victim is a minor; s. 827.071; s. 847.0133;
677 s. 847.0145; or s. 985.701(1); or any conviction for a similar
678 offense committed in this state which has been redesignated from
679 a former statute number to one of those listed in this
680 paragraph; or a violation of a similar law of another
681 jurisdiction when the victim of the offense was a minor, and who
682 works, whether for compensation or as a volunteer, at any
683 business, school, day care center, park, playground, or other
684 place where children regularly congregate, commits a felony of
685 the third degree, punishable as provided in s. 775.082, s.
686 775.083, or s. 775.084.

687 (c) Any person who misuses public records information
688 relating to a sexual predator, as defined in this section, or a
689 sexual offender, as defined in s. 943.0435, ~~or~~ s. 944.607, or s.
690 985.4815, to secure a payment from such a predator or offender;
691 who knowingly distributes or publishes false information
692 relating to such a predator or offender which the person
693 misrepresents as being public records information; or who
694 materially alters public records information with the intent to
695 misrepresent the information, including documents, summaries of
696 public records information provided by law enforcement agencies,
697 or public records information displayed by law enforcement
698 agencies on websites or provided through other means of
699 communication, commits a misdemeanor of the first degree,
700 punishable as provided in s. 775.082 or s. 775.083.

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701 Section 3. Section 775.25, Florida Statutes, is amended to
702 read:

703 775.25 Prosecutions for acts or omissions.--A sexual
704 predator or sexual offender who commits any act or omission in
705 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
706 944.607, ~~or~~ s. 947.177, s. 985.481, or s. 985.4815 may be
707 prosecuted for the act or omission in the county in which the
708 act or omission was committed, the county of the last registered
709 address of the sexual predator or sexual offender, or the county
710 in which the conviction occurred for the offense or offenses
711 that meet the criteria for designating a person as a sexual
712 predator or sexual offender. In addition, a sexual predator may
713 be prosecuted for any such act or omission in the county in
714 which he or she was designated a sexual predator.

715 Section 4. Paragraphs (a) and (c) of subsection (1),
716 subsections (2) and (3), paragraphs (a), (b), and (c) of
717 subsection (4), subsections (7), (8), and (10), paragraph (a) of
718 subsection (11), and paragraphs (b) and (c) of subsection (14)
719 of section 943.0435, Florida Statutes, are amended, and
720 paragraph (h) is added to subsection (1) of that section, to
721 read:

722 943.0435 Sexual offenders required to register with the
723 department; penalty.--

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

725 (a)1. "Sexual offender" means a person who meets the
726 criteria in sub-subparagraph a., sub-subparagraph b., sub-
727 subparagraph c., ~~or~~ sub-subparagraph d., or sub-subparagraph e.,
728 as follows:

729 a.(I) Has been convicted of committing, or attempting,
730 soliciting, or conspiring to commit, any of the criminal
731 offenses proscribed in the following statutes in this state or

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732 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
733 or s. 787.025(2)(c), where the victim is a minor and the
734 defendant is not the victim's parent or guardian; s. 794.011,
735 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.
736 800.04; felony violation of s. 810.145, where the victim is a
737 minor; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
738 excluding s. 847.0135(5)~~(4)~~; s. 847.0137; s. 847.0138; s.
739 847.0145; or s. 985.701(1); or any conviction for a similar
740 offense committed in this state which has been redesignated from
741 a former statute number to one of those listed in this sub-sub-
742 subparagraph; and

743 (II) Except as provided in sub-subparagraph e., has been
744 released on or after October 1, 1997, from the sanction imposed
745 for any conviction of an offense described in sub-sub-
746 subparagraph (I). For purposes of sub-sub-subparagraph (I), a
747 sanction imposed in this state or in any other jurisdiction
748 includes, but is not limited to, a fine, probation, community
749 control, parole, conditional release, control release, or
750 incarceration in a state prison, federal prison, private
751 correctional facility, or local detention facility;

752 b. Establishes or maintains a residence in this state and
753 who has not been designated as a sexual predator by a court of
754 this state but who has been designated as a sexual predator, as
755 a sexually violent predator, or by another sexual offender
756 designation in another state or jurisdiction and was, as a
757 result of such designation, subjected to registration or
758 community or public notification, or both, or would be if the
759 person were a resident of that state or jurisdiction, without
760 regard to whether the person otherwise meets the criteria for
761 registration as a sexual offender;

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762 c. Establishes or maintains a residence in this state who
763 is in the custody or control of, or under the supervision of,
764 any other state or jurisdiction as a result of a conviction for
765 committing, or attempting, soliciting, or conspiring to commit,
766 any of the criminal offenses proscribed in the following
767 statutes or similar offense in another jurisdiction: s. 787.01,
768 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
769 the defendant is not the victim's parent or guardian; s.
770 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
771 796.035; s. 800.04; felony violation of s. 810.145, where the
772 victim is a minor; s. 825.1025; s. 827.071; s. 847.0133; s.
773 847.0135, excluding s. 847.0135(5)(4); s. 847.0137; s. 847.0138;
774 s. 847.0145; or s. 985.701(1); or any conviction for a similar
775 offense committed in this state which has been redesignated from
776 a former statute number to one of those listed in this sub-
777 subparagraph; or

778 d. For an offense committed on or after July 1, 2007, has
779 been adjudicated delinquent for committing, or attempting,
780 soliciting, or conspiring to commit, any of the criminal
781 offenses proscribed in the following statutes in this state or
782 similar offenses in another jurisdiction when the juvenile was
783 14 years of age or older at the time of the offense:

784 (I) Section 794.011, excluding s. 794.011(10);

785 (II) Section 800.04(4)(b) where the victim is under 12
786 years of age or where the court finds sexual activity by the use
787 of force or by threatening or placing the victim in fear that a
788 person would be subjected to death, serious bodily injury, or
789 kidnapping coercion;

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

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792 (IV) Section 800.04(5)(d) where the court finds the use of
793 force, or threat or placement of the victim in fear that a
794 person would be subjected to death, serious bodily injury, or
795 kidnapping, coercion and unclothed genitals.

796 e. Is released on or after July 1, 2008, from any sanction
797 as a result of a conviction for a felony offense in this state
798 and who has previously been convicted in any state or
799 jurisdiction for committing, or attempting, soliciting, or
800 conspiring to commit, any of the criminal offenses proscribed in
801 the following statutes or similar offense in another
802 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where
803 the victim is a minor and the defendant is not the victim's
804 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
805 794.05; s. 796.03; s. 796.035; s. 800.04; felony violation of s.
806 810.145, where the victim is a minor; s. 825.1025; s. 827.071;
807 s. 847.0133; s. 847.0135, excluding s. 847.0135(5); s. 847.0137;
808 s. 847.0138; s. 847.0145; or s. 985.701(1); or any conviction
809 for a similar offense committed in this state which has been
810 redesignated from a former statute number to one of those listed
811 in this sub-subparagraph. This sub-subparagraph does not include
812 persons who have been released from sanctions for the previous
813 sexual offense for 25 or more years provided that there is no
814 more than one prior sexual offense conviction and provided that
815 the sexual offense was not a violation of any of the following:

816 (I) Section 787.01 or s. 787.02 where the victim is a
817 minor and the offender is not the victim's parent or guardian;

818 (II) Section 794.011, excluding s. 794.011 (8)(a) and
819 (10);

820 (III) Section 800.04(4)(b) where the court finds the
821 offense involved a victim under 12 years of age or sexual
822 activity by the use of force;

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- 823 (IV) Section 800.04(5)(b);
824 (V) Section 800.04(5)(c)1. where the court finds
825 molestation involving unclothed genitals or genital area;
826 (VI) Section 800.04(5)(c)2. where the court finds
827 molestation involving unclothed genitals or genital area;
828 (VII) Section 800.04(5)(d) where the court finds the use
829 of force, or threat or placement of the victim in fear that a
830 person would be subjected to death, serious bodily injury, or
831 kidnapping, and unclothed genitals or genital area;
832 (VIII) Any attempt or conspiracy to commit such offense;
833 (IX) A violation of a similar law of another jurisdiction;
834 or
835 (X) Any similar offense committed in this state which has
836 been redesignated from a former statute number to one of those
837 listed in this sub-subparagraph.

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

841
842 For each violation of a qualifying offense listed in this
843 subsection, the court shall make a written finding of the age of
844 the victim at the time of the offense. For a violation of s.
845 800.04(4), the court shall additionally make a written finding
846 indicating that the offense did or did not involve sexual
847 activity and indicating that the offense did or did not involve
848 force or threat or placement of the victim in fear that a person
849 would be subjected to death, serious bodily injury, or
850 kidnapping ~~exercise~~. For a violation of s. 800.04(5), the court
851 shall additionally make a written finding that the offense did
852 or did not involve unclothed genitals or genital area and that
853 the offense did or did not involve the use of force or threat or

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854 placement of the victim in fear that a person would be subjected
855 to death, serious bodily injury, or kidnapping coercion.

856 (c) "Permanent residence," ~~and~~ "temporary residence," and
857 "transient residence" have the same meaning ascribed in s.
858 775.21.

859 (h) "Secondary educational institution" means any trade,
860 professional, or secondary school, whether public, private,
861 religious, denominational, parochial, or nonparochial, attended
862 for any purpose, including, but not limited to, secular,
863 religious, or cultural studies.

864 (2) A sexual offender shall:

865 (a) Report in person at the sheriff's office:

866 1. In the county in which the offender establishes or
867 maintains a permanent, ~~or~~ temporary, or transient residence
868 within 48 hours after:

869 a. Establishing permanent, ~~or~~ temporary or transient
870 residence in this state; or

871 b. Being released from the custody, control, or
872 supervision of the Department of Corrections or from the custody
873 of a private correctional facility; or

874 2. In the county where he or she was convicted within 48
875 hours after being convicted for a qualifying offense for
876 registration under this section if the offender is not in the
877 custody or control of, or under the supervision of, the
878 Department of Corrections, or is not in the custody of a private
879 correctional facility.

880
881 Any change in the information required to be provided pursuant
882 to paragraph (b), including, but not limited to, change in the
883 sexual offender's permanent, ~~or~~ temporary, or transient
884 residence, name, any electronic mail address, and any instant

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885 message name required to be provided pursuant to paragraph
886 (4) (d), after the sexual offender reports in person at the
887 sheriff's office, shall be accomplished in the manner provided
888 in subsections (4), (7), and (8).

889 (b) Provide his or her name, nicknames, and pseudonyms;
890 date of birth, including any alias or false date of birth ever
891 used; social security number, including any alias or false
892 social security numbers ever used; race; sex; height;
893 weight; hair and eye color; physical description, including
894 scars, tattoos, or other identifying marks; occupation and
895 place of employment; address of permanent or legal residence or
896 address of any current temporary residence, within the state and
897 out of state, including a rural route address and a post office
898 box; if no permanent or temporary address, any transient
899 residence within the state; address or location, description,
900 and dates of any current or known future temporary residence
901 within the state or out of state; all phone numbers, including
902 fixed location and cellular phone numbers and any other
903 designations used for purposes of routing or self-identification
904 in telephonic communications; any electronic mail address and
905 any instant message name required to be provided pursuant to
906 paragraph (4) (d); date and place of any current or known future
907 employment, volunteer work, trade, or business, including
908 employer address or location if no specific address is
909 available; all professional licenses that authorize the sexual
910 offender to engage in an occupation or carry out a trade or
911 business; all driver's license and identification card numbers
912 and identifiers; all travel and immigration documents, including
913 passport and visa, and identifying information from such
914 documents, including, but not limited to, unique identifiers and
915 pertinent issuance and expiration dates, location of issuance,

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916 destinations, and immigration status; date and place of each
917 conviction;r and a brief description of the crime or crimes
918 committed by the offender. A post office box shall not be
919 provided in lieu of a physical residential address.

920 1. If the sexual offender's place of residence is a motor
921 vehicle, trailer, mobile home, or manufactured home, as defined
922 in chapter 320, the sexual offender shall also provide to the
923 department through the sheriff's office written notice of the
924 vehicle identification number; the license tag number; the
925 registration number; and a description, including color scheme,
926 of the motor vehicle, trailer, mobile home, or manufactured
927 home. If the sexual offender's place of residence is a vessel,
928 live-aboard vessel, or houseboat, as defined in chapter 327, the
929 sexual offender shall also provide to the department written
930 notice of the hull identification number; the manufacturer's
931 serial number; the name of the vessel, live-aboard vessel, or
932 houseboat; the registration number; and a description, including
933 color scheme, of the vessel, live-aboard vessel, or houseboat.

934 2. If the sexual offender is or will be enrolled,
935 employed, or carrying on a vocation at an institution of higher
936 education or secondary educational institution ~~in this state,~~
937 the sexual offender shall ~~also~~ provide to the department through
938 the sheriff's office the name, address, and county of each
939 institution, including each campus attended, and the sexual
940 offender's enrollment or employment status. Each change in
941 enrollment or employment status shall be reported in person at
942 the sheriff's office, within 48 hours after any change in
943 status. The sheriff shall promptly notify each institution of
944 the sexual offender's presence and any change in the sexual
945 offender's enrollment or employment status.

