

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Porth offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 17 and 18, insert:

5 Section 1. Paragraph (h) of subsection (2), paragraphs (a)
6 and (b) of subsection (4), paragraph (d) of subsection (5), and
7 paragraph (b) of subsection (10) of section 775.21, Florida
8 Statutes, are amended to read:

9 775.21 The Florida Sexual Predators Act.--

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

11 (h) "Institution of higher education" means a career
12 center, community college, college, state university, or
13 independent postsecondary institution.

14 (4) SEXUAL PREDATOR CRITERIA.--

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15 (a) For a current offense committed on or after October 1,
16 1993, upon conviction, an offender shall be designated as a
17 "sexual predator" under subsection (5), and subject to
18 registration under subsection (6) and community and public
19 notification under subsection (7) if:

20 1. The felony is:

21 a. A capital, life, or first-degree felony violation, or
22 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
23 is a minor and the defendant is not the victim's parent, or of
24 chapter 794, s. 800.04, or s. 847.0145, or a violation of a
25 similar law of another jurisdiction; or

26 b. Any felony violation, or any attempt thereof, of s.
27 787.01, s. 787.02, or s. 787.025, where the victim is a minor
28 and the defendant is not the victim's parent; chapter 794,
29 excluding ss. 794.011(10) and 794.0235; s. 796.03; s. 796.035;
30 s. 800.04; s. 825.1025(2)(b); s. 827.071; ~~or s. 847.0145~~; or s.
31 985.4045(1); or a violation of a similar law of another
32 jurisdiction, and the offender has previously been convicted of
33 or found to have committed, or has pled nolo contendere or
34 guilty to, regardless of adjudication, any violation of s.
35 787.01, s. 787.02, or s. 787.025, where the victim is a minor
36 and the defendant is not the victim's parent; s. 794.011(2),
37 (3), (4), (5), or (8); s. 794.05; s. 796.03; s. 796.035; s.
38 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135; ~~or s.~~
39 ~~847.0145~~; or s. 985.4045(1); ~~or a violation of a similar law of~~
40 another jurisdiction;

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

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

47 (b) In order to be counted as a prior felony for purposes
48 of this subsection, the felony must have resulted in a
49 conviction sentenced separately, or an adjudication of
50 delinquency entered separately, prior to the current offense and
51 sentenced or adjudicated separately from any other felony
52 conviction that is to be counted as a prior felony regardless of
53 the date of offense of the prior felony. If the offender's prior
54 enumerated felony was committed more than 10 years before the
55 primary offense, it shall not be considered a prior felony under
56 this subsection if the offender has not been convicted of any
57 other crime for a period of 10 consecutive years from the most
58 recent date of release from confinement, supervision, or
59 sanction, whichever is later.

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

62 (d) A person who establishes or maintains a residence in
63 this state and who has not been designated as a sexual predator
64 by a court of this state but who has been designated as a sexual
65 predator, as a sexually violent predator, or by another sexual
66 offender designation in another state or jurisdiction and was,
67 as a result of such designation, subjected to registration or

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68 community or public notification, or both, or would be if the
69 person was a resident of that state or jurisdiction, without
70 regard to whether the person otherwise meets the criteria for
71 registration as a sexual offender, shall register in the manner
72 provided in s. 943.0435 or s. 944.607 and shall be subject to
73 community and public notification as provided in s. 943.0435 or
74 s. 944.607. A person who meets the criteria of this section is
75 subject to the requirements and penalty provisions of s.
76 943.0435 or s. 944.607 until the person provides the department
77 with an order issued by the court that designated the person as
78 a sexual predator, as a sexually violent predator, or by another
79 sexual offender designation in the state or jurisdiction in
80 which the order was issued which states that such designation
81 has been removed or demonstrates to the department that such
82 designation, if not imposed by a court, has been removed by
83 operation of law or court order in the state or jurisdiction in
84 which the designation was made, and provided such person no
85 longer meets the criteria for registration as a sexual offender
86 under the laws of this state.

87 (10) PENALTIES.--

88 (b) A sexual predator who has been convicted of or found
89 to have committed, or has pled nolo contendere or guilty to,
90 regardless of adjudication, any violation, or attempted
91 violation, of s. 787.01, s. 787.02, or s. 787.025, where the
92 victim is a minor and the defendant is not the victim's parent;
93 s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s. 796.03; s.
94 796.035; s. 800.04; s. 827.071; s. 847.0133; ~~or~~ s. 847.0145; or

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95 s. 985.4045(1); or a violation of a similar law of another
96 jurisdiction, when the victim of the offense was a minor, and
97 who works, whether for compensation or as a volunteer, at any
98 business, school, day care center, park, playground, or other
99 place where children regularly congregate, commits a felony of
100 the third degree, punishable as provided in s. 775.082, s.
101 775.083, or s. 775.084.

