

By Senator Campbell

32-695A-05

See HB 847

1 A bill to be entitled

2 An act relating to sexual and career offenders;

3 amending s. 775.21, F.S.; revising the

4 definition of "institution of higher education"

5 to include a career center; revising provisions

6 relating to use of prior felonies for sexual

7 predator determination; amending s. 775.261,

8 F.S.; revising an operational date used for

9 career offender registration; amending s.

10 943.0435, F.S.; revising language relating to

11 the definition of "sexual offender"; revising

12 the definition of "institution of higher

13 education" to include a career center; revising

14 a provision relating to offender driver's

15 license or identification card renewal;

16 revising a reporting requirement for sexual

17 offenders who vacate a permanent residence and

18 fail to establish or maintain another permanent

19 or temporary residence; amending s. 944.607,

20 F.S.; revising language relating to the

21 definition of "sexual offender"; revising the

22 definition of "institution of higher education"

23 to include a career center; providing an

24 effective date.

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

28 Section 1. Paragraph (h) of subsection (2), paragraph

29 (a) of subsection (4), and paragraph (b) of subsection (10) of

30 section 775.21, Florida Statutes, are amended to read:

31 775.21 The Florida Sexual Predators Act.--

1 (2) DEFINITIONS.--As used in this section, the term:
2 (h) "Institution of higher education" means a career
3 center, community college, college, state university, or
4 independent postsecondary institution.
5 (4) SEXUAL PREDATOR CRITERIA.--
6 (a) For a current offense committed on or after
7 October 1, 1993, upon conviction, an offender shall be
8 designated as a "sexual predator" under subsection (5), and
9 subject to registration under subsection (6) and community and
10 public notification under subsection (7) if:
11 1. The felony is:
12 a. A capital, life, or first-degree felony violation,
13 or any attempt thereof, of s. 787.01 or s. 787.02, where the
14 victim is a minor and the defendant is not the victim's
15 parent, or of chapter 794, s. 800.04, or s. 847.0145, or a
16 violation of a similar law of another jurisdiction; or
17 b. Any felony violation, or any attempt thereof, of s.
18 787.01, s. 787.02, or s. 787.025, where the victim is a minor
19 and the defendant is not the victim's parent; chapter 794,
20 excluding ss. 794.011(10) and 794.0235; s. 796.03; s. 800.04;
21 s. 825.1025(2)(b); s. 827.071; ~~or~~ s. 847.0145; or s.
22 985.4045(1); or a violation of a similar law of another
23 jurisdiction, and the offender has previously been convicted
24 of or found to have committed, or has pled nolo contendere or
25 guilty to, regardless of adjudication, any violation of s.
26 787.01, s. 787.02, or s. 787.025, where the victim is a minor
27 and the defendant is not the victim's parent; s. 794.011(2),
28 (3), (4), (5), or (8); s. 794.05; s. 796.03; s. 800.04; s.
29 825.1025; s. 827.071; s. 847.0133; s. 847.0135; ~~or~~ s.
30 847.0145; ~~or~~ or s. 985.4045(1); or a violation of a similar law
31 of another jurisdiction;

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

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

7 (10) PENALTIES.--

8 (b) A sexual predator who has been convicted of or
9 found to have committed, or has pled nolo contendere or guilty
10 to, regardless of adjudication, any violation, or attempted
11 violation, of s. 787.01, s. 787.02, or s. 787.025, where the
12 victim is a minor and the defendant is not the victim's
13 parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s.
14 796.03; s. 800.04; s. 827.071; s. 847.0133; ~~or~~ s. 847.0145; or
15 s. 985.4045(1); or a violation of a similar law of another
16 jurisdiction, when the victim of the offense was a minor, and
17 who works, whether for compensation or as a volunteer, at any
18 business, school, day care center, park, playground, or other
19 place where children regularly congregate, commits a felony of
20 the third degree, punishable as provided in s. 775.082, s.
21 775.083, or s. 775.084.

22 Section 2. Paragraph (a) of subsection (3) of section
23 775.261, Florida Statutes, is amended to read:

24 775.261 The Florida Career Offender Registration
25 Act.--

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

27 (a) A career offender released on or after July 1,
28 2002 ~~January 1, 2003~~, from a sanction imposed in this state
29 for a designation as a habitual violent felony offender, a
30 violent career criminal, or a three-time violent felony
31 offender under s. 775.084 or as a prison releasee reoffender

1 | under s. 775.082(9) must register as required under subsection
2 | (4) and is subject to community and public notification as
3 | provided under subsection (5). For purposes of this section, a
4 | sanction imposed in this state includes, but is not limited
5 | to, a fine, probation, community control, parole, conditional
6 | release, control release, or incarceration in a state prison,
7 | private correctional facility, or local detention facility,
8 | and:

9 | 1. The career offender has not received a pardon for
10 | any felony or other qualified offense that is necessary for
11 | the operation of this paragraph; or

12 | 2. A conviction of a felony or other qualified offense
13 | necessary to the operation of this paragraph has not been set
14 | aside in any postconviction proceeding.