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946 3. If the sexual offender is employed, volunteers, or
947 carries out any trade or business, the sexual offender shall
948 register the employment address or location if no specific
949 address is available. In the case where the sexual offender's
950 employment lacks a fixed employment address or location, the
951 sexual offender shall register information regarding the sexual
952 offender's probable location during the course of the
953 employment, including normal routes or general areas, with
954 whatever definiteness is possible. Each change in the
955 registration information required in this subparagraph shall be
956 reported in person at the sheriff's office within 48 hours after
957 any change in status. The sheriff shall promptly notify the
958 department of this change of the sexual offender's registration
959 information.

960 4. If the sexual offender owns or operates any vehicle,
961 vessel, aircraft, or other land vehicle for personal use or in
962 the course of any employment, the sexual offender shall register
963 information regarding such vehicle, vessel, aircraft, or land
964 vehicle, including license tag number and information,
965 description, including trade or business names or information
966 thereon, registration or other identifiers, and information
967 regarding the place or places where such vehicle, vessel,
968 aircraft, or other land vehicle is habitually parked, docked, or
969 otherwise kept if the location is different than the
970 registrant's address. If the sexual offender has access to a
971 fleet consisting of more than 5 employment vehicles,
972 registration of individual vehicle registration and license tag
973 information is not mandated provided that physical descriptive
974 information identifying the common characteristics, markings and
975 locations amongst the fleet vehicles and the sexual offender's
976 access to the fleet of vehicles is registered. Each change in

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977 the registration information required in this subparagraph shall
978 be reported in person at the sheriff's office within 48 hours
979 after any change in status. The sheriff shall promptly notify
980 the department of this change of the sexual offender's
981 registration information.

982
983 When a sexual offender reports at the sheriff's office, the
984 sheriff shall take a photograph and a set of biometric
985 identification information, including fingerprints and palm
986 prints, ~~fingerprints~~ of the offender and electronically forward
987 the photographs and biometric identification information
988 ~~fingerprints~~ to the department, along with the information
989 provided by the sexual offender. The sheriff shall promptly
990 provide to the department the information received from the
991 sexual offender. A sexual offender who meets the criteria for
992 registration as defined in this section and is convicted of a
993 qualifying offense on or after June 1, 2009, must submit a set
994 of palm prints during registration. The sheriff shall promptly
995 provide to the department the palm prints in an electronic
996 format. The department is authorized to provide the palm prints
997 to the Federal Bureau of Investigation and other criminal
998 justice agencies.

999 (3) Within 48 hours after the report required under
1000 subsection (2), a sexual offender shall report in person at a
1001 driver's license office of the Department of Highway Safety and
1002 Motor Vehicles, unless a driver's license or identification card
1003 that complies with the requirements of s. 322.141(3) was
1004 previously secured or updated under s. 944.607 or s. 985.4815.

1005 At the driver's license office the sexual offender shall:

1006 (a) If otherwise qualified, secure a Florida driver's
1007 license, renew a Florida driver's license, or secure an

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1008 identification card. The sexual offender shall identify himself
1009 or herself as a sexual offender who is required to comply with
1010 this section and shall provide proof that the sexual offender
1011 reported as required in subsection (2). The sexual offender
1012 shall provide any of the information specified in subsection
1013 (2), if requested. The sexual offender shall submit to the
1014 taking of a photograph for use in issuing a driver's license,
1015 renewed license, or identification card, and for use by the
1016 department in maintaining current records of sexual offenders.

1017 (b) Pay the costs assessed by the Department of Highway
1018 Safety and Motor Vehicles for issuing or renewing a driver's
1019 license or identification card as required by this section. The
1020 driver's license or identification card issued must be in
1021 compliance with s. 322.141(3).

1022 (c) Provide, upon request, any additional information
1023 necessary to confirm the identity of the sexual offender,
1024 including a set of fingerprints.

1025 (4)(a) Each time a sexual offender's driver's license or
1026 identification card is subject to renewal, and, without regard
1027 to the status of the offender's driver's license or
1028 identification card, within 48 hours after any change in the
1029 offender's permanent, ~~or~~ temporary, or transient residence or
1030 change in the offender's name by reason of marriage or other
1031 legal process, the offender shall report in person to a driver's
1032 license office, and shall be subject to the requirements
1033 specified in subsection (3). The Department of Highway Safety
1034 and Motor Vehicles shall forward to the department all
1035 photographs and information provided by sexual offenders.
1036 Notwithstanding the restrictions set forth in s. 322.142, the
1037 Department of Highway Safety and Motor Vehicles is authorized to
1038 release a reproduction of a color-photograph or digital-image

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1039 license to the Department of Law Enforcement for purposes of
1040 public notification of sexual offenders as provided in this
1041 section and ss. 943.043 and 944.606.

1042 (b) A sexual offender who vacates a permanent or temporary
1043 residence and fails to establish or maintain another permanent
1044 or temporary residence shall, within 48 hours after vacating the
1045 permanent residence, report in person to the sheriff's office of
1046 the county in which he or she is located. The sexual offender
1047 shall specify the date upon which he or she intends to or did
1048 vacate such residence. The sexual offender must provide or
1049 update all of the registration information required under
1050 paragraph (2) (b). The sexual offender must provide an address
1051 for the residence or other place location that he or she is or
1052 will be located ~~occupying~~ during the time in which he or she
1053 fails to establish or maintain a permanent or temporary
1054 residence.

1055 (c) A sexual offender who remains at a permanent or
1056 temporary residence after reporting his or her intent to vacate
1057 such residence shall, within 48 hours after the date upon which
1058 the offender indicated he or she would or did vacate such
1059 residence, report in person to the agency to which he or she
1060 reported pursuant to paragraph (b) for the purpose of reporting
1061 his or her address at such residence. When the sheriff receives
1062 the report, the sheriff shall promptly convey the information to
1063 the department. An offender who makes a report as required under
1064 paragraph (b) but fails to make a report as required under this
1065 paragraph commits a felony of the second degree, punishable as
1066 provided in s. 775.082, s. 775.083, or s. 775.084.

1067 (7) A sexual offender who intends to establish temporary,
1068 permanent, or transient residence in another state or
1069 jurisdiction other than the State of Florida shall report in

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1070 person to the sheriff of the county of current residence within
1071 48 hours before the date he or she intends to leave this state
1072 to establish residence in another state or jurisdiction. The
1073 notification must include the address, municipality, county, and
1074 state of intended residence. The sheriff shall promptly provide
1075 to the department the information received from the sexual
1076 offender. The department shall notify the statewide law
1077 enforcement agency, or a comparable agency, in the intended
1078 state or jurisdiction of residence of the sexual offender's
1079 intended residence. The failure of a sexual offender to provide
1080 his or her intended place of residence is punishable as provided
1081 in subsection (9).

1082 (8) A sexual offender who indicates his or her intent to
1083 reside or establish a temporary or transient residence in
1084 another state or jurisdiction other than the State of Florida
1085 and later decides to remain in this state shall, within 48 hours
1086 after the date upon which the sexual offender indicated he or
1087 she would leave this state, report in person to the sheriff to
1088 which the sexual offender reported the intended change of
1089 temporary, permanent, or transient residence, and report his or
1090 her intent to remain in this state. The sheriff shall promptly
1091 report this information to the department. A sexual offender who
1092 reports his or her intent to reside or establish a temporary or
1093 transient residence in another state or jurisdiction but who
1094 remains in this state without reporting to the sheriff in the
1095 manner required by this subsection commits a felony of the
1096 second degree, punishable as provided in s. 775.082, s. 775.083,
1097 or s. 775.084.

1098 (10) The department, the Department of Highway Safety and
1099 Motor Vehicles, the Department of Corrections, the Department of
1100 Juvenile Justice, any law enforcement agency in this state, and

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1101 the personnel of those departments; an elected or appointed
1102 official, public employee, or school administrator; or an
1103 employee, agency, or any individual or entity acting at the
1104 request or upon the direction of any law enforcement agency is
1105 immune from civil liability for damages for good faith
1106 compliance with the requirements of this section or for the
1107 release of information under this section, and shall be presumed
1108 to have acted in good faith in compiling, recording, reporting,
1109 or releasing the information. The presumption of good faith is
1110 not overcome if a technical or clerical error is made by the
1111 department, the Department of Highway Safety and Motor Vehicles,
1112 the Department of Corrections, the Department of Juvenile
1113 Justice, the personnel of those departments, or any individual
1114 or entity acting at the request or upon the direction of any of
1115 those departments in compiling or providing information, or if
1116 information is incomplete or incorrect because a sexual offender
1117 fails to report or falsely reports his or her current place of
1118 permanent, ~~or~~ temporary, or transient residence.

1119 (11) Except as provided in s. 943.04354, a sexual offender
1120 must maintain registration with the department for the duration
1121 of his or her life, unless the sexual offender has received a
1122 full pardon or has had a conviction set aside in a
1123 postconviction proceeding for any offense that meets the
1124 criteria for classifying the person as a sexual offender for
1125 purposes of registration. However, a sexual offender:

1126 (a)1. Who has been lawfully released from confinement,
1127 supervision, or sanction, whichever is later, for at least 25
1128 years and has not been arrested for any felony or misdemeanor
1129 offense since release, provided that the sexual offender's
1130 requirement to register was not based upon an adult conviction:

1131 a. For a violation of s. 787.01 or s. 787.02;

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- 1132 b. For a violation of s. 794.011, excluding s.
1133 794.011(10);
- 1134 c. For a violation of s. 800.04(4)(b) where the court
1135 finds the offense involved a victim under 12 years of age or
1136 sexual activity by the use of force or by threatening or placing
1137 the victim in fear that a person would be subjected to death,
1138 serious bodily injury, or kidnapping coercion;
- 1139 d. For a violation of s. 800.04(5)(b);
- 1140 e. For a violation of s. 800.04(5)(c)~~e-2~~. where the court
1141 finds the offense involved unclothed genitals or genital area;
- 1142 f. For any attempt or conspiracy to commit any such
1143 offense; ~~or~~
- 1144 g. For a violation of similar law of another jurisdiction;
1145 or
- 1146 h. For any conviction for a similar offense committed in
1147 this state which has been redesignated from a former statute
1148 number to one of those listed in this subparagraph,
- 1149
- 1150 may petition the criminal division of the circuit court of the
1151 circuit in which the sexual offender resides for the purpose of
1152 removing the requirement for registration as a sexual offender.
- 1153 2. The court may grant or deny relief if the offender
1154 demonstrates to the court that he or she has not been arrested
1155 for any crime since release; the requested relief complies with
1156 the provisions of the federal Adam Walsh Child Protection and
1157 Safety Act of 2006 and any other federal standards applicable to
1158 the removal of registration requirements for a sexual offender
1159 or required to be met as a condition for the receipt of federal
1160 funds by the state; and the court is otherwise satisfied that
1161 the offender is not a current or potential threat to public
1162 safety. The state attorney in the circuit in which the petition

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1163 is filed must be given notice of the petition at least 3 weeks
1164 before the hearing on the matter. The state attorney may present
1165 evidence in opposition to the requested relief or may otherwise
1166 demonstrate the reasons why the petition should be denied. If
1167 the court denies the petition, the court may set a future date
1168 at which the sexual offender may again petition the court for
1169 relief, subject to the standards for relief provided in this
1170 subsection.

1171 3. The department shall remove an offender from
1172 classification as a sexual offender for purposes of registration
1173 if the offender provides to the department a certified copy of
1174 the court's written findings or order that indicates that the
1175 offender is no longer required to comply with the requirements
1176 for registration as a sexual offender.

1177 (14)

1178 (b) However, a sexual offender who is required to register
1179 as a result of a conviction for:

1180 1. Section 787.01 or s. 787.02 where the victim is a minor
1181 and the offender is not the victim's parent or guardian;

1182 2. Section 794.011, excluding s. 794.011(8)(a) and(10);

1183 3. Section 800.04(4)(b) where the court finds the offense
1184 involved a victim under 12 years of age or sexual activity by
1185 the use of force or by threatening or placing the victim in fear
1186 that a person would be subjected to death, serious bodily
1187 injury, or kidnapping coercion;

1188 4. Section 800.04(5)(b);

1189 5. Section 800.04(5)(c)1. where the court finds
1190 molestation involving unclothed genitals or genital area;

1191 6. Section 800.04(5)(c)~~e~~-2. where the court finds
1192 molestation involving unclothed genitals or genital area;

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1193 7. Section 800.04(5)(d) where the court finds the use of
1194 force, or threat or placement of the victim in fear that a
1195 person would be subjected to death, serious bodily injury, or
1196 kidnapping, coercion and unclothed genitals or genital area;

1197 8. Any attempt or conspiracy to commit such offense; ~~or~~

1198 9. A violation of a similar law of another jurisdiction;
1199 or

1200 10. Any conviction for a similar offense committed in this
1201 state which has been redesignated from a former statute number
1202 to one of those listed in this paragraph,

1203
1204 must reregister each year during the month of the sexual
1205 offender's birthday and every third month thereafter.

