

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; expanding applicability of registration
 9 requirements; amending s. 943.0435, F.S.; revising
 10 language relating to the definition of "sexual offender";
 11 revising the definition of "institution of higher
 12 education" to include a career center; revising a
 13 provision relating to an offender's driver license or
 14 identification card renewal; amending s. 944.606, F.S.;
 15 revising language relating to the definition of "sexual
 16 offender"; amending s. 944.607, F.S.; revising language
 17 relating to the definition of "sexual offender"; revising
 18 the definition of "institution of higher education" to
 19 include a career center; providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

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 23 Section 1. Paragraph (h) of subsection (2), paragraphs (a)
 24 and (b) of subsection (4), paragraph (d) of subsection (5), and
 25 paragraph (b) of subsection (10) of section 775.21, Florida
 26 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. 796.035;
 48 s. 800.04; s. 825.1025(2)(b); s. 827.071; ~~s. 847.0145~~; or s.
 49 985.4045(1); or a violation of a similar law of another
 50 jurisdiction, and the offender has previously been convicted of
 51 or found to have committed, or has pled nolo contendere or
 52 guilty to, regardless of adjudication, any violation of s.
 53 787.01, s. 787.02, or s. 787.025, where the victim is a minor
 54 and the defendant is not the victim's parent; s. 794.011(2),
 55 (3), (4), (5), or (8); s. 794.05; s. 796.03; s. 796.035; s.
 56 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135; ~~s.~~

57 847.0145; or s. 985.4045(1);~~7~~ or a violation of a similar law of
 58 another jurisdiction;

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

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

65 (b) In order to be counted as a prior felony for purposes
 66 of this subsection, the felony must have resulted in a
 67 conviction sentenced separately, or an adjudication of
 68 delinquency entered separately, prior to the current offense and
 69 sentenced or adjudicated separately from any other felony
 70 conviction that is to be counted as a prior felony regardless of
 71 the date of offense of the prior felony.

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

74 (d) A person who establishes or maintains a residence in
 75 this state and who has not been designated as a sexual predator
 76 by a court of this state but who has been designated as a sexual
 77 predator, as a sexually violent predator, or by another sexual
 78 offender designation in another state or jurisdiction and was,
 79 as a result of such designation, subjected to registration or
 80 community or public notification, or both, or would be if the
 81 person was a resident of that state or jurisdiction, without
 82 regard to whether the person otherwise meets the criteria for
 83 registration as a sexual offender, shall register in the manner
 84 provided in s. 943.0435 or s. 944.607 and shall be subject to

85 community and public notification as provided in s. 943.0435 or
 86 s. 944.607. A person who meets the criteria of this section is
 87 subject to the requirements and penalty provisions of s.
 88 943.0435 or s. 944.607 until the person provides the department
 89 with an order issued by the court that designated the person as
 90 a sexual predator, as a sexually violent predator, or by another
 91 sexual offender designation in the state or jurisdiction in
 92 which the order was issued which states that such designation
 93 has been removed or demonstrates to the department that such
 94 designation, if not imposed by a court, has been removed by
 95 operation of law or court order in the state or jurisdiction in
 96 which the designation was made, and provided such person no
 97 longer meets the criteria for registration as a sexual offender
 98 under the laws of this state.

99 (10) PENALTIES.--

100 (b) A sexual predator who has been convicted of or found
 101 to have committed, or has pled nolo contendere or guilty to,
 102 regardless of adjudication, any violation, or attempted
 103 violation, of s. 787.01, s. 787.02, or s. 787.025, where the
 104 victim is a minor and the defendant is not the victim's parent;
 105 s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s. 796.03; s.
 106 796.035; s. 800.04; s. 827.071; s. 847.0133; ~~or~~ s. 847.0145; or
 107 s. 985.4045(1); ~~or~~ a violation of a similar law of another
 108 jurisdiction, when the victim of the offense was a minor, and
 109 who works, whether for compensation or as a volunteer, at any
 110 business, school, day care center, park, playground, or other
 111 place where children regularly congregate, commits a felony of
 112 the third degree, punishable as provided in s. 775.082, s.

