

1 A bill to be entitled
 2 An act relating to sexual and career offenders; amending
 3 s. 775.21, F.S.; revising the definition of "institution
 4 of higher education" to include a career center; revising
 5 provisions relating to use of prior felonies for sexual
 6 predator determination; amending s. 775.261, F.S.;
 7 revising an operational date used for career offender
 8 registration; amending s. 943.0435, F.S.; revising
 9 language relating to the definition of "sexual offender";
 10 revising the definition of "institution of higher
 11 education" to include a career center; revising a
 12 provision relating to offender driver's license or
 13 identification card renewal; revising a reporting
 14 requirement for sexual offenders who vacate a permanent
 15 residence and fail to establish or maintain another
 16 permanent or temporary residence; amending s. 944.607,
 17 F.S.; revising language relating to the definition of
 18 "sexual offender"; revising the definition of "institution
 19 of higher education" to include a career center; providing
 20 an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:
 23

24 Section 1. Paragraph (h) of subsection (2), paragraph (a)
 25 of subsection (4), and paragraph (b) of subsection (10) of
 26 section 775.21, Florida Statutes, are amended to read:

27 775.21 The Florida Sexual Predators Act.--

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

29 (h) "Institution of higher education" means a career
 30 center, community college, college, state university, or
 31 independent postsecondary institution.

32 (4) SEXUAL PREDATOR CRITERIA.--

33 (a) For a current offense committed on or after October 1,
 34 1993, upon conviction, an offender shall be designated as a
 35 "sexual predator" under subsection (5), and subject to
 36 registration under subsection (6) and community and public
 37 notification under subsection (7) if:

38 1. The felony is:

39 a. A capital, life, or first-degree felony violation, or
 40 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
 41 is a minor and the defendant is not the victim's parent, or of
 42 chapter 794, s. 800.04, or s. 847.0145, or a violation of a
 43 similar law of another jurisdiction; or

44 b. Any felony violation, or any attempt thereof, of s.
 45 787.01, s. 787.02, or s. 787.025, where the victim is a minor
 46 and the defendant is not the victim's parent; chapter 794,
 47 excluding ss. 794.011(10) and 794.0235; s. 796.03; s. 800.04; s.
 48 825.1025(2)(b); s. 827.071; ~~or~~ s. 847.0145; or s. 985.4045(1);
 49 or a violation of a similar law of another jurisdiction, and the
 50 offender has previously been convicted of or found to have
 51 committed, or has pled nolo contendere or guilty to, regardless
 52 of adjudication, any violation of s. 787.01, s. 787.02, or s.
 53 787.025, where the victim is a minor and the defendant is not
 54 the victim's parent; s. 794.011(2), (3), (4), (5), or (8); s.
 55 794.05; s. 796.03; s. 800.04; s. 825.1025; s. 827.071; s.

56 847.0133; s. 847.0135; ~~or~~ s. 847.0145; or s. 985.4045(1); or a
 57 violation of a similar law of another jurisdiction;

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

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

64 (10) PENALTIES.--

65 (b) A sexual predator who has been convicted of or found
 66 to have committed, or has pled nolo contendere or guilty to,
 67 regardless of adjudication, any violation, or attempted
 68 violation, of s. 787.01, s. 787.02, or s. 787.025, where the
 69 victim is a minor and the defendant is not the victim's parent;
 70 s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s. 796.03; s.
 71 800.04; s. 827.071; s. 847.0133; ~~or~~ s. 847.0145; or s.
 72 985.4045(1); ~~or~~ or a violation of a similar law of another
 73 jurisdiction, when the victim of the offense was a minor, and
 74 who works, whether for compensation or as a volunteer, at any
 75 business, school, day care center, park, playground, or other
 76 place where children regularly congregate, commits a felony of
 77 the third degree, punishable as provided in s. 775.082, s.
 78 775.083, or s. 775.084.

79 Section 2. Paragraph (a) of subsection (3) of section
 80 775.261, Florida Statutes, is amended to read:

81 775.261 The Florida Career Offender Registration Act.--

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

83 (a) A career offender released on or after July 1, 2002
 84 ~~January 1, 2003~~, from a sanction imposed in this state for a
 85 designation as a habitual violent felony offender, a violent
 86 career criminal, or a three-time violent felony offender under
 87 s. 775.084 or as a prison releasee reoffender under s.
 88 775.082(9) must register as required under subsection (4) and is
 89 subject to community and public notification as provided under
 90 subsection (5). For purposes of this section, a sanction imposed
 91 in this state includes, but is not limited to, a fine,
 92 probation, community control, parole, conditional release,
 93 control release, or incarceration in a state prison, private
 94 correctional facility, or local detention facility, and:

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

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

101 Section 3. Paragraphs (a) and (d) of subsection (1) and
 102 paragraphs (a) and (b) of subsection (4) of section 943.0435,
 103 Florida Statutes, are amended to read:

104 943.0435 Sexual offenders required to register with the
 105 department; penalty.--

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

107 (a) "Sexual offender" means a person who meets the
 108 criteria in both subparagraphs 1. and 2., or who meets the
 109 criteria in either subparagraph 3. or subparagraph 4.:

110 1. Has been convicted of committing, or attempting,
111 soliciting, or conspiring to commit, any of the criminal
112 offenses proscribed in the following statutes in this state or
113 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
114 or s. 787.025, where the victim is a minor and the defendant is
115 not the victim's parent; chapter 794, excluding ss. 794.011(10)
116 and 794.0235; s. 796.03; s. 800.04; s. 825.1025; s. 827.071; s.
117 847.0133; s. 847.0135; s. 847.0137; s. 847.0138; s. 847.0145; s.
118 985.4045(1); or any similar offense committed in this state
119 which has been redesignated from a former statute number to one
120 of those listed in this subparagraph; and

121 2. Has been released on or after October 1, 1997, from the
122 sanction imposed for any conviction of an offense described in
123 subparagraph 1. For purposes of subparagraph 1., a sanction
124 imposed in this state or in any other jurisdiction includes, but
125 is not limited to, a fine, probation, community control, parole,
126 conditional release, control release, or incarceration in a
127 state prison, federal prison, private correctional facility, or
128 local detention facility; or

129 3. Establishes or maintains a residence in this state and
130 who has not been designated as a sexual predator by a court of
131 this state but who has been designated as a sexual predator, as
132 a sexually violent predator, or by another sexual offender
133 designation in another state or jurisdiction and was, as a
134 result of such designation, subjected to registration or
135 community or public notification, or both, or would be if the
136 person were a resident of that state or jurisdiction; or

137 4. Establishes or maintains a residence in this state who
 138 is in the custody or control of, or under the supervision of,
 139 any other state or jurisdiction as a result of a conviction for
 140 committing, or attempting, soliciting, or conspiring to commit,
 141 any of the criminal offenses proscribed in the following
 142 statutes or similar offense in another jurisdiction: s. 787.01,
 143 s. 787.02, or s. 787.025, where the victim is a minor and the
 144 defendant is not the victim's parent; chapter 794, excluding ss.
 145 794.011(10) and 794.0235; s. 796.03; s. 800.04; s. 825.1025; s.
 146 827.071; s. 847.0133; s. 847.0135; s. 847.0137; s. 847.0138; s.
 147 847.0145; s. 985.4045(1); or any similar offense committed in
 148 this state which has been redesignated from a former statute
 149 number to one of those listed in this subparagraph.

150 (d) "Institution of higher education" means a career
 151 center, community college, college, state university, or
 152 independent postsecondary institution.

153 (4)(a) Each time a sexual offender's driver's license or
 154 identification card is subject to renewal, and, without regard
 155 to the status of the offender's ~~predator's~~ driver's license or
 156 identification card, within 48 hours after any change in the
 157 offender's permanent or temporary residence or change in the
 158 offender's name by reason of marriage or other legal process,
 159 the offender shall report in person to a driver's license
 160 office, and shall be subject to the requirements specified in
 161 subsection (3). The Department of Highway Safety and Motor
 162 Vehicles shall forward to the department all photographs and
 163 information provided by sexual offenders. Notwithstanding the
 164 restrictions set forth in s. 322.142, the Department of Highway

165 Safety and Motor Vehicles is authorized to release a
 166 reproduction of a color-photograph or digital-image license to
 167 the Department of Law Enforcement for purposes of public
 168 notification of sexual offenders as provided in ss. 943.043,
 169 943.0435, and 944.606.

170 (b) A sexual offender who vacates a permanent residence
 171 and fails to establish or maintain another permanent or
 172 temporary residence shall, within 4 days ~~48 hours~~ after vacating
 173 the permanent residence, report in person to the department or
 174 the sheriff's office of the county in which he or she is
 175 located. The sexual offender shall specify the date upon which
 176 he or she intends to or did vacate such residence. The sexual
 177 offender must provide or update all of the registration
 178 information required under paragraph (2)(b). The sexual offender
 179 must provide an address for the residence or other location that
 180 he or she is or will be occupying during the time in which he or
 181 she fails to establish or maintain a permanent or temporary
 182 residence.

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

185 944.607 Notification to Department of Law Enforcement of
 186 information on sexual offenders.--

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

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

191 1. On or after October 1, 1997, as a result of a
 192 conviction for committing, or attempting, soliciting, or

HB 847

2005

193 conspiring to commit, any of the criminal offenses proscribed in
 194 the following statutes in this state or similar offenses in
 195 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025, where
 196 the victim is a minor and the defendant is not the victim's
 197 parent; chapter 794, excluding ss. 794.011(10) and 794.0235; s.
 198 796.03; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
 199 847.0135; s. 847.0137; s. 847.0138; s. 847.0145; s. 985.4045(1);
 200 or any similar offense committed in this state which has been
 201 redesignated from a former statute number to one of those listed
 202 in this paragraph; or

203 2. Who establishes or maintains a residence in this state
 204 and who has not been designated as a sexual predator by a court
 205 of this state but who has been designated as a sexual predator,
 206 as a sexually violent predator, or by another sexual offender
 207 designation in another state or jurisdiction and was, as a
 208 result of such designation, subjected to registration or
 209 community or public notification, or both, or would be if the
 210 person were a resident of that state or jurisdiction.

211 (c) "Institution of higher education" means a career
 212 center, community college, college, state university, or
 213 independent postsecondary institution.

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