1206 (c) The sheriff's office may determine the appropriate
1207 times and days for reporting by the sexual offender, which shall
1208 be consistent with the reporting requirements of this
1209 subsection. Reregistration shall include any changes to the
1210 following information:

1211 1. Name, nicknames, and pseudonyms; social security
1212 number, including any alias or false social security numbers
1213 ever used; age; race; sex; date of birth, including any alias or
1214 false date of birth ever used; height; weight; hair and eye
1215 color; physical description, including scars, marks, and
1216 tattoos; address of any permanent residence and address of any
1217 current temporary residence, within the state or out of state,
1218 including a rural route address and a post office box; if no
1219 permanent or temporary address, any transient residence within
1220 the state; address or location, description, and dates of any
1221 current or known future temporary residence, both within the
1222 state and out of state; any electronic mail address and any
1223 instant message name required to be provided pursuant to

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1224 paragraph (4)(d); all phone numbers, including fixed location
1225 and cellular phone numbers and any other designations used for
1226 purposes of routing or self-identification in telephonic
1227 communications; date and place of any current or known future
1228 employment; volunteer work, trade, or business, including
1229 employer address or location if no specific address is
1230 available; all professional licenses that authorize the sexual
1231 offender to engage in an occupation or carry out a trade or
1232 business; all driver's license and identification card numbers
1233 and identifiers; all travel and immigration documents, including
1234 passport and visa, and identifying information from such
1235 documents, including, but not limited to, unique identifiers and
1236 pertinent issuance and expiration dates, location of issuance,
1237 destinations, and immigration status; any owned or operated
1238 vehicle, vessel, aircraft, or other land vehicle make, model,
1239 color, and license tag number; and information, description,
1240 including trade or business names or information thereon,
1241 registration and other identifiers, and information regarding
1242 the place or places where such vehicle, vessel, aircraft, or
1243 other land vehicle is habitually parked, docked, or otherwise
1244 kept if the location is different than the registrant's address.
1245 If the sexual offender has access to a fleet consisting of more
1246 than 5 employment vehicles, registration of individual vehicle
1247 registration and license tag information is not mandated
1248 provided that physical descriptive information identifying the
1249 common characteristics, markings and locations amongst the fleet
1250 vehicles and the sexual offender's access to the fleet of
1251 vehicles is registered; biometric identification information,
1252 including fingerprints and palm prints fingerprints; and
1253 photograph. A post office box shall not be provided in lieu of a
1254 physical residential address. On or after June 1, 2009, and by

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1255 December 1, 2009, unless previously submitted as part of
1256 registration or reregistration as required under this
1257 subsection, s. 944.607(13), or s. 985.4815, sexual offenders
1258 shall submit palm prints during the month of their
1259 reregistration as required under this subsection, s.
1260 944.607(13), or s. 985.4815. The sheriff shall promptly provide
1261 to the department the palm prints in an electronic format. The
1262 department is authorized to provide the palm prints to the
1263 Federal Bureau of Investigation and to other criminal justice
1264 agencies.

1265 2. If the sexual offender is or will be enrolled,
1266 employed, or carrying on a vocation at an institution of higher
1267 education or secondary educational institution in this state,
1268 the sexual offender shall ~~also~~ provide to the department the
1269 name, address, and county of each institution, including each
1270 campus attended, and the sexual offender's enrollment or
1271 employment status.

1272 3. If the sexual offender's place of residence is a motor
1273 vehicle, trailer, mobile home, or manufactured home, as defined
1274 in chapter 320, the sexual offender shall also provide the
1275 vehicle identification number; the license tag number; the
1276 registration number; and a description, including color scheme,
1277 of the motor vehicle, trailer, mobile home, or manufactured
1278 home. If the sexual offender's place of residence is a vessel,
1279 live-aboard vessel, or houseboat, as defined in chapter 327, the
1280 sexual offender shall also provide the hull identification
1281 number; the manufacturer's serial number; the name of the
1282 vessel, live-aboard vessel, or houseboat; the registration
1283 number; and a description, including color scheme, of the
1284 vessel, live-aboard vessel or houseboat.

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1285 4. Any sexual offender who fails to report in person as
1286 required at the sheriff's office, ~~or~~ who fails to respond to any
1287 address verification correspondence from the department within 3
1288 weeks of the date of the correspondence, ~~or~~ who fails to report
1289 electronic mail addresses or instant message names, or who
1290 knowingly provides false information by act or omission, under
1291 penalty of perjury; commits a felony of the third degree,
1292 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1293 Section 5. Section 943.04355, Florida Statutes, is created
1294 to read:

1295 943.04355 Sexual offender registration and community
1296 notification; tribal jurisdictions.--Pursuant to s. 285.16 and
1297 s. 127 of the federal Sex Offender Registration and Notification
1298 Act, 42 U.S.C. s. 16927, the department, in conjunction with
1299 local law enforcement, is authorized to assume sexual offender
1300 registration and community notification duties and functions as
1301 they relate to registrants under the jurisdiction of any Indian
1302 tribe that maintains a reservation or tribal property sited in
1303 the state.

1304 Section 6. Subsection (2) of section 943.0436, Florida
1305 Statutes, is amended to read:

1306 943.0436 Duty of the court to uphold laws governing sexual
1307 predators and sexual offenders.--

1308 (2) If a person meets the criteria in chapter 775 for
1309 designation as a sexual predator or meets the criteria in s.
1310 943.0435, s. 944.606, s. 944.607, s. 985.481, s. 985.4815, or
1311 any other law for classification as a sexual offender, the court
1312 may not enter an order, for the purpose of approving a plea
1313 agreement or for any other reason, which:

1314 (a) Exempts a person who meets the criteria for
1315 designation as a sexual predator or classification as a sexual

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1316 offender from such designation or classification, or exempts
1317 such person from the requirements for registration or community
1318 and public notification imposed upon sexual predators and sexual
1319 offenders;

1320 (b) Restricts the compiling, reporting, or release of
1321 public records information that relates to sexual predators or
1322 sexual offenders; or

1323 (c) Prevents any person or entity from performing its
1324 duties or operating within its statutorily conferred authority
1325 as such duty or authority relates to sexual predators or sexual
1326 offenders.

1327 Section 7. Paragraph (b) of subsection (1) and paragraph
1328 (a) of subsection (3) of section 944.606, Florida Statutes, are
1329 amended, and paragraph (e) is added to subsection (1) of that
1330 section, to read:

1331 944.606 Sexual offenders; notification upon release.--

1332 (1) As used in this section:

1333 (b) "Sexual offender" means a person who:

1334 1. Has been convicted of committing, or attempting,
1335 soliciting, or conspiring to commit, any of the criminal
1336 offenses proscribed in the following statutes in this state or
1337 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
1338 or s. 787.025(2)(c), where the victim is a minor and the
1339 defendant is not the victim's parent or guardian; s. 794.011,
1340 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.
1341 800.04; felony violation of s. 810.145, where the victim is a
1342 minor; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
1343 excluding s. 847.0135(5)(4); s. 847.0137; s. 847.0138; s.
1344 847.0145; or s. 985.701(1); or any conviction for a similar
1345 offense committed in this state which has been redesignated from
1346 a former statute number to one of those listed in this

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1347 subparagraph subsection, when the department has received
1348 verified information regarding such conviction; an offender's
1349 computerized criminal history record is not, in and of itself,
1350 verified information.

1351 2. Who as of July 1, 2008, is currently incarcerated or
1352 servng any sanction in this state as a result of a conviction
1353 for a felony offense and who has previously been convicted in
1354 any state or jurisdiction for committing, or attempting,
1355 soliciting, or conspiring to commit, any of the criminal
1356 offenses proscribed in the following statutes or similar offense
1357 in another jurisdiction: s. 787.01, s. 787.02, or s.
1358 787.025(2)(c), where the victim is a minor and the defendant is
1359 not the victim's parent or guardian; s. 794.011, excluding s.
1360 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; felony
1361 violation of s. 810.145, where the victim is a minor; s.
1362 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
1363 847.0135(5); s. 847.0137; s. 847.0138; s. 847.0145; or s.
1364 985.701(1); or any conviction for a similar offense committed in
1365 this state which has been redesignated from a former statute
1366 number to one of those listed in this subparagraph. This
1367 subparagraph does not include persons who have been released
1368 from sanctions for the previous sexual offense for 25 or more
1369 years provided that there is no more than one prior sexual
1370 offense conviction and provided that the sexual offense was not
1371 any of the following:

1372 a. Section 787.01 or s. 787.02 where the victim is a minor
1373 and the offender is not the victim's parent or guardian;

1374 b. Section 794.011, excluding s. 794.011(8)(a) and (10);

1375 c. Section 800.04(4)(b) where the court finds the offense
1376 involved a victim under 12 years of age or sexual activity by
1377 the use of force;

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- 1378 d. Section 800.04(5)(b);
1379 e. Section 800.04(5)(c)1. where the court finds
1380 molestation involving unclothed genitals or genital area;
1381 f. Section 800.04(5)(c)2. where the court finds
1382 molestation involving unclothed genitals or genital area;
1383 g. Section 800.04(5)(d), where the court finds the use of
1384 force, or threat or placement of the victim in fear that a
1385 person would be subjected to death, serious bodily injury, or
1386 kidnapping, and unclothed genitals or genital area;
1387 h. Any attempt or conspiracy to commit such offense;
1388 i. A violation of a similar law of another jurisdiction;
1389 or
1390 j. Any conviction for a similar offense committed in this
1391 state which has been redesignated from a former statute number
1392 to one of those listed in this subparagraph.
1393 (e) "Secondary educational institution" means any trade,
1394 professional, or secondary school, whether public, private,
1395 religious, denominational, parochial, or nonparochial, attended
1396 for any purpose, including, but not limited to, secular,
1397 religious or cultural studies.
1398 (3)(a) The department must provide information regarding
1399 any sexual offender who is being released after serving a period
1400 of incarceration for any offense, as follows:
1401 1. The department must provide: the sexual offender's
1402 name, any change in the offender's name by reason of marriage or
1403 other legal process, and any alias, if known; any nicknames or
1404 pseudonyms, if known; the correctional facility from which ~~the~~
1405 ~~sexual offender is~~ released; ~~the sexual offender's~~ social
1406 security number, including any alias or false social security
1407 numbers ever used; race;; sex;; date of birth;; height;;
1408 weight;; and hair and eye color; physical description, including

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1409 scars, marks, and tattoos; address of any planned permanent
1410 residence or temporary residence, within the state or out of
1411 state, including a rural route address and a post office box; if
1412 no permanent or temporary address, any transient residence
1413 within the state; address or location description and dates of
1414 any known future temporary residence within the state or out of
1415 state; all phone numbers, including fixed location and cellular
1416 phone numbers and any other designations used for purposes of
1417 routing or self-identification in telephonic communications;
1418 date and place of any current or known future employment,
1419 volunteer work, trade, or business, including employer address
1420 or location if no specific address is available; all
1421 professional licenses that authorize the registrant to engage in
1422 an occupation or carry out a trade or business; all driver's
1423 license and identification card numbers and identifiers, all
1424 travel and immigration documents, including passport and visa,
1425 and identifying information from such documents, including, but
1426 not limited to, unique identifiers and pertinent issue and
1427 expiration dates, location of issuance, destinations, and
1428 immigration status; date and county of sentence and each crime
1429 for which the offender was sentenced; a copy of the offender's
1430 fingerprints and a digitized photograph taken within 60 days
1431 before release; the date of release of the sexual offender; any
1432 electronic mail address and any instant message name required to
1433 be provided pursuant to s. 943.0435(4)(d); and the offender's
1434 intended residence address, if known. The department shall
1435 notify the Department of Law Enforcement if the sexual offender
1436 escapes, absconds, or dies. If the sexual offender is in the
1437 custody of a private correctional facility, the facility shall
1438 take the digitized photograph of the sexual offender within 60
1439 days before the sexual offender's release and provide this

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1440 photograph to the Department of Corrections and also place it in
1441 the sexual offender's file. If the sexual offender is in the
1442 custody of a local jail, the custodian of the local jail shall
1443 electronically register the offender within 3 business days
1444 after intake of the offender for any reason and upon release,
1445 and shall notify the Department of Law Enforcement of the sexual
1446 offender's release and provide to the Department of Law
1447 Enforcement the information specified in this paragraph and any
1448 information specified in subparagraph 2. that the Department of
1449 Law Enforcement requests.

1450 . 2. The department may provide any other information deemed
1451 necessary, including criminal and corrections records,
1452 nonprivileged personnel and treatment records, when available.