102 Section 2. Paragraph (a) of subsection (3) of section
103 775.261, Florida Statutes, is amended to read:

104 775.261 The Florida Career Offender Registration Act.--

105 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.--

106 (a) A career offender released on or after July 1, 2002
107 ~~January 1, 2003~~, from a sanction imposed in this state ~~for a~~
108 ~~designation as a habitual violent felony offender, a violent~~
109 ~~career criminal, or a three-time violent felony offender under~~
110 ~~s. 775.084 or as a prison releasee reoffender under s.~~
111 ~~775.082(9)~~ must register as required under subsection (4) and is
112 subject to community and public notification as provided under
113 subsection (5). For purposes of this section, a sanction imposed
114 in this state includes, but is not limited to, a fine,
115 probation, community control, parole, conditional release,
116 control release, or incarceration in a state prison, private
117 correctional facility, or local detention facility, and:

118 1. The career offender has not received a pardon for any
119 felony or other qualified offense that is necessary for the
120 operation of this paragraph; or

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121 2. A conviction of a felony or other qualified offense
122 necessary to the operation of this paragraph has not been set
123 aside in any postconviction proceeding.

124 Section 3. Paragraphs (a) and (d) of subsection (1),
125 paragraph (a) of subsection (4), and paragraph (c) of subsection
126 (11) of section 943.0435, Florida Statutes, are amended to read:

127 943.0435 Sexual offenders required to register with the
128 department; penalty.--

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

130 (a) "Sexual offender" means a person who meets the
131 criteria in subparagraph 1., subparagraph 2., or subparagraph
132 3.:

133 1.a. Has been convicted of committing, or attempting,
134 soliciting, or conspiring to commit, any of the criminal
135 offenses proscribed in the following statutes in this state or
136 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
137 or s. 787.025, where the victim is a minor and the defendant is
138 not the victim's parent; chapter 794, excluding ss. 794.011(10)
139 and 794.0235; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s.
140 827.071; s. 847.0133; s. 847.0135; s. 847.0137; s. 847.0138; s.
141 847.0145; s. 985.4045(1); or any similar offense committed in
142 this state which has been redesignated from a former statute
143 number to one of those listed in this sub-subparagraph
144 subparagraph; and

145 ~~b.2.~~ Has been released on or after October 1, 1997, from
146 the sanction imposed for any conviction of an offense described
147 in sub-subparagraph a. subparagraph 1. For purposes of sub-

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148 subparagraph a. ~~subparagraph 1.~~, a sanction imposed in this
149 state or in any other jurisdiction includes, but is not limited
150 to, a fine, probation, community control, parole, conditional
151 release, control release, or incarceration in a state prison,
152 federal prison, private correctional facility, or local
153 detention facility; ~~or~~

154 2.3. Establishes or maintains a residence in this state
155 and who has not been designated as a sexual predator by a court
156 of this state but who has been designated as a sexual predator,
157 as a sexually violent predator, or by another sexual offender
158 designation in another state or jurisdiction and was, as a
159 result of such designation, subjected to registration or
160 community or public notification, or both, or would be if the
161 person were a resident of that state or jurisdiction, without
162 regard to whether the person otherwise meets the criteria for
163 registration as a sexual offender; or

164 3.4. Establishes or maintains a residence in this state
165 who is in the custody or control of, or under the supervision
166 of, any other state or jurisdiction as a result of a conviction
167 for committing, or attempting, soliciting, or conspiring to
168 commit, any of the criminal offenses proscribed in the following
169 statutes or similar offense in another jurisdiction: s. 787.01,
170 s. 787.02, or s. 787.025, where the victim is a minor and the
171 defendant is not the victim's parent; chapter 794, excluding ss.
172 794.011(10) and 794.0235; s. 796.03; s. 796.035; s. 800.04; s.
173 825.1025; s. 827.071; s. 847.0133; s. 847.0135; s. 847.0137; s.
174 847.0138; s. 847.0145; s. 985.4045(1); or any similar offense

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175 committed in this state which has been redesignated from a
176 former statute number to one of those listed in this
177 subparagraph.

178 (d) "Institution of higher education" means a career
179 center, community college, college, state university, or
180 independent postsecondary institution.

181 (4)(a) Each time a sexual offender's driver's license or
182 identification card is subject to renewal, and, without regard
183 to the status of the offender's ~~predator's~~ driver's license or
184 identification card, within 48 hours after any change in the
185 offender's permanent or temporary residence or change in the
186 offender's name by reason of marriage or other legal process,
187 the offender shall report in person to a driver's license
188 office, and shall be subject to the requirements specified in
189 subsection (3). The Department of Highway Safety and Motor
190 Vehicles shall forward to the department all photographs and
191 information provided by sexual offenders. Notwithstanding the
192 restrictions set forth in s. 322.142, the Department of Highway
193 Safety and Motor Vehicles is authorized to release a
194 reproduction of a color-photograph or digital-image license to
195 the Department of Law Enforcement for purposes of public
196 notification of sexual offenders as provided in ss. 943.043,
197 943.0435, and 944.606.

