



HB 0077

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CHAMBER ACTION

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The Committee on Public Safety & Crime Prevention recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to dangerous sexual felony offenders; amending s. 794.0115, F.S.; deleting provisions relating to repeat sexual offenders; providing criteria for the qualification of enhanced penalties; requiring sentencing to a mandatory minimum prison term; providing definitions; providing statutory construction; providing an effective date.

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

Section 1. Section 794.0115, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 794.0115, F.S., for present text.)

794.0115 Dangerous sexual felony offender; mandatory sentencing.--



28           (1) This section shall be known by the popular name the  
 29 "Dangerous Sexual Felony Offender Act."

30           (2) Any person who is convicted of a violation of s.  
 31 787.025; s. 794.011(2), (3), (4), (5), or (8); s. 800.04(4) or  
 32 (5); s. 827.071(2), (3), or (4); s. 825.1025; or s. 847.0145, or  
 33 any similar offense under a former designation, which such  
 34 offense was committed when such person was 18 years of age or  
 35 older; and such person:

36           (a) Caused serious personal injury to the victim as a  
 37 result of the commission of such offense;

38           (b) Used or threatened to use a deadly weapon during the  
 39 commission of such offense;

40           (c) Victimized more than one person during the course of  
 41 the criminal episode applicable to such offense;

42           (d) Was 28 years of age or older and the victim was under  
 43 the age of 16, except for a violation of s. 800.04(5);

44           (e) Committed such offense while under the jurisdiction of  
 45 a court for a felony offense under the laws of this state, or  
 46 for an offense that is a felony in another jurisdiction or would  
 47 be a felony if that offense were committed in this state; or

48           (f) Has previously been convicted of a violation of s.  
 49 787.025; s. 794.011(2), (3), (4), (5), or (8); s. 800.04(4) or  
 50 (5); s. 825.1025; s. 827.071(2), (3), or (4); or s. 847.0145;  
 51 any offense under a former statutory designation which is  
 52 similar in elements to an offense described in this paragraph;  
 53 or any offense that is a felony in another jurisdiction, or  
 54 would be a felony if that offense were committed in this state,



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55 and which is similar in elements to an offense described in this  
56 paragraph

57  
58 is a dangerous sexual felony offender, who must be sentenced to  
59 a mandatory minimum term of 25 years imprisonment up to, and  
60 including, life imprisonment.

61 (3) As used in this section, "serious personal injury"  
62 means great bodily harm or pain, permanent disability, or  
63 permanent disfigurement.

64 (4) The offense described in subsection (2) that is being  
65 charged must have been committed after the date of commission of  
66 the last prior conviction for an offense that is a prior  
67 conviction described in paragraph (2)(f).

68 (5) It is irrelevant that a factor listed in subsection  
69 (2) is an element of an offense described in that subsection. It  
70 is also irrelevant that such offense was reclassified to a  
71 higher felony degree under s. 794.023 or any other law.

72 (6) Notwithstanding s. 775.082(3), chapter 958, any other  
73 law, or any interpretation or construction thereof, a person  
74 subject to sentencing under this section must be sentenced to  
75 the mandatory minimum term of imprisonment provided under this  
76 section. If the mandatory minimum term of imprisonment imposed  
77 under this section exceeds the maximum sentence authorized under  
78 s. 775.082, s. 775.084, or chapter 921, the mandatory minimum  
79 term of imprisonment under this section must be imposed. If the  
80 mandatory minimum term of imprisonment under this section is  
81 less than the sentence that could be imposed under s. 775.082,



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82 s. 775.084, or chapter 921, the sentence imposed must include  
83 the mandatory minimum term of imprisonment under this section.

84 (7) A defendant sentenced to a mandatory minimum term of  
85 imprisonment pursuant to this section is not eligible for  
86 statutory gain-time under s. 944.275 or any form of  
87 discretionary early release, other than pardon or executive  
88 clemency, or conditional medical release under s. 947.149, prior  
89 to serving the minimum sentence.

90 Section 2. This act shall take effect July 1, 2003.

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