1453 Section 8. Paragraph (a) of subsection (1), subsection
1454 (4), paragraph (b) of subsection (6), subsections (7) and (11),
1455 and paragraphs (b) and (c) of subsection (13) of section
1456 944.607, Florida Statutes, are amended, and paragraph (g) is
1457 added to subsection (1) of that section, to read:

1458 944.607 Notification to Department of Law Enforcement of
1459 information on sexual offenders.--

1460 (1) As used in this section, the term:

1461 (a) "Sexual offender" means a person who is in the custody
1462 or control of, or under the supervision of, the department or is
1463 in the custody of a private correctional facility:

1464 1. On or after October 1, 1997, as a result of a
1465 conviction for committing, or attempting, soliciting, or
1466 conspiring to commit, any of the criminal offenses proscribed in
1467 the following statutes in this state or similar offenses in
1468 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
1469 where the victim is a minor and the defendant is not the
1470 victim's parent or guardian; s. 794.011, excluding s.

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1471 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; felony
1472 violation of s. 810.145, where the victim is a minor; s.
1473 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
1474 847.0135(5)(4); s. 847.0137; s. 847.0138; s. 847.0145; or s.
1475 985.701(1); or any conviction for a similar offense committed in
1476 this state which has been redesignated from a former statute
1477 number to one of those listed in this subparagraph paragraph; or

1478 2. Who establishes or maintains a residence in this state
1479 and who has not been designated as a sexual predator by a court
1480 of this state but who has been designated as a sexual predator,
1481 as a sexually violent predator, or by another sexual offender
1482 designation in another state or jurisdiction and was, as a
1483 result of such designation, subjected to registration or
1484 community or public notification, or both, or would be if the
1485 person were a resident of that state or jurisdiction, without
1486 regard as to whether the person otherwise meets the criteria for
1487 registration as a sexual offender; or-

1488 3. Who as of July 1, 2008, is currently incarcerated or
1489 serving any sanction in this state as a result of a conviction
1490 for a felony offense and who has previously been convicted in
1491 any state or jurisdiction for committing, or attempting,
1492 soliciting, or conspiring to commit, any of the criminal
1493 offenses proscribed in the following statutes or similar offense
1494 in another jurisdiction: s. 787.01, s. 787.02, or s.
1495 787.025(2)(c), where the victim is a minor and the defendant is
1496 not the victim's parent or guardian; s. 794.011, excluding s.
1497 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; felony
1498 violation of s. 810.145, where the victim is a minor; s.
1499 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
1500 847.0135(5); s. 847.0137; s. 847.0138; s. 847.0145; or s.
1501 985.701(1); or any conviction for a similar offense committed in

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1502 this state which has been redesignated from a former statute
1503 number to one of those listed in this subparagraph. This
1504 subparagraph does not include persons who have been released
1505 from sanctions for the previous sexual offense for 25 or more
1506 years provided that there is no more than one prior sexual
1507 offense conviction and provided that the sexual offense was not
1508 a violation of any of the following:

1509 a. Section 787.01 or s. 787.02 where the victim is a minor
1510 and the offender is not the victim's parent or guardian;

1511 b. Section 794.011, excluding s. 794.011 (8)(a) and (10);

1512 c. Section 800.04(4)(b) where the court finds the offense
1513 involved a victim under 12 years of age or sexual activity by
1514 the use of force;

1515 d. Section 800.04(5)(b);

1516 e. Section 800.04(5)(c)1. where the court finds
1517 molestation involving unclothed genitals or genital area;

1518 f. Section 800.04(5)(c)2. where the court finds
1519 molestation involving unclothed genitals or genital area;

1520 g. Section 800.04(5)(d) where the court finds the use of
1521 force, or threat or placement of the victim in fear that a
1522 person would be subjected to death, serious bodily injury, or
1523 kidnapping, and unclothed genitals or genital area;

1524 h. Any attempt or conspiracy to commit such offense;

1525 i. A violation of a similar law of another jurisdiction;

1526 or

1527 j. Any conviction for a similar offense committed in this
1528 state which has been redesignated from a former statute number
1529 to one of those listed in this subparagraph.

1530 (g) "Secondary educational institution" means any trade,
1531 professional, or secondary school, whether public, private,
1532 religious, denominational, parochial, or nonparochial, attended

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1533 for any purpose, including, but not limited to, secular,
1534 religious, or cultural studies

1535 (4) A sexual offender, as described in this section, who
1536 is under the supervision of the Department of Corrections but is
1537 not incarcerated must register with the Department of
1538 Corrections within 3 business days after sentencing for a
1539 registrable ~~registerable~~ offense and otherwise provide
1540 information as required by this subsection.

1541 (a) The sexual offender shall provide his or her name,
1542 nicknames, and pseudonyms; date of birth, including any alias or
1543 false date of birth ever used; social security number, including
1544 any alias or false social security numbers ever used; race; sex;
1545 height; weight; hair and eye color; physical description,
1546 including tattoos or other identifying marks or scars; any
1547 electronic mail address and any instant message name required to
1548 be provided pursuant to s. 943.0435(4)(d); all phone numbers,
1549 including fixed location and cellular phone numbers and any
1550 other designations used for purposes of routing or self-
1551 identification in telephonic communications; and permanent or
1552 legal residence and address of temporary residence within the
1553 state or out of state while the sexual offender is under
1554 supervision in this state, including any rural route address or
1555 post office box; if no permanent or temporary address, any
1556 transient residence within the state; address or location
1557 description and dates of any current or known future temporary
1558 residence within the state or out of state; date and place of
1559 any current or known future employment, volunteer work, trade,
1560 or business, including employer address or location if no
1561 specific address is available; all professional licenses that
1562 authorize the sexual offender to engage in an occupation or
1563 carry out a trade or business; all driver's license and

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1564 identification card numbers and identifiers; and all travel and
1565 immigration documents, including passport and visa, and
1566 identifying information from such documents, including, but not
1567 limited to, unique identifiers and pertinent issuance and
1568 expiration dates, location of issuance, destinations, and
1569 immigration status. The Department of Corrections shall verify
1570 the address of each sexual offender in the manner described in
1571 ss. 775.21 and 943.0435. The department shall report to the
1572 Department of Law Enforcement any failure by a sexual predator
1573 or sexual offender to comply with registration requirements.

1574 (b) If the sexual offender is or will be enrolled,
1575 employed, or carrying on a vocation at an institution of higher
1576 education or secondary educational institution in this state,
1577 the sexual offender shall provide the name, address, and county
1578 of each institution, including each campus attended, and the
1579 sexual offender's enrollment or employment status. Each change
1580 in enrollment or employment status shall be reported to the
1581 department within 48 hours after the change in status. The
1582 Department of Corrections shall promptly notify each institution
1583 of the sexual offender's presence and any change in the sexual
1584 offender's enrollment or employment status.

1585 (c) If the sexual offender is employed, volunteers, or
1586 carries out any trade or business, the sexual offender shall
1587 register the employment address or location if no specific
1588 address is available. In the case where the sexual offender's
1589 employment lacks a fixed employment address or location, the
1590 sexual offender shall register information regarding his or her
1591 probable location during the course of the employment, including
1592 normal routes or general areas, with whatever definiteness is
1593 possible. Each change in the registration information required
1594 in this paragraph shall be reported in person at the department

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1595 within 48 hours after any change in status. The department shall
1596 promptly notify the Department of Law Enforcement of this change
1597 of the sexual offender's registration information.

1598 (d) If the sexual offender owns or operates any vehicle,
1599 vessel, aircraft, or other land vehicle for personal use or in
1600 the course of any employment, the sexual offender shall register
1601 information regarding such vehicle, vessel, aircraft, or other
1602 land vehicle, including license tag number and information,
1603 description, including trade or business names or information
1604 thereon, registration or other identifiers, and information
1605 regarding the place or places where such vehicle, vessel,
1606 aircraft, or other land vehicle is habitually parked, docked, or
1607 otherwise kept if the location is different than the
1608 registrant's address If the sexual offender has access to a
1609 fleet consisting of more than 5 employment vehicles,
1610 registration of individual vehicle registration and license tag
1611 information is not mandated provided that physical descriptive
1612 information identifying the common characteristics, markings and
1613 locations amongst the fleet vehicles and the sexual offender's
1614 access to the fleet of vehicles is registered. Each change in
1615 the registration information required in this paragraph shall be
1616 reported in person at the department within 48 hours after any
1617 change in status. The department shall promptly notify the
1618 Department of Law Enforcement of this change of the sexual
1619 offender's registration information.

1620 (6) The information provided to the Department of Law
1621 Enforcement must include:

1622 (b) The sexual offender's most current address and place
1623 of permanent and temporary residence within the state or out of
1624 state or transient residence, and address, location, or
1625 description and dates of any current or known future temporary

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1626 residence within the state or out of state, while the sexual
1627 offender is under supervision in this state, including the name
1628 of the county or municipality in which the offender permanently
1629 or temporarily resides or has a transient residence, and, if
1630 known, the intended place of permanent, ~~or~~ temporary, or
1631 transient residence, and address, location, or description and
1632 dates of any current or known future temporary residence within
1633 the state or out of state, upon satisfaction of all sanctions;

1634
1635 If any information provided by the department changes during the
1636 time the sexual offender is under the department's control,
1637 custody, or supervision, including any change in the offender's
1638 name by reason of marriage or other legal process, the
1639 department shall, in a timely manner, update the information and
1640 provide it to the Department of Law Enforcement in the manner
1641 prescribed in subsection (2).

1642 (7) If the sexual offender is in the custody of a local
1643 jail, the custodian of the local jail shall electronically
1644 register the offender within 3 business days after intake of the
1645 offender for any reason and upon release, and shall forward the
1646 information to the Department of Law Enforcement. The custodian
1647 of the local jail shall also take a digitized photograph of the
1648 sexual offender while the offender remains in custody and shall
1649 provide the digitized photograph to the Department of Law
1650 Enforcement.

1651 (11) The department, the Department of Highway Safety and
1652 Motor Vehicles, the Department of Law Enforcement, ~~the~~
1653 ~~Department of Corrections,~~ the Department of Juvenile Justice,
1654 personnel of those departments, and any individual or entity
1655 acting at the request or upon the direction of those departments
1656 are immune from civil liability for damages for good faith

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1657 compliance with this section, and shall be presumed to have
1658 acted in good faith in compiling, recording, reporting, or
1659 providing information. The presumption of good faith is not
1660 overcome if technical or clerical errors are made by the
1661 department, the Department of Highway Safety and Motor Vehicles,
1662 the Department of Law Enforcement, the Department of Juvenile
1663 Justice, personnel of those departments, or any individual or
1664 entity acting at the request or upon the direction of those
1665 departments in compiling, recording, reporting, or providing
1666 information, or, if the information is incomplete or incorrect
1667 because the information has not been provided by a person or
1668 agency required to provide the information, or because the
1669 information was not reported or was falsely reported.

1670 (13)

1671 (b) However, a sexual offender who is required to register
1672 as a result of a conviction for:

1673 1. Section 787.01 or s. 787.02 where the victim is a minor
1674 and the offender is not the victim's parent or guardian;

1675 2. Section 794.011, excluding s. 794.011(10);

1676 3. Section 800.04(4)(b) where the victim is under 12 years
1677 of age or where the court finds sexual activity by the use of
1678 force or by threatening or placing the victim in fear that a
1679 person would be subjected to death, serious bodily injury, or
1680 kidnapping coercion;

1681 4. Section 800.04(5)(b);

1682 5. Section 800.04(5)(c)1. where the court finds
1683 molestation involving unclothed genitals or genital area;

1684 6. Section 800.04(5)(c)e-2. where the court finds
1685 molestation involving unclothed genitals or genital area;

1686 7. Section 800.04(5)(d) where the court finds the use of
1687 force, or threat or placement of the victim in fear that a

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1688 person would be subjected to death, serious bodily injury, or
1689 kidnapping, coercion and unclothed genitals or genital area;
1690 8. Any attempt or conspiracy to commit such offense; ~~or~~
1691 9. A violation of a similar law of another jurisdiction;
1692 or
1693 10. Any conviction for a similar offense committed in this
1694 state which has been redesignated from a former statute number
1695 to one of those listed in this paragraph,

1696
1697 must reregister each year during the month of the sexual
1698 offender's birthday and every third month thereafter.