113 775.083, or s. 775.084.

114 Section 2. Paragraph (a) of subsection (3) of section
115 775.261, Florida Statutes, is amended to read:

116 775.261 The Florida Career Offender Registration Act.--

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

118 (a) A career offender released on or after July 1, 2002

119 ~~January 1, 2003~~, from a sanction imposed in this state ~~for a~~

120 ~~designation as a habitual violent felony offender, a violent~~

121 ~~career criminal, or a three-time violent felony offender under~~

122 ~~s. 775.084 or as a prison releasee reoffender under s.~~

123 ~~775.082(9)~~ must register as required under subsection (4) and is

124 subject to community and public notification as provided under

125 subsection (5). For purposes of this section, a sanction imposed

126 in this state includes, but is not limited to, a fine,

127 probation, community control, parole, conditional release,

128 control release, or incarceration in a state prison, private

129 correctional facility, or local detention facility, and:

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

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

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

139 943.0435 Sexual offenders required to register with the
140 department; penalty.--

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

142 (a) "Sexual offender" means a person who meets the
 143 criteria in subparagraph 1., subparagraph 2., or subparagraph
 144 3., as follows:

145 1.a. Has been convicted of committing, or attempting,
 146 soliciting, or conspiring to commit, any of the criminal
 147 offenses proscribed in the following statutes in this state or
 148 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
 149 or s. 787.025, where the victim is a minor and the defendant is
 150 not the victim's parent; chapter 794, excluding ss. 794.011(10)
 151 and 794.0235; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s.
 152 827.071; s. 847.0133; s. 847.0135; s. 847.0137; s. 847.0138; s.
 153 847.0145; or s. 985.4045(1); or any similar offense committed in
 154 this state which has been redesignated from a former statute
 155 number to one of those listed in this sub-subparagraph
 156 subparagraph; and

157 ~~b.2.~~ Has been released on or after October 1, 1997, from
 158 the sanction imposed for any conviction of an offense described
 159 in sub-subparagraph a. subparagraph 1. For purposes of sub-
 160 subparagraph a. subparagraph 1., a sanction imposed in this
 161 state or in any other jurisdiction includes, but is not limited
 162 to, a fine, probation, community control, parole, conditional
 163 release, control release, or incarceration in a state prison,
 164 federal prison, private correctional facility, or local
 165 detention facility; ~~or~~

166 ~~2.3.~~ Establishes or maintains a residence in this state
 167 and who has not been designated as a sexual predator by a court
 168 of this state but who has been designated as a sexual predator,

169 as a sexually violent predator, or by another sexual offender
 170 designation in another state or jurisdiction and was, as a
 171 result of such designation, subjected to registration or
 172 community or public notification, or both, or would be if the
 173 person were a resident of that state or jurisdiction, without
 174 regard to whether the person otherwise meets the criteria for
 175 registration as a sexual offender; or

176 3.4- Establishes or maintains a residence in this state
 177 who is in the custody or control of, or under the supervision
 178 of, any other state or jurisdiction as a result of a conviction
 179 for committing, or attempting, soliciting, or conspiring to
 180 commit, any of the criminal offenses proscribed in the following
 181 statutes or similar offense in another jurisdiction: s. 787.01,
 182 s. 787.02, or s. 787.025, where the victim is a minor and the
 183 defendant is not the victim's parent; chapter 794, excluding ss.
 184 794.011(10) and 794.0235; s. 796.03; s. 796.035; s. 800.04; s.
 185 825.1025; s. 827.071; s. 847.0133; s. 847.0135; s. 847.0137; s.
 186 847.0138; s. 847.0145; or s. 985.4045(1); or any similar offense
 187 committed in this state which has been redesignated from a
 188 former statute number to one of those listed in this
 189 subparagraph.

190 (d) "Institution of higher education" means a career
 191 center, community college, college, state university, or
 192 independent postsecondary institution.

