



HB 0077

2003  
CS

CHAMBER ACTION

The Committee on Appropriations 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.--

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



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

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

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

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

41           (d) Committed such offense while under the jurisdiction of  
 42 a court for a felony offense under the laws of this state, or  
 43 for an offense that is a felony in another jurisdiction or would  
 44 be a felony if that offense were committed in this state; or

45           (e) Has previously been convicted of a violation of s.  
 46 787.025; s. 794.011(2), (3), (4), (5), or (8); s. 800.04(4) or  
 47 (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or (4); or s.  
 48 847.0145; any offense under a former statutory designation which  
 49 is similar in elements to an offense described in this  
 50 paragraph; or any offense that is a felony in another  
 51 jurisdiction, or would be a felony if that offense were  
 52 committed in this state, and which is similar in elements to an  
 53 offense described in this paragraph  
 54



HB 0077

2003  
CS

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

58 (3) As used in this section, "serious personal injury"  
59 means great bodily harm or pain, permanent disability, or  
60 permanent disfigurement.

61 (4) The offense described in subsection (2) that is being  
62 charged must have been committed after the date of commission of  
63 the last prior conviction for an offense that is a prior  
64 conviction described in paragraph (2)(e).

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

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

81 (7) A defendant sentenced to a mandatory minimum term of  
82 imprisonment pursuant to this section is not eligible for



HB 0077

2003  
CS

83 statutory gain-time under s. 944.275 or any form of  
84 discretionary early release, other than pardon or executive  
85 clemency, or conditional medical release under s. 947.149, prior  
86 to serving the minimum sentence.

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

88