1699 (c) The sheriff's office may determine the appropriate
1700 times and days for reporting by the sexual offender, which shall
1701 be consistent with the reporting requirements of this
1702 subsection. Reregistration shall include any changes to the
1703 following information:

1704 1. Name, nicknames, and pseudonyms; social security
1705 number, including any alias or false social security numbers
1706 ever used; age; race; sex; date of birth, including any alias or
1707 false date of birth ever used; height; weight; hair and eye
1708 color; physical description, including scars, marks, and
1709 tattoos; address of any permanent residence and address of any
1710 current temporary residence, within the state or out of state,
1711 including a rural route address and a post office box; if no
1712 permanent or temporary address, any transient residence; address
1713 or location description and dates of any current or known future
1714 temporary residence both within the state and out of state; any
1715 electronic mail address and any instant message name required to
1716 be provided pursuant to s. 943.0435(4)(d); all phone numbers,
1717 including fixed location and cellular phone numbers and any
1718 other designations used for purposes of routing or self-

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1719 identification in telephonic communications; date and place of
1720 any current or known future employment; volunteer work, trade,
1721 or business, including employer address or location if no
1722 specific address is available; all professional licenses that
1723 authorize the sexual offender to engage in an occupation or
1724 carry out a trade or business; all driver's license and
1725 identification card numbers and identifiers; all travel and
1726 immigration documents, including passport and visa, and
1727 identifying information from such documents, including, but not
1728 limited to, unique identifiers and pertinent issuance and
1729 expiration dates, location of issuance, destinations, and
1730 immigration status; any owned or operated vehicle, vessel,
1731 aircraft, or other land vehicle make, model, color, and license
1732 tag number and information, description, including trade or
1733 business names or information thereon, registration and other
1734 identifiers, and information regarding the place or places where
1735 such vehicle, vessel, aircraft, or other land vehicle is
1736 habitually parked, docked, or otherwise kept if the location is
1737 different than the registrant's address. If the sexual offender
1738 has access to a fleet consisting of more than 5 employment
1739 vehicles, registration of individual vehicle registration and
1740 license tag information is not mandated provided that physical
1741 descriptive information identifying the common characteristics,
1742 marking and locations amongst the fleet vehicles and the sexual
1743 offender's access to the fleet of vehicles is registered;
1744 biometric identification information, including fingerprints and
1745 palm prints fingerprints; and photograph. A post office box
1746 shall not be provided in lieu of a physical residential address.
1747 2. If the sexual offender is or will be enrolled,
1748 employed, or carrying on a vocation at an institution of higher
1749 education or secondary educational institution in this state,

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1750 the sexual offender shall ~~also~~ provide to the department the
1751 name, address, and county of each institution, including each
1752 campus attended, and the sexual offender's enrollment or
1753 employment status.

1754 3. If the sexual offender's place of residence is a motor
1755 vehicle, trailer, mobile home, or manufactured home, as defined
1756 in chapter 320, the sexual offender shall also provide the
1757 vehicle identification number; the license tag number; the
1758 registration number; and a description, including color scheme,
1759 of the motor vehicle, trailer, mobile home, or manufactured
1760 home. If the sexual offender's place of residence is a vessel,
1761 live-aboard vessel, or houseboat, as defined in chapter 327, the
1762 sexual offender shall also provide the hull identification
1763 number; the manufacturer's serial number; the name of the
1764 vessel, live-aboard vessel, or houseboat; the registration
1765 number; and a description, including color scheme, of the
1766 vessel, live-aboard vessel or houseboat.

1767 4. Any sexual offender who fails to report in person as
1768 required at the sheriff's office, ~~or~~ who fails to respond to any
1769 address verification correspondence from the department within 3
1770 weeks of the date of the correspondence, ~~or~~ who fails to report
1771 electronic mail addresses or instant message names, or who
1772 knowingly provides false information by act or omission, under
1773 penalty of perjury commits a felony of the third degree,
1774 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1775 5. A sexual offender who meets the criteria for
1776 registration as defined in this section and is convicted of a
1777 qualifying offense on or after June 1, 2009, must submit a set
1778 of palm prints during registration. On or after June 1, 2009,
1779 and by December 1, 2009, unless previously submitted as part of
1780 registration or reregistration as required under s.

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1781 943.0435(14), s. 944.607(13), or s. 985.4815, sexual offenders
1782 shall submit palm prints during the month of their
1783 reregistration as required under s. 943.0435(14), s.
1784 944.607(13), or s. 985.4815. The sheriff shall promptly provide
1785 to the department the palm prints in an electronic format. The
1786 department is authorized to provide the palm prints to the
1787 Federal Bureau of Investigation and to other criminal justice
1788 agencies.

1789 Section 9. Paragraph (a) of subsection (3) of section
1790 985.481, Florida Statutes, is amended, and paragraph (c) is
1791 added to subsection (1) of that section, to read:

1792 985.481 Sexual offenders adjudicated delinquent;
1793 notification upon release.--

1794 (1) As used in this section:

1795 (c) "Secondary educational institution" means any trade,
1796 professional, or secondary school, whether public, private,
1797 religious, denominational, parochial, or nonparochial, attended
1798 for any purpose, including, but not limited to, secular,
1799 religious, or cultural studies.

1800 (3)(a) The department must provide information regarding
1801 any sexual offender who is being released after serving a period
1802 of residential commitment under the department for any offense,
1803 as follows:

1804 1. The department must provide the sexual offender's name,
1805 any change in the offender's name by reason of marriage or other
1806 legal process, and any alias, if known; any nicknames or
1807 pseudonyms, if known; the correctional facility from which the
1808 sexual offender is released; the sexual offender's social
1809 security number, including any alias or false social security
1810 numbers ever used; race;; sex;; date of birth, including any
1811 alias or false date of birth ever used; height;; weight;; and

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1812 hair and eye color; physical description, including scars,
1813 marks, and tattoos; address of any planned permanent residence
1814 or temporary residence, within the state or out of state,
1815 including a rural route address and a post office box; if no
1816 permanent or temporary address, any transient residence within
1817 the state; address or location description and dates of any
1818 known future temporary residence within the state or out of
1819 state; all phone numbers, including fixed location and cellular
1820 phone numbers and any other designations used for purposes of
1821 routing or self-identification in telephonic communications;
1822 date and place of any current or known future employment,
1823 volunteer work, trade, or business, including employer address
1824 or location if no specific address is available; all
1825 professional licenses that authorize the sexual offender to
1826 engage in an occupation or carry out a trade or business; all
1827 driver's license and identification card numbers and
1828 identifiers, all travel and immigration documents, including
1829 passport and visa, and identifying information from such
1830 documents, including, but not limited to, unique identifiers and
1831 pertinent issue and expiration dates, location of issuance,
1832 destinations, and immigration status; date and county of
1833 disposition and each crime for which there was a disposition; a
1834 copy of the offender's fingerprints and a digitized photograph
1835 taken within 60 days before release; the date of release of the
1836 sexual offender; and the offender's intended residence address,
1837 if known. The department shall notify the Department of Law
1838 Enforcement if the sexual offender escapes, absconds, or dies.
1839 If the sexual offender is in the custody of a private
1840 correctional facility, the facility shall take the digitized
1841 photograph of the sexual offender within 60 days before the
1842 sexual offender's release and also place it in the sexual

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1843 offender's file. If the sexual offender is in the custody of a
1844 local jail, the custodian of the local jail shall electronically
1845 register the offender within 3 business days after intake of the
1846 offender for any reason and upon release, and shall notify the
1847 Department of Law Enforcement of the sexual offender's release
1848 and provide to the Department of Law Enforcement the information
1849 specified in this subparagraph and any information specified in
1850 subparagraph 2. which the Department of Law Enforcement
1851 requests.

1852 2. The department may provide any other information
1853 considered necessary, including criminal and delinquency
1854 records, when available.

1855 Section 10. Subsection (4), paragraph (a) of subsection
1856 (6), subsection (7), and paragraph (b) of subsection (13) of
1857 section 985.4815, Florida Statutes, are amended, and paragraph
1858 (e) is added to subsection (1) of that section, to read:

1859 985.4815 Notification to Department of Law Enforcement of
1860 information on juvenile sexual offenders.--

1861 (1) As used in this section, the term:

1862 (e) "Secondary educational institution" means any trade,
1863 professional, or secondary school, whether public, private,
1864 religious, denominational, parochial, or nonparochial, attended
1865 for any purpose, including, but not limited to, secular,
1866 religious, or cultural studies.

1867 (4) A sexual offender, as described in this section, who
1868 is under the supervision of the department but who is not
1869 committed must register with the department within 3 business
1870 days after adjudication and disposition for a registrable
1871 offense and otherwise provide information as required by this
1872 subsection.

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1873 (a) The sexual offender shall provide his or her name,
1874 nicknames, and pseudonyms; date of birth, including any alias or
1875 false date of birth ever used; social security number, including
1876 any alias or false social security numbers ever used; race; sex;
1877 height; weight; hair and eye color; physical description,
1878 including scars, tattoos, or other identifying marks; any
1879 electronic mail address and any instant message name required to
1880 be provided pursuant to s. 943.0435(4) (d); all phone numbers,
1881 including fixed location and cellular phone numbers and any
1882 other designations used for purposes of routing or self-
1883 identification in telephonic communications; and permanent or
1884 legal residence and address of temporary residence within the
1885 state or out of state while the sexual offender is in the care
1886 or custody or under the jurisdiction or supervision of the
1887 department in this state, including any rural route address or
1888 post office box; if no permanent or temporary address, any
1889 transient residence; address or location description and dates
1890 of any current or known future temporary residence within the
1891 state or out of state; date and place of any current or known
1892 future employment, volunteer work, trade, or business, including
1893 employer address or location if no specific address is
1894 available; all professional licenses that authorize the
1895 registrant to engage in an occupation or carry out a trade or
1896 business; all driver's license and identification card numbers
1897 and identifiers, all travel and immigration documents, including
1898 passport and visa, and identifying information from such
1899 documents, including, but not limited to, unique identifiers and
1900 pertinent issue and expiration dates, location of issuance,
1901 destinations, and immigration status; and the name and address
1902 of each school attended. The department shall verify the address
1903 of each sexual offender and shall report to the Department of

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1904 Law Enforcement any failure by a sexual offender to comply with
1905 registration requirements.

1906 (b) If the sexual offender is or will be enrolled,
1907 employed, or carrying on a vocation at an institution of higher
1908 education or secondary educational institution in this state,
1909 the sexual offender shall provide the name, address, and county
1910 of each institution, including each campus attended, and the
1911 sexual offender's enrollment or employment status. Each change
1912 in enrollment or employment status shall be reported to the
1913 department within 48 hours after the change in status. The
1914 department shall promptly notify each institution of the sexual
1915 offender's presence and any change in the sexual offender's
1916 enrollment or employment status.

1917 (c) If the sexual offender is employed, volunteers, or
1918 carries out any trade or business, the sexual offender shall
1919 register the employment address or location if no specific
1920 address is available. In the case where the sexual offenders
1921 employment lacks a fixed employment address or location, the
1922 sexual offender shall register information regarding the sexual
1923 offender's probable location during the course of the
1924 employment, including normal routes or general areas, with
1925 whatever definiteness is possible. Each change in the
1926 registration information required in this paragraph shall be
1927 reported in person at the department within 48 hours after any
1928 change in status. The department shall promptly notify the
1929 Department of Law Enforcement of this change of the sexual
1930 offender's registration information.

1931 (d) If the sexual offender owns or operates any vehicle,
1932 vessel, aircraft, or other land vehicle for personal use or in
1933 the course of any employment, the sexual offender shall register
1934 information regarding such vehicle, vessel, aircraft, or other

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1935 land vehicle, including license tag number and information,
1936 description, including trade or business names or information
1937 thereon, registration or other identifiers, and information
1938 regarding the place or places where such vehicle, vessel,
1939 aircraft, or other land vehicle is habitually parked, docked, or
1940 otherwise kept if the location is different than the
1941 registrant's address. If the sexual offender has access to a
1942 fleet consisting of more than 5 employment vehicles,
1943 registration of individual vehicle registration and license tag
1944 information is not mandated provided that physical descriptive
1945 information identifying the common characteristics, markings and
1946 locations amongst the fleet vehicles and the sexual offender's
1947 access to the fleet of vehicles is registered. Each change in
1948 the registration information required in this paragraph shall be
1949 reported in person at the department within 48 hours after any
1950 change in status. The department shall promptly notify the
1951 Department of Law Enforcement of this change of the sexual
1952 offender's registration information.

1953 (6) (a) The information provided to the Department of Law
1954 Enforcement must include the following:

1955 1. The information obtained from the sexual offender under
1956 subsection (4).

1957 2. The sexual offender's most current address and place of
1958 permanent or temporary residence within the state or out of
1959 state or transient residence, and address, location, or
1960 description and dates of any current or known future temporary
1961 residence within the state or out of state, while the sexual
1962 offender is in the care or custody or under the jurisdiction or
1963 supervision of the department in this state, including the name
1964 of the county or municipality in which the offender permanently
1965 or temporarily resides or has a transient residence, and, if

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1966 known, the intended place of permanent, ~~or~~ temporary, or
1967 transient residence, and address, location, or description and
1968 dates of any current or known future temporary residence within
1969 the state or out of state, upon satisfaction of all sanctions.

1970 3. The legal status of the sexual offender and the
1971 scheduled termination date of that legal status.

1972 4. The location of, and local telephone number for, any
1973 department office that is responsible for supervising the sexual
1974 offender.

1975 5. An indication of whether the victim of the offense that
1976 resulted in the offender's status as a sexual offender was a
1977 minor.

1978 6. The offense or offenses at adjudication and disposition
1979 that resulted in the determination of the offender's status as a
1980 sex offender.