193 (4)(a) Each time a sexual offender's driver's license or
 194 identification card is subject to renewal, and, without regard
 195 to the status of the offender's ~~predator's~~ driver's license or
 196 identification card, within 48 hours after any change in the

197 offender's permanent or temporary residence or change in the
 198 offender's name by reason of marriage or other legal process,
 199 the offender shall report in person to a driver's license
 200 office, and shall be subject to the requirements specified in
 201 subsection (3). The Department of Highway Safety and Motor
 202 Vehicles shall forward to the department all photographs and
 203 information provided by sexual offenders. Notwithstanding the
 204 restrictions set forth in s. 322.142, the Department of Highway
 205 Safety and Motor Vehicles is authorized to release a
 206 reproduction of a color-photograph or digital-image license to
 207 the Department of Law Enforcement for purposes of public
 208 notification of sexual offenders as provided in ss. 943.043,
 209 943.0435, and 944.606.

210 (11) A sexual offender must maintain registration with the
 211 department for the duration of his or her life, unless the
 212 sexual offender has received a full pardon or has had a
 213 conviction set aside in a postconviction proceeding for any
 214 offense that meets the criteria for classifying the person as a
 215 sexual offender for purposes of registration. However, a sexual
 216 offender:

217 (c) As defined in subparagraph (1)(a)2.3~~2.3~~ must maintain
 218 registration with the department for the duration of his or her
 219 life until the person provides the department with an order
 220 issued by the court that designated the person as a sexual
 221 predator, as a sexually violent predator, or by another sexual
 222 offender designation in the state or jurisdiction in which the
 223 order was issued which states that such designation has been
 224 removed or demonstrates to the department that such designation,

225 if not imposed by a court, has been removed by operation of law
 226 or court order in the state or jurisdiction in which the
 227 designation was made, and provided such person no longer meets
 228 the criteria for registration as a sexual offender under the
 229 laws of this state.

230 Section 4. Paragraph (b) of subsection (1) of section
 231 944.606, Florida Statutes, is amended to read:

232 944.606 Sexual offenders; notification upon release.--

233 (1) As used in this section:

234 (b) "Sexual offender" means a person who has been
 235 convicted of committing, or attempting, soliciting, or
 236 conspiring to commit, any of the criminal offenses proscribed in
 237 the following statutes in this state or similar offenses in
 238 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025, where
 239 the victim is a minor and the defendant is not the victim's
 240 parent; chapter 794, excluding ss. 794.011(10) and 794.0235; s.
 241 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.
 242 847.0133; s. 847.0135; s. 847.0137; s. 847.0138; s. 847.0145; or
 243 s. 985.4045(1); or any similar offense committed in this state
 244 which has been redesignated from a former statute number to one
 245 of those listed in this subsection, when the department has
 246 received verified information regarding such conviction; an
 247 offender's computerized criminal history record is not, in and
 248 of itself, verified information.

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

251 944.607 Notification to Department of Law Enforcement of
 252 information on sexual offenders.--

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

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

257 1. On or after October 1, 1997, as a result of a
 258 conviction for committing, or attempting, soliciting, or
 259 conspiring to commit, any of the criminal offenses proscribed in
 260 the following statutes in this state or similar offenses in
 261 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025, where
 262 the victim is a minor and the defendant is not the victim's
 263 parent; chapter 794, excluding ss. 794.011(10) and 794.0235; s.
 264 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.
 265 847.0133; s. 847.0135; s. 847.0137; s. 847.0138; s. 847.0145; or
 266 s. 985.4045(1); or any similar offense committed in this state
 267 which has been redesignated from a former statute number to one
 268 of those listed in this paragraph; or

269 2. Who establishes or maintains a residence in this state
 270 and who has not been designated as a sexual predator by a court
 271 of this state but who has been designated as a sexual predator,
 272 as a sexually violent predator, or by another sexual offender
 273 designation in another state or jurisdiction and was, as a
 274 result of such designation, subjected to registration or
 275 community or public notification, or both, or would be if the
 276 person were a resident of that state or jurisdiction, without
 277 regard as to whether the person otherwise meets the criteria for
 278 registration as a sexual offender.

279 (c) "Institution of higher education" means a career
 280 center, community college, college, state university, or

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281 independent postsecondary institution.

282 Section 6. This act shall take effect July 1, 2006.