198 (11) A sexual offender must maintain registration with the
199 department for the duration of his or her life, unless the
200 sexual offender has received a full pardon or has had a
201 conviction set aside in a postconviction proceeding for any

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202 offense that meets the criteria for classifying the person as a
203 sexual offender for purposes of registration. However, a sexual
204 offender:

205 (c) As defined in subparagraph (1)(a)~~2.3~~, must maintain
206 registration with the department for the duration of his or her
207 life until the person provides the department with an order
208 issued by the court that designated the person as a sexual
209 predator, as a sexually violent predator, or by another sexual
210 offender designation in the state or jurisdiction in which the
211 order was issued which states that such designation has been
212 removed or demonstrates to the department that such designation,
213 if not imposed by a court, has been removed by operation of law
214 or court order in the state or jurisdiction in which the
215 designation was made, and provided such person no longer meets
216 the criteria for registration as a sexual offender under the
217 laws of this state.

218 Section 4. Paragraph (b) of subsection (1) of section
219 944.606, Florida Statutes, is amended to read:

220 944.606 Sexual offenders; notification upon release.--

221 (1) As used in this section:

222 (b) "Sexual offender" means a person who has been
223 convicted of committing, or attempting, soliciting, or
224 conspiring to commit, any of the criminal offenses proscribed in
225 the following statutes in this state or similar offenses in
226 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025, where
227 the victim is a minor and the defendant is not the victim's
228 parent; chapter 794, excluding ss. 794.011(10) and 794.0235; s.

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229 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.
230 847.0133; s. 847.0135; s. 847.0137; s. 847.0138; s. 847.0145; s.
231 985.4045(1); or any similar offense committed in this state
232 which has been redesignated from a former statute number to one
233 of those listed in this subsection, when the department has
234 received verified information regarding such conviction; an
235 offender's computerized criminal history record is not, in and
236 of itself, verified information.

237 Section 5. Paragraphs (a) and (c) of subsection (1) of
238 section 944.607, Florida Statutes, are amended to read:

239 944.607 Notification to Department of Law Enforcement of
240 information on sexual offenders.--

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

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

245 1. On or after October 1, 1997, as a result of a
246 conviction for committing, or attempting, soliciting, or
247 conspiring to commit, any of the criminal offenses proscribed in
248 the following statutes in this state or similar offenses in
249 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025, where
250 the victim is a minor and the defendant is not the victim's
251 parent; chapter 794, excluding ss. 794.011(10) and 794.0235; s.
252 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.
253 847.0133; s. 847.0135; s. 847.0137; s. 847.0138; s. 847.0145; s.
254 985.4045(1); or any similar offense committed in this state

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255 | which has been redesignated from a former statute number to one
256 | of those listed in this paragraph; or

257 | 2. Who establishes or maintains a residence in this state
258 | and who has not been designated as a sexual predator by a court
259 | of this state but who has been designated as a sexual predator,
260 | as a sexually violent predator, or by another sexual offender
261 | designation in another state or jurisdiction and was, as a
262 | result of such designation, subjected to registration or
263 | community or public notification, or both, or would be if the
264 | person were a resident of that state or jurisdiction, without
265 | regard as to whether the person otherwise meets the criteria for
266 | registration as a sexual offender.

267 | (c) "Institution of higher education" means a career
268 | center, community college, college, state university, or
269 | independent postsecondary institution.

270 |
271 | ===== T I T L E A M E N D M E N T =====

272 | Remove line 6 and insert:
273 | An act relating to sexual and career offenders; amending
274 | s. 775.21, F.S.; revising the definition of "institution
275 | of higher education" to include a career center; revising
276 | provisions relating to use of prior felonies for sexual
277 | predator determination; amending s. 775.261, F.S.;
278 | revising an operational date used for career offender
279 | registration; expanding applicability of registration
280 | requirements; amending s. 943.0435, F.S.; revising
281 | language relating to the definition of "sexual offender";

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282 | revising the definition of "institution of higher
283 | education" to include a career center; revising a
284 | provision relating to offender driver's license or
285 | identification card renewal; amending s. 944.606, F.S.;
286 | revising language relating to the definition of "sexual
287 | offender"; amending s. 944.607, F.S.; revising language
288 | relating to the definition of "sexual offender"; revising
289 | the definition of "institution of higher education" to
290 | include a career center; amending s. 794.065,

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