1981 7. A digitized photograph of the sexual offender, which
1982 must have been taken within 60 days before the offender was
1983 released from the custody of the department or a private
1984 correctional facility by expiration of sentence under s.
1985 944.275, or within 60 days after the onset of the department's
1986 supervision of any sexual offender who is on probation,
1987 postcommitment probation, residential commitment, nonresidential
1988 commitment, licensed child-caring commitment, community control,
1989 conditional release, parole, provisional release, or control
1990 release or who is supervised by the department under the
1991 Interstate Compact Agreement for Probationers and Parolees. If
1992 the sexual offender is in the custody of a private correctional
1993 facility, the facility shall take a digitized photograph of the
1994 sexual offender within the time period provided in this
1995 subparagraph and shall provide the photograph to the department.

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1996 (7) If the sexual offender is in the custody of a local
1997 jail, the custodian of the local jail shall electronically
1998 register the offender within 3 business days after intake of the
1999 offender for any reason and upon release, and shall forward the
2000 information to the Department of Law Enforcement. The custodian
2001 of the local jail shall also take a digitized photograph of the
2002 sexual offender while the offender remains in custody and shall
2003 provide the digitized photograph to the Department of Law
2004 Enforcement.

2005 (13)

2006 (b) The sheriff's office may determine the appropriate
2007 times and days for reporting by the sexual offender, which shall
2008 be consistent with the reporting requirements of this
2009 subsection. Reregistration shall include any changes to the
2010 following information:

2011 1. Name, nicknames, and pseudonyms; social security
2012 number, including any alias or false social security numbers
2013 ever used; age; race; sex; date of birth, including any alias or
2014 false date of birth ever used; height; weight; hair and eye
2015 color; physical description, including scars, marks, and
2016 tattoos; address of any permanent residence and address of any
2017 current temporary residence, within the state or out of state,
2018 including a rural route address and a post office box; if no
2019 permanent or temporary address, any transient residence; address
2020 or location description and dates of any current or known future
2021 temporary residence within the state or out of state; any
2022 electronic mail address and any instant message name required to
2023 be provided pursuant to s. 943.0435(4)(d); all phone numbers,
2024 including fixed location and cellular phone numbers and any
2025 other designations used for purposes of routing or self-
2026 identification in telephonic communications; name and address of

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2027 each school, institution of higher education, and secondary
2028 educational institution attended; date and place of any current
2029 or known future employment; volunteer work, trade, or business,
2030 including employer address or location if no specific address is
2031 available; all professional licenses that authorize the sexual
2032 offender to engage in an occupation or carry out a trade or
2033 business; all driver's license and identification card numbers
2034 and identifiers; all travel and immigration documents, including
2035 passport and visa, and identifying information from such
2036 documents, including, but not limited to, unique identifiers and
2037 pertinent issue and expiration dates, location of issuance,
2038 destinations, and immigration status; any owned or operated
2039 vehicle, vessel, aircraft, or other land vehicle make, model,
2040 color, and license tag number, and information, description,
2041 including trade or business names or information thereon,
2042 registration and other identifiers, and information regarding
2043 the place or places where such vehicle, vessel, aircraft, or
2044 other land vehicle is habitually parked, docked, or otherwise
2045 kept if the location is different than the registrant's address.
2046 If the sexual offender has access to a fleet consisting of more
2047 than 5 employment vehicles, registration of individual vehicle
2048 registration and license tag information is not mandated
2049 provided that physical descriptive information identifying the
2050 common characteristics, markings and locations amongst the fleet
2051 vehicles and the sexual offender's access to the fleet of
2052 vehicles is registered; biometric identification information,
2053 including fingerprints and palm prints fingerprints; and
2054 photograph. A post office box shall not be provided in lieu of a
2055 physical residential address.

2056 2. If the sexual offender is or will be enrolled,
2057 employed, or carrying on a vocation at an institution of higher

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2058 education or secondary educational institution in this state,
2059 the sexual offender shall also provide to the department the
2060 name, address, and county of each institution, including each
2061 campus attended, and the sexual offender's enrollment or
2062 employment status.

2063 3. If the sexual offender's place of residence is a motor
2064 vehicle, trailer, mobile home, or manufactured home, as defined
2065 in chapter 320, the sexual offender shall also provide the
2066 vehicle identification number; the license tag number; the
2067 registration number; and a description, including color scheme,
2068 of the motor vehicle, trailer, mobile home, or manufactured
2069 home. If the sexual offender's place of residence is a vessel,
2070 live-aboard vessel, or houseboat, as defined in chapter 327, the
2071 sexual offender shall also provide the hull identification
2072 number; the manufacturer's serial number; the name of the
2073 vessel, live-aboard vessel, or houseboat; the registration
2074 number; and a description, including color scheme, of the
2075 vessel, live-aboard vessel, or houseboat.

2076 4. Any sexual offender who fails to report in person as
2077 required at the sheriff's office, or who fails to respond to any
2078 address verification correspondence from the department within 3
2079 weeks after the date of the correspondence, commits a felony of
2080 the third degree, punishable as provided in ss. 775.082,
2081 775.083, and 775.084.

2082 5. A sexual offender who meets the criteria for
2083 registration as defined in this section and is convicted of a
2084 qualifying offense on or after June 1, 2009, must submit a set
2085 of palm prints during registration. On or after June 1, 2009,
2086 and by December 1, 2009, unless previously submitted as part of
2087 registration or reregistration as required under s.
2088 943.0435(14), s. 944.607(13), or s. 985.4815, sexual offenders

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2089 shall submit palm prints during the month of their
2090 reregistration as required under s. 943.0435(14), s.
2091 944.607(13), or s. 985.4815. The sheriff shall promptly provide
2092 to the department the palm prints in an electronic format. The
2093 department is authorized to provide the palm prints to the
2094 Federal Bureau of Investigation and to other criminal justice
2095 agencies.

2096 Section 11. This act shall take effect July 1, 2008.
2097
2098
2099

2100 -----
2101 **T I T L E A M E N D M E N T**

2102 Remove the entire title and insert:

2103 An act relating to sexual offenders and predators;
2104 amending s. 322.141, F.S.; requiring additional persons
2105 subject to registration to obtain driver's licenses or
2106 identification cards with distinctive markings; amending
2107 ss. 775.21 and 943.0435, F.S.; creating and revising
2108 definitions; revising registration criteria; requiring
2109 registrants to register transient residences; requiring
2110 additional information to be provided by registrants;
2111 requiring biometric information to be provided by certain
2112 registrants; permitting the sharing of such biometric
2113 information with certain agencies; providing for
2114 additional information to be provided to the public
2115 concerning registrants; requiring registrants to provide
2116 changes to additional specified information; prohibits a
2117 registrant from knowingly providing false information;
2118 providing penalties; revising prohibition on work that may
2119 be performed by registrants who have committed specified

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2120 violations involving minors; amending s. 775.25, F.S.;
2121 revising provisions relating to prosecutions for acts or
2122 omissions by an offender or predator; creating s.
2123 943.04355, F.S.; providing for sexual offender
2124 registration and community notification in tribal
2125 jurisdictions; amending s. 943.0436, F.S.; including
2126 additional laws within provisions relating to duty of the
2127 court to uphold laws governing sexual predators and sexual
2128 offenders; amending ss. 944.606, 944.607, 985.481, and
2129 985.4815, F.S.; revising provisions relating to certain
2130 registrants; creating and revising definitions; revising
2131 registration criteria; requiring registrants to register
2132 transient residences; requiring additional information to
2133 be provided by registrants; requiring biometric
2134 information to be provided by certain registrants;
2135 permitting the sharing of such biometric information with
2136 certain agencies; providing for additional information to
2137 be provided to the public concerning registrants;
2138 requiring registrants to provide changes to additional
2139 specified information; prohibits a registrant from
2140 knowingly providing false information; providing
2141 penalties; revising prohibition on work that may be
2142 performed by registrants who have committed specified
2143 violations involving minors; providing an effective date.

2144

2145

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Bill No. **HB 1351**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: -- Homeland Security and Public
2 Safety

3 Representative(s) Simmons offered the following:
4

5 **Amendment (with directory and title amendments)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (b) of subsection (3), paragraph (a)
8 of subsection (7), and paragraph (b) of subsection (10) of
9 section 775.21, Florida Statutes, are amended to read:

10 775.21 The Florida Sexual Predators Act.--

11 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE
12 INTENT.--

13 (b) The high level of threat that a sexual predator
14 presents to the public safety, and the long-term effects
15 suffered by victims of sex offenses, provide the state with
16 sufficient justification to implement a strategy that includes:

17 1. Incarcerating sexual predators and maintaining adequate
18 facilities to ensure that decisions to release sexual predators
19 into the community are not made on the basis of inadequate
20 space.

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21 2. Providing for specialized supervision of sexual
22 predators who are in the community by specially trained
23 probation officers with low caseloads, as described in ss.
24 947.1405(7) and 948.30. The sexual predator is subject to
25 specified terms and conditions implemented at sentencing or at
26 the time of release from incarceration, with a requirement that
27 only those sexual predators found to be indigent may defer
28 payment pursuant to s. 28.246 of all or part of the costs in
29 accordance with the provisions of that section ~~who are~~
30 ~~financially able must pay all or part of the costs of~~
31 ~~supervision.~~

32 3. Requiring the registration of sexual predators, with a
33 requirement that complete and accurate information be maintained
34 and accessible for use by law enforcement authorities,
35 communities, and the public.

36 4. Providing for community and public notification
37 concerning the presence of sexual predators.

38 5. Prohibiting sexual predators from working with
39 children, either for compensation or as a volunteer.

40 (7) COMMUNITY AND PUBLIC NOTIFICATION.--

41 (a) Law enforcement agencies must inform members of the
42 community and the public of a sexual predator's presence. Upon
43 notification of the presence of a sexual predator, the sheriff
44 of the county or the chief of police of the municipality where
45 the sexual predator establishes or maintains a permanent or
46 temporary residence shall notify members of the community and
47 the public of the presence of the sexual predator in a manner
48 deemed appropriate by the sheriff or the chief of police. Within
49 48 hours after receiving notification of the presence of a
50 sexual predator, the sheriff of the county or the chief of

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51 police of the municipality where the sexual predator temporarily
52 or permanently resides shall notify each licensed day care
53 center, elementary school, middle school, ~~and~~ high school, and
54 library within a 1-mile radius of the temporary or permanent
55 residence of the sexual predator of the presence of the sexual
56 predator. Information provided to members of the community and
57 the public regarding a sexual predator must include:

- 58 1. The name of the sexual predator;
- 59 2. A description of the sexual predator, including a
60 photograph;
- 61 3. The sexual predator's current address, including the
62 name of the county or municipality if known;
- 63 4. The circumstances of the sexual predator's offense or
64 offenses; and
- 65 5. Whether the victim of the sexual predator's offense or
66 offenses was, at the time of the offense, a minor or an adult.

67
68 This paragraph does not authorize the release of the name of any
69 victim of the sexual predator.

70 (10) PENALTIES.--

71 (b) A sexual predator who has been convicted of or found
72 to have committed, or has pled nolo contendere or guilty to,
73 regardless of adjudication, any violation, or attempted
74 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
75 the victim is a minor and the defendant is not the victim's
76 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
77 794.05; s. 796.03; s. 796.035; s. 800.04; s. 827.071; s.
78 847.0133; s. 847.0145; or s. 985.701(1); or a violation of a
79 similar law of another jurisdiction when the victim of the
80 offense was a minor, and who works, whether for compensation or

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81 as a volunteer, at any business, school, day care center, park,
82 playground, library, or other place where children regularly
83 congregate, commits a felony of the third degree, punishable as
84 provided in s. 775.082, s. 775.083, or s. 775.084.

85 Section 2. Section 775.215, Florida Statutes, is created
86 to read:

87 775.215 Residency distance limitations for persons
88 convicted of certain sexual offenses; local ordinances preempted
89 and repealed.--The adoption of residency distance limitations
90 for persons convicted of sexual offenses, including, but not
91 limited to, violations of s. 787.01, s. 787.02, s. 794.011, s.
92 800.04, s. 827.071, or s. 847.0145, regardless of whether
93 adjudication has been withheld, is expressly preempted to the
94 state. The provisions of ss. 794.065, 947.1405, and 948.30
95 establishing such distance limitations supersede the distance
96 limitations included in any such municipal or county ordinances.
97 Any such residency distance limitations adopted by a county or
98 municipality prior to October 1, 2008, are hereby repealed and
99 abolished as of October 1, 2008.

