



1 A bill to be entitled
2 An act relating to dangerous sexual felony offenders;
3 amending s. 794.0115, F.S.; deleting provisions relating
4 to repeat sexual offenders; providing criteria for the
5 qualification of enhanced penalties; requiring sentencing
6 to a mandatory minimum prison term; providing definitions;
7 providing statutory construction; providing an effective
8 date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 794.0115, Florida Statutes, is amended
13 to read:

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

16 794.0115 Dangerous sexual felony offender; mandatory
17 sentencing.--

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

20 (2) Any person who is convicted of a violation of s.
21 787.025; s. 794.011(2), (3), (4), (5), or (8); s. 800.04(4) or
22 (5); s. 827.071(2), (3), or (4); s. 825.1025(2) or (3); or s.
23 847.0145, or any similar offense under a former designation,
24 which such offense was committed when such person was 18 years
25 of age or older; and such person:

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



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

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

32 (d) Committed such offense while under the jurisdiction of
33 a court for a felony offense under the laws of this state, or
34 for an offense that is a felony in another jurisdiction or would
35 be a felony if that offense were committed in this state; or

36 (e) Has previously been convicted of a violation of s.
37 787.025; s. 794.011(2), (3), (4), (5), or (8); s. 800.04(4) or
38 (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or (4); or s.
39 847.0145; any offense under a former statutory designation which
40 is similar in elements to an offense described in this
41 paragraph; or any offense that is a felony in another
42 jurisdiction, or would be a felony if that offense were
43 committed in this state, and which is similar in elements to an
44 offense described in this paragraph

45
46 is a dangerous sexual felony offender, who must be sentenced to
47 a mandatory minimum term of 25 years imprisonment up to, and
48 including, life imprisonment.

49 (3) As used in this section, "serious personal injury"
50 means great bodily harm or pain, permanent disability, or
51 permanent disfigurement.

52 (4) The offense described in subsection (2) that is being
53 charged must have been committed after the date of commission of
54 the last prior conviction for an offense that is a prior
55 conviction described in paragraph (2)(e).



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

60 (6) Notwithstanding s. 775.082(3), chapter 958, any other
61 law, or any interpretation or construction thereof, a person
62 subject to sentencing under this section must be sentenced to
63 the mandatory minimum term of imprisonment provided under this
64 section. If the mandatory minimum term of imprisonment imposed
65 under this section exceeds the maximum sentence authorized under
66 s. 775.082, s. 775.084, or chapter 921, the mandatory minimum
67 term of imprisonment under this section must be imposed. If the
68 mandatory minimum term of imprisonment under this section is
69 less than the sentence that could be imposed under s. 775.082,
70 s. 775.084, or chapter 921, the sentence imposed must include
71 the mandatory minimum term of imprisonment under this section.

72 (7) A defendant sentenced to a mandatory minimum term of
73 imprisonment pursuant to this section is not eligible for
74 statutory gain-time under s. 944.275 or any form of
75 discretionary early release, other than pardon or executive
76 clemency, or conditional medical release under s. 947.149, prior
77 to serving the minimum sentence.

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

79