15 | Section 3. Paragraphs (a) and (d) of subsection (1)
16 | and paragraphs (a) and (b) of subsection (4) of section
17 | 943.0435, Florida Statutes, are amended to read:

18 | 943.0435 Sexual offenders required to register with
19 | the department; penalty.--

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

21 | (a) "Sexual offender" means a person who meets the
22 | criteria in both subparagraphs 1. and 2., or who meets the
23 | criteria in either subparagraph 3. or subparagraph 4.:

24 | 1. Has been convicted of committing, or attempting,
25 | soliciting, or conspiring to commit, any of the criminal
26 | offenses proscribed in the following statutes in this state or
27 | similar offenses in another jurisdiction: s. 787.01, s.
28 | 787.02, or s. 787.025, where the victim is a minor and the
29 | defendant is not the victim's parent; chapter 794, excluding
30 | ss. 794.011(10) and 794.0235; s. 796.03; s. 800.04; s.
31 | 825.1025; s. 827.071; s. 847.0133; s. 847.0135; s. 847.0137;

1 s. 847.0138; s. 847.0145; s. 985.4045(1); or any similar
2 offense committed in this state which has been redesignated
3 from a former statute number to one of those listed in this
4 subparagraph; and
5 2. Has been released on or after October 1, 1997, from
6 the sanction imposed for any conviction of an offense
7 described in subparagraph 1. For purposes of subparagraph 1.,
8 a sanction imposed in this state or in any other jurisdiction
9 includes, but is not limited to, a fine, probation, community
10 control, parole, conditional release, control release, or
11 incarceration in a state prison, federal prison, private
12 correctional facility, or local detention facility; or
13 3. Establishes or maintains a residence in this state
14 and who has not been designated as a sexual predator by a
15 court of this state but who has been designated as a sexual
16 predator, as a sexually violent predator, or by another sexual
17 offender designation in another state or jurisdiction and was,
18 as a result of such designation, subjected to registration or
19 community or public notification, or both, or would be if the
20 person were a resident of that state or jurisdiction; or
21 4. Establishes or maintains a residence in this state
22 who is in the custody or control of, or under the supervision
23 of, any other state or jurisdiction as a result of a
24 conviction for committing, or attempting, soliciting, or
25 conspiring to commit, any of the criminal offenses proscribed
26 in the following statutes or similar offense in another
27 jurisdiction: s. 787.01, s. 787.02, or s. 787.025, where the
28 victim is a minor and the defendant is not the victim's
29 parent; chapter 794, excluding ss. 794.011(10) and 794.0235;
30 s. 796.03; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
31 847.0135; s. 847.0137; s. 847.0138; s. 847.0145; s.

1 985.4045(1); or any similar offense committed in this state
2 which has been redesignated from a former statute number to
3 one of those listed in this subparagraph.

4 (d) "Institution of higher education" means a career
5 center, community college, college, state university, or
6 independent postsecondary institution.

7 (4)(a) Each time a sexual offender's driver's license
8 or identification card is subject to renewal, and, without
9 regard to the status of the offender's ~~predator's~~ driver's
10 license or identification card, within 48 hours after any
11 change in the offender's permanent or temporary residence or
12 change in the offender's name by reason of marriage or other
13 legal process, the offender shall report in person to a
14 driver's license office, and shall be subject to the
15 requirements specified in subsection (3). The Department of
16 Highway Safety and Motor Vehicles shall forward to the
17 department all photographs and information provided by sexual
18 offenders. Notwithstanding the restrictions set forth in s.
19 322.142, the Department of Highway Safety and Motor Vehicles
20 is authorized to release a reproduction of a color-photograph
21 or digital-image license to the Department of Law Enforcement
22 for purposes of public notification of sexual offenders as
23 provided in ss. 943.043, 943.0435, and 944.606.

24 (b) A sexual offender who vacates a permanent
25 residence and fails to establish or maintain another permanent
26 or temporary residence shall, within 4 days ~~48 hours~~ after
27 vacating the permanent residence, report in person to the
28 department or the sheriff's office of the county in which he
29 or she is located. The sexual offender shall specify the date
30 upon which he or she intends to or did vacate such residence.
31 The sexual offender must provide or update all of the

1 registration information required under paragraph (2)(b). The
2 sexual offender must provide an address for the residence or
3 other location that he or she is or will be occupying during
4 the time in which he or she fails to establish or maintain a
5 permanent or temporary residence.

6 Section 4. Paragraphs (a) and (c) of subsection (1) of
7 section 944.607, Florida Statutes, are amended to read:

8 944.607 Notification to Department of Law Enforcement
9 of information on sexual offenders.--

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

11 (a) "Sexual offender" means a person who is in the
12 custody or control of, or under the supervision of, the
13 department or is in the custody of a private correctional
14 facility:

15 1. On or after October 1, 1997, as a result of a
16 conviction for committing, or attempting, soliciting, or
17 conspiring to commit, any of the criminal offenses proscribed
18 in the following statutes in this state or similar offenses in
19 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025,
20 where the victim is a minor and the defendant is not the
21 victim's parent; chapter 794, excluding ss. 794.011(10) and
22 794.0235; s. 796.03; s. 800.04; s. 825.1025; s. 827.071; s.
23 847.0133; s. 847.0135; s. 847.0137; s. 847.0138; s. 847.0145;
24 s. 985.4045(1); or any similar offense committed in this state
25 which has been redesignated from a former statute number to
26 one of those listed in this paragraph; or

27 2. Who establishes or maintains a residence in this
28 state and who has not been designated as a sexual predator by
29 a court of this state but who has been designated as a sexual
30 predator, as a sexually violent predator, or by another sexual
31 offender designation in another state or jurisdiction and was,

1 | as a result of such designation, subjected to registration or
2 | community or public notification, or both, or would be if the
3 | person were a resident of that state or jurisdiction.

4 | (c) "Institution of higher education" means a career
5 | center, community college, college, state university, or
6 | independent postsecondary institution.

7 | Section 5. This act shall take effect July 1, 2005.

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