100 Section 3. Subsection (2) of section 775.24, Florida
101 Statutes, is amended to read:

102 775.24 Duty of the court to uphold laws governing sexual
103 predators and sexual offenders.--

104 (2) If a person meets the criteria in this chapter for
105 designation as a sexual predator or meets the criteria in s.
106 943.0435, s. 944.606, s. 944.607, or any other law for
107 classification as a sexual offender, the court may not enter an
108 order, for the purpose of approving a plea agreement or for any
109 other reason, which:

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110 (a) Exempts a person who meets the criteria for
111 designation as a sexual predator or classification as a sexual
112 offender from such designation or classification; ~~or~~ exempts
113 such person from the requirements for registration or community
114 and public notification imposed upon sexual predators and sexual
115 offenders; exempts such person from the distance limitations
116 contained in ss. 794.065, 947.1405, and 948.30; or exempts such
117 person from the provisions of s. 794.0701;

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

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

125 Section 4. Section 794.065, Florida Statutes, is amended
126 to read:

127 794.065 Unlawful place of residence for persons convicted
128 of certain sex offenses.--

129 (1) (a) 1. It is unlawful for any person who has been
130 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,
131 or s. 847.0145, regardless of whether adjudication has been
132 withheld, in which the victim of the offense was less than 16
133 years of age, to reside within 1,000 feet of any school, day
134 care center, park, or playground.

135 2. A person who violates this subsection ~~section~~ and whose
136 conviction for an offense listed in subparagraph 1. under s.
137 794.011, s. 800.04, s. 827.071, or s. 847.0145 was classified
138 as:

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139 a. A felony of the first degree or higher, commits a
140 felony of the third degree, punishable as provided in s. 775.082
141 or s. 775.083. ~~A person who violates this section and whose~~
142 ~~conviction under s. 794.011, s. 800.04, s. 827.071, or s.~~
143 ~~847.0145 was classified as~~

144 b. A felony of the second or third degree, commits a
145 misdemeanor of the first degree, punishable as provided in s.
146 775.082 or s. 775.083.

147 ~~(b)(2)~~ This subsection ~~section~~ applies to any person
148 convicted of an offense listed in subparagraph (a)1. if the
149 offense occurred a violation of s. 794.011, s. 800.04, s.
150 827.071, or s. 847.0145 for offenses that occur on or after
151 October 1, 2004.

152 (2)(a)1. It is unlawful for any person who has been
153 convicted of a violation of s. 787.01, s. 787.02, s. 794.011, s.
154 800.04, s. 827.071, or s. 847.0145, committed on or after
155 October 1, 2008, regardless of whether adjudication has been
156 withheld, in which the victim of the offense was less than 16
157 years of age, to reside within 1,500 feet of any school, day
158 care center, park, or playground.

159 2. A person violating this subsection whose conviction of
160 an offense listed in subparagraph 1. was classified as:

161 a. A felony of the first degree or higher, commits a
162 felony of the third degree, punishable as provided in s. 775.082
163 or s. 775.083.

164 b. A felony of the second or third degree, commits a
165 misdemeanor of the first degree, punishable as provided in s.
166 775.082 or s. 775.083.

167 (b) The distances in this subsection shall be measured in
168 a straight line from the offender's place of residence to the

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169 nearest boundary line of the school, day care center, park, or
170 playground.

171 Section 5. Section 794.0701, Florida Statutes, is created
172 to read:

173 794.0701 Loitering or prowling by persons convicted of
174 certain sex offenses.--Any person who:

175 (1) Has been convicted of a violation of s. 787.01, s.
176 787.02, s. 794.011, s. 800.04, s. 827.071, or s. 847.0145,
177 regardless of whether adjudication has been withheld, in which
178 the victim of the offense was less than 16 years of age; and

179 (2) Loiters or prowls as proscribed in s. 856.021 within
180 300 feet of a place where children regularly congregate,
181 including, but not limited to, a school, designated public
182 school bus stop, day care center, playground or park

183
184 commits a misdemeanor of the first degree, punishable as
185 provided in s. 775.082 or s. 775.083.

186 Section 6. Paragraph (a) of subsection (7) of section
187 947.1405, Florida Statutes, are amended, and subsection (11) is
188 added to that section, to read:

189 947.1405 Conditional release program.--

190 (7)(a) Any inmate who is convicted of a crime committed on
191 or after October 1, 1995, or who has been previously convicted
192 of a crime committed on or after October 1, 1995, in violation
193 of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and is
194 subject to conditional release supervision, shall have, in
195 addition to any other conditions imposed, the following special
196 conditions imposed by the commission:

197 1. A mandatory curfew from 10 p.m. to 6 a.m. The
198 commission may designate another 8-hour period if the offender's

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199 employment precludes the above specified time, and such
200 alternative is recommended by the Department of Corrections. If
201 the commission determines that imposing a curfew would endanger
202 the victim, the commission may consider alternative sanctions.

203 2.a. If the victim was under the age of 18, a prohibition
204 on living within 1,000 feet of a school, day care center, park,
205 playground, designated public school bus stop, or other place
206 where children regularly congregate. A releasee who is subject
207 to this subparagraph may not relocate to a residence that is
208 within 1,000 feet of a public school bus stop.

209 b. Beginning October 1, 2004, the commission or the
210 department may not approve a residence that is located within
211 1,000 feet of a school, day care center, park, playground,
212 designated school bus stop, or other place where children
213 regularly congregate for any releasee who is subject to this
214 subparagraph. On October 1, 2004, the department shall notify
215 each affected school district of the location of the residence
216 of a releasee 30 days prior to release and thereafter, if the
217 releasee relocates to a new residence, shall notify any affected
218 school district of the residence of the releasee within 30 days
219 after relocation. If, on October 1, 2004, any public school bus
220 stop is located within 1,000 feet of the existing residence of
221 such releasee, the district school board shall relocate that
222 school bus stop. Beginning October 1, 2004, a district school
223 board may not establish or relocate a public school bus stop
224 within 1,000 feet of the residence of a releasee who is subject
225 to this subparagraph. The failure of the district school board
226 to comply with this subparagraph shall not result in a violation
227 of conditional release supervision.

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228 c. If the victim was under the age of 18, beginning
229 October 1, 2008, neither the commission nor the department may
230 approve a residence located within 1,500 feet of a school, day
231 care center, park, playground, designated school bus stop, or
232 other place where children regularly congregate for any releasee
233 who is subject to this subparagraph. The distance in this sub-
234 subparagraph shall be measured in a straight line from the
235 offender's place of residence to the nearest boundary line of
236 the school, day care center, park, playground, or other place
237 where children regularly congregate. The distance may not be
238 measured by a pedestrian route or automobile route.

239 3. Active participation in and successful completion of a
240 sex offender treatment program with qualified practitioners
241 specifically trained to treat sex offenders, at the releasee's
242 own expense. If a qualified practitioner is not available within
243 a 50-mile radius of the releasee's residence, the offender shall
244 participate in other appropriate therapy.

245 4. A prohibition on any contact with the victim, directly
246 or indirectly, including through a third person, unless approved
247 by the victim, the offender's therapist, and the sentencing
248 court.

249 5. If the victim was under the age of 18, a prohibition
250 against contact with children under the age of 18 without review
251 and approval by the commission. The commission may approve
252 supervised contact with a child under the age of 18 if the
253 approval is based upon a recommendation for contact issued by a
254 qualified practitioner who is basing the recommendation on a
255 risk assessment. Further, the sex offender must be currently
256 enrolled in or have successfully completed a sex offender
257 therapy program. The commission may not grant supervised contact

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258 with a child if the contact is not recommended by a qualified
259 practitioner and may deny supervised contact with a child at any
260 time. When considering whether to approve supervised contact
261 with a child, the commission must review and consider the
262 following:

263 a. A risk assessment completed by a qualified
264 practitioner. The qualified practitioner must prepare a written
265 report that must include the findings of the assessment and
266 address each of the following components:

267 (I) The sex offender's current legal status;

268 (II) The sex offender's history of adult charges with
269 apparent sexual motivation;

270 (III) The sex offender's history of adult charges without
271 apparent sexual motivation;

272 (IV) The sex offender's history of juvenile charges,
273 whenever available;

274 (V) The sex offender's offender treatment history,
275 including a consultation from the sex offender's treating, or
276 most recent treating, therapist;

277 (VI) The sex offender's current mental status;

278 (VII) The sex offender's mental health and substance abuse
279 history as provided by the Department of Corrections;

280 (VIII) The sex offender's personal, social, educational,
281 and work history;

282 (IX) The results of current psychological testing of the
283 sex offender if determined necessary by the qualified
284 practitioner;

285 (X) A description of the proposed contact, including the
286 location, frequency, duration, and supervisory arrangement;

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- 287 (XI) The child's preference and relative comfort level
288 with the proposed contact, when age-appropriate;
289 (XII) The parent's or legal guardian's preference
290 regarding the proposed contact; and
291 (XIII) The qualified practitioner's opinion, along with
292 the basis for that opinion, as to whether the proposed contact
293 would likely pose significant risk of emotional or physical harm
294 to the child.

295

296 The written report of the assessment must be given to the
297 commission.

298 b. A recommendation made as a part of the risk-assessment
299 report as to whether supervised contact with the child should be
300 approved;

301 c. A written consent signed by the child's parent or legal
302 guardian, if the parent or legal guardian is not the sex
303 offender, agreeing to the sex offender having supervised contact
304 with the child after receiving full disclosure of the sex
305 offender's present legal status, past criminal history, and the
306 results of the risk assessment. The commission may not approve
307 contact with the child if the parent or legal guardian refuses
308 to give written consent for supervised contact;

309 d. A safety plan prepared by the qualified practitioner,
310 who provides treatment to the offender, in collaboration with
311 the sex offender, the child's parent or legal guardian, and the
312 child, when age appropriate, which details the acceptable
313 conditions of contact between the sex offender and the child.
314 The safety plan must be reviewed and approved by the Department
315 of Corrections before being submitted to the commission; and

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316 e. Evidence that the child's parent or legal guardian, if
317 the parent or legal guardian is not the sex offender,
318 understands the need for and agrees to the safety plan and has
319 agreed to provide, or to designate another adult to provide,
320 constant supervision any time the child is in contact with the
321 offender.

322
323 The commission may not appoint a person to conduct a risk
324 assessment and may not accept a risk assessment from a person
325 who has not demonstrated to the commission that he or she has
326 met the requirements of a qualified practitioner as defined in
327 this section.

328 6. If the victim was under age 18, a prohibition on
329 working for pay or as a volunteer at any school, day care
330 center, park, playground, library, or other place where children
331 regularly congregate, as prescribed by the commission.

332 7. Unless otherwise indicated in the treatment plan
333 provided by the sexual offender treatment program, a prohibition
334 on viewing, owning, or possessing any obscene, pornographic, or
335 sexually stimulating visual or auditory material, including
336 telephone, electronic media, computer programs, or computer
337 services that are relevant to the offender's deviant behavior
338 pattern.

339 8. Effective for a releasee whose crime is committed on or
340 after July 1, 2005, a prohibition on accessing the Internet or
341 other computer services until the offender's sex offender
342 treatment program, after a risk assessment is completed,
343 approves and implements a safety plan for the offender's
344 accessing or using the Internet or other computer services.

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345 9. A requirement that the releasee must submit two
346 specimens of blood to the Florida Department of Law Enforcement
347 to be registered with the DNA database.

348 10. A requirement that the releasee make restitution to
349 the victim, as determined by the sentencing court or the
350 commission, for all necessary medical and related professional
351 services relating to physical, psychiatric, and psychological
352 care.

353 11. Submission to a warrantless search by the community
354 control or probation officer of the probationer's or community
355 controllee's person, residence, or vehicle.

356 (11) (a) For a releasee whose crime was committed on or
357 after July 1, 2008, the commission must, in addition to all
358 other provisions of this section, impose the special conditions
359 in paragraph (b) on the following releasees:

360 1. A releasee whose crime was committed on or after July
361 1, 2008, in violation of s. 800.04(4), (5), or (6); s. 827.071;
362 or s. 847.0145 in this state or a similar offense in another
363 jurisdiction when, at the time of the offense, the victim was
364 under 16 years of age and the releasee was 18 years of age or
365 older.

366 2. A releasee who is designated as a sexual predator under
367 s. 775.21 or who has received a similar designation or
368 determination in another jurisdiction.

369 3. A releasee subject to registration as a sexual predator
370 under s. 775.21 or as a sexual offender under s. 943.0435 who
371 has committed an offense that would meet the criteria for the
372 designation or registration when at the time of the offense the
373 victim was under 16 years of age and the releasee was 18 years
374 of age or older, who commits a violation of s. 775.21 or s.

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375 943.0435 on or after July 1, 2008, and who is not otherwise
376 subject to this paragraph.

377 (b) The commission must order a prohibition on
378 distributing candy or other items to children on Halloween,
379 wearing a Santa Claus costume on or preceding Christmas, wearing
380 an Easter Bunny costume on or preceding Easter, entertaining at
381 children's parties, or wearing a clown costume without prior
382 approval from the court.

383
384 Section 7. Paragraph (b) of subsection (1) and subsection
385 (3) of section 948.30, Florida Statutes, are amended, and
386 subsection (4) is added to that section, to read:

387 948.30 Additional terms and conditions of probation or
388 community control for certain sex offenses.--Conditions imposed
389 pursuant to this section do not require oral pronouncement at
390 the time of sentencing and shall be considered standard
391 conditions of probation or community control for offenders
392 specified in this section.

393 (1) Effective for probationers or community controllees
394 whose crime was committed on or after October 1, 1995, and who
395 are placed under supervision for violation of chapter 794, s.
396 800.04, s. 827.071, or s. 847.0145, the court must impose the
397 following conditions in addition to all other standard and
398 special conditions imposed:

399 (b)1. Except as provided in subparagraph 2., if the victim
400 was under the age of 18, a prohibition on living within 1,000
401 feet of a school, day care center, park, playground, or other
402 place where children regularly congregate, as prescribed by the
403 court. The 1,000-foot distance shall be measured in a straight
404 line from the offender's place of residence to the nearest

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405 boundary line of the school, day care center, park, playground,
406 or other place where children regularly congregate. The distance
407 may not be measured by a pedestrian route or automobile route.

408 2. For a probationer or community controllee whose crime
409 was committed on or after October 1, 2008, if the victim was
410 under the age of 18, a prohibition on living within 1,500 feet
411 of a school, day care center, park, playground, or other place
412 where children regularly congregate, as prescribed by the court.
413 This distance shall be measured in a straight line from the
414 offender's place of residence to the nearest boundary line of
415 the school, day care center, park, playground, or other place
416 where children regularly congregate. The distance may not be
417 measured by a pedestrian route or automobile route.

418 (3) Effective for a probationer or community controllee
419 whose crime was committed on or after September 1, 2005, and
420 who:

421 (a) Is placed on probation or community control for a
422 violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071,
423 or s. 847.0145 and the unlawful sexual activity involved a
424 victim under 16 ~~15~~ years of age ~~or younger~~ and the offender is
425 18 years of age or older;

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

428 (c) Has previously been convicted of a violation of
429 chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s.
430 847.0145 and the unlawful sexual activity involved a victim
431 under 16 ~~15~~ years of age ~~or younger~~ and the offender is 18 years
432 of age or older,

433

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434 the court must order, in addition to any other provision of this
435 section, mandatory electronic monitoring as a condition of the
436 probation or community control supervision.

437 (4) (a) The court must, in addition to all other provisions
438 of this section, impose the special conditions in paragraph (b)
439 on the following probationers or community controllees whose
440 crime was committed on or after July 1, 2008:

441 1. A probationer or community controllee who violated s.
442 800.04(4), (5), or (6); s. 827.071; or s. 847.0145 in this state
443 or committed a similar offense in another jurisdiction when, at
444 the time of the offense, the victim was under 16 years of age
445 and the probationer or community controllee was 18 years of age
446 or older.

447 2. A probationer or community controllee who is designated
448 as a sexual predator under s. 775.21 or who has received a
449 similar designation or determination in another jurisdiction.

450 3. A probationer or community controllee subject to
451 registration as a sexual predator under s. 775.21 or as a sexual
452 offender pursuant to s. 943.0435 who has committed an offense
453 that would meet the criteria for the designation or registration
454 when at the time of the offense the victim was under 16 years of
455 age and the probationer or community controllee was 18 years of
456 age or older, who commits a violation of s. 775.21 or s.
457 943.0435 on or after July 1, 2008, and who is not otherwise
458 subject to this paragraph.

459 (b) The court must order a prohibition on distributing
460 candy or other items to children on Halloween, wearing a Santa
461 Claus costume on or preceding Christmas, wearing an Easter Bunny
462 costume on or preceding Easter, entertaining at children's

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463 parties, or wearing a clown costume without prior approval from
464 the court.

465 Section 8. This act shall take effect October 1, 2008.

466 -----
467 **T I T L E A M E N D M E N T**

468 Remove entire title and insert:

469 An act relating to public safety; amending s. 775.21,
470 F.S.; revising provisions relating to reimbursement of
471 specified costs by sexual predators; revising provisions
472 relating to the residence of sexual predators; providing
473 criminal penalties; prohibiting sexual predators from
474 working within a specified distance of certain facilities;
475 providing criminal penalties; creating s. 775.215, F.S.;
476 specifying residency distance limitations for persons
477 convicted of certain sexual offenses; preempting certain
478 local ordinances and providing for repeal of such
479 ordinances; amending s. 775.24, F.S.; revising provisions
480 relating to the duty of the court to uphold certain laws;
481 amending s. 794.065, F.S.; providing additional residency
482 restrictions on certain offenders; providing penalties;
483 creating s. 794.0701, F.S.; providing for enhanced
484 penalties for loitering or prowling by persons convicted
485 of certain sex offenses; amending s. 947.1405, F.S.;
486 providing additional conditional release restrictions for
487 certain offenders; amending s. 948.06, F.S.; revising
488 provisions relating to probation or community control for
489 sexual predators and sexual offenders; amending s. 948.30,
490 F.S.; revising provisions relating to terms and conditions
491 of probation or community control for certain sex
492 offenses; providing additional restrictions for certain

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Amendment No. 1 (for drafter's use only)

493 probationers or community controllees who committed sexual
494 offenses with minors under the age of 16; providing an
495 effective date.
496

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.1 (for drafter's use only)

Bill No. 1363

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Committee on Homeland Security
2 & Public Safety

3 Representative(s) Brandenburg offered the following:

4
5 **Amendment (with title amendment)**

6 On page 3, delete lines 78-79, and insert:

7 35. Salvia divinorum, except for any drug product approved
8 by the United States Food and Drug Administration which contains
9 Salvia divinorum or its isomers, esters, ethers, salts, and
10 salts of isomers, esters, and ethers, whenever the existence of
11 such isomers, esters, ethers, and salts is possible within the
12 specific chemical designation.

13 36. Salvinorin A, except for any drug product approved by
14 the United States Food and Drug Administration which contains
15 Salvinorin A or its isomers, esters, ethers, salts, and salts of
16 isomers, esters, and ethers, whenever the existence of such
17 isomers, esters, ethers, and salts is possible within the
18 specific chemical designation.

19 -----
20 **T I T L E A M E N D M E N T**

21 Remove the entire title and insert:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.1 (for drafter's use only)

22 An act relating to controlled substances; amending s. 893.03,
23 F.S.; including Salvia divinorum and Salvinorin A on the list of
24 controlled substances in Schedule I; providing exceptions from
25 the scheduling of Salvia divinorum and Salvinorin A; reenacting
26 ss. 893.13(1)(a), (c), (d), (e), (f), and (h), (2)(a), (4)(b),
27 and (5)(b), and 921.0022(3)(b), (c), and (e), F.S., relating to
28 prohibited acts and penalties concerning controlled substances
29 and the offense severity chart of the Criminal Punishment Code,
30 to incorporate the amendment to s. 893.03, F.S., in references
31 thereto; providing an effective date.

32

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Amendment No. 1

Bill No. 1417

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Homeland Security & Public Safety
2 Representative Gardiner offered the following:

3
4 **Amendment**

5 Remove lines 122-221 and insert:

6 Section 3. Section 831.032, Florida Statutes, is created
7 to read:

8 831.032 Offenses involving forging or counterfeiting
9 private labels.--

10 (1) Whoever, knowingly and willfully, forges or
11 counterfeits, or causes or procures to be forged or
12 counterfeited, manufactures, distributes or transports, or
13 possesses with intent to distribute or transport, upon or in
14 connection with any goods or services, the trademark or service
15 mark of any person, entity, or association, which goods or
16 services are intended for resale, or knowingly possesses tools
17 or other reproduction materials for reproduction of specific
18 forged or counterfeit trademarks or service marks commits the
19 crime of counterfeiting.

20 (2) Whoever knowingly sells or offers for sale, or
21 knowingly purchases and keeps or has in his or her possession,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 with intent that the same shall be sold or disposed, or vends
23 any goods having thereon a forged or counterfeit trademark, or
24 who knowingly sells or offers for sale any service which is sold
25 in conjunction with a forged or counterfeit service mark, of any
26 person, entity, or association, knowing the same to be forged or
27 counterfeited, commits the crime of selling or offering for sale
28 counterfeit goods or services.

29 (3) (a) Violation of subsection (1) or subsection (2) is
30 a misdemeanor of the first degree, punishable as provided in s.
31 775.082 or s. 775.083, except that:

32 1. A violation of subsection (1) or subsection (2) is a
33 felony of the third degree, punishable as provided in s.
34 775.082, s. 775.083, or s. 775.084, if the offense involves 100
35 or more but less than 1,000 items bearing one or more
36 counterfeit marks, or if the goods involved in the offense have
37 a total retail value of more than \$ 2,500, but less than
38 \$20,000.

39 2. A violation of subsection (1) or subsection (2) is a
40 felony of the second degree, punishable as provided in s.
41 775.082, s. 775.083, or s. 775.084, if the offense involves
42 1,000 or more items bearing one or more counterfeit marks or if
43 the goods involved in the offense have a total retail value of
44 \$20,000 or more.

45 3. A violation of subsection (1) or subsection (2) is a
46 felony of the third degree, punishable as provided in s.
47 775.082, s. 775.083, or s. 775.084 if, during the commission or
48 as a result of the commission of the offense, the person
49 engaging in the offense knowingly or by culpable negligence
50 causes or allows to be caused bodily injury to another.

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Amendment No. 1

51 4. A violation of subsection (1) or subsection (2) is a
52 felony of the second degree, punishable as provided in s.
53 775.082, s. 775.083, or s. 775.084 if, during the commission or
54 as a result of the commission of the offense, the person
55 engaging in the offense knowingly or by culpable negligence
56 causes or allows to be caused serious bodily injury to another.

57 5. A violation of subsection (1) or subsection (2) is a
58 felony of the first degree, punishable as provided in s.
59 775.082, s. 775.083, or s. 775.084 if, during the commission or
60 as a result of the commission of the offense, the person
61 engaging in the offense knowingly or by culpable negligence
62 causes or allows to be caused death to another commits a felony
63 of the first degree, punishable as provided in s. 775.082, s.
64 775.083, or s. 775.084.

65 (b) For any person who, having previously been convicted
66 for an offense under this section, is subsequently convicted for
67 another offense under this section, such subsequent offense
68 shall be reclassified as follows:

69 1. In the case of a felony of the second degree, to a
70 felony of the first degree.

71 2. In the case of a felony of the third degree, to a
72 felony of the second degree.

73 3. In the case of a misdemeanor of the first degree, to a
74 felony of the third degree. For purposes of sentencing under
75 chapter 921 and determining incentive gain-time eligibility
76 under chapter 944, such offense is ranked in level 4 of the
77 offense severity ranking chart.

78
79 For purposes of sentencing under chapter 921 and determining
80 incentive gain-time eligibility under chapter 944, a felony

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

81 offense that is reclassified under this paragraph is ranked one
82 level above the ranking under s. 921.0022 or s. 921.0023 of the
83 felony offense committed.

84 (c) In lieu of a fine otherwise authorized by law, when
85 any person has been convicted of an offense under this section,
86 the court may fine the person up to three times the retail value
87 of the goods seized, manufactured, or sold, whichever is
88 greater, and may enter orders awarding court costs and the costs
89 of investigation and prosecution, reasonably incurred. The court
90 shall hold a hearing to determine the amount of the fine
91 authorized by this paragraph.

92 (d) When a person is convicted of an offense under this
93 section, the court, pursuant to s. 775.089, shall order the
94 person to pay restitution to the trademark owner and any other
95 victim of the offense. In determining the value of the property
96 loss to the trademark owner, the court shall include expenses
97 incurred by the trademark owner in the investigation or
98 prosecution of the offense as well as the disgorgement of any
99 profits realized by a person convicted of the offense.

100 (4) All defenses, affirmative defenses, and limitations on
101 remedies that would be applicable in an action under the Lanham
102 Act, 15 U.S.C. ss. 1051 et seq., or to an action under s.
103 495.131 shall be applicable in a prosecution under this section.

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Amendment No. 1

Bill No. 1527

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Homeland Security & Public Safety
2 Representative Sasso offered the following:
3

4 **Amendment (with directory and title amendments)**

5 Between lines 38 and 39 insert:

6 (d) Any person charged with a violation of paragraph (a)
7 has a complete defense if, at the time the alcoholic beverage
8 was sold, given, served, or permitted to be served:

9 1. The buyer or recipient falsely evidenced that she or he
10 was 21 years of age or older;

11 2. The appearance of the buyer or recipient was such that a
12 prudent person would believe the buyer or recipient to be 21
13 years of age or older; and

14 3. Such person carefully checked a driver's license or an
15 identification card issued by this state or another state of the
16 United States, a passport, or a United States armed services
17 identification card presented by the buyer or recipient and
18 acted in good faith and in reliance upon the representation and
19 appearance of the buyer or recipient in the belief that the
20 buyer or recipient was 21 years of age or older.
21

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22
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D I R E C T O R Y A M E N D M E N T

Remove line 13 and insert:

562.11, Florida Statutes, is amended to read, and paragraph (d) of subsection (1) of section 562.11, Florida Statutes is created to read:

T I T L E A M E N D M E N T

Remove line 8 and insert:

providing a defense; providing an effective date.