

Bill No. CS for SB 646

Barcode 945062

CHAMBER ACTION

Senate

House

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Senator Campbell moved the following amendment:

**Senate Amendment (with title amendment)**

On page 2, line 1, through  
page 3, line 19, delete those lines

and insert:

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

775.21 The Florida Sexual Predators Act.--

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

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

(4) SEXUAL PREDATOR CRITERIA.--

(a) For a current offense committed on or after October 1, 1993, upon conviction, an offender shall be designated as a "sexual predator" under subsection (5), and

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1 subject to registration under subsection (6) and community and  
2 public notification under subsection (7) if:

3 1. The felony is:

4 a. A capital, life, or first-degree felony violation,  
5 or any attempt thereof, of s. 787.01 or s. 787.02, where the  
6 victim is a minor and the defendant is not the victim's  
7 parent, or of chapter 794, s. 800.04, or s. 847.0145, or a  
8 violation of a similar law of another jurisdiction; or

9 b. Any felony violation, or any attempt thereof, of s.  
10 787.01, s. 787.02, or s. 787.025, where the victim is a minor  
11 and the defendant is not the victim's parent; chapter 794,  
12 excluding ss. 794.011(10) and 794.0235; s. 796.03; s. 796.035;  
13 s. 800.04; s. 825.1025(2)(b); s. 827.071; ~~or~~ s. 847.0145; or  
14 s. 985.4045(1); or a violation of a similar law of another  
15 jurisdiction, and the offender has previously been convicted  
16 of or found to have committed, or has pled nolo contendere or  
17 guilty to, regardless of adjudication, any violation 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; s. 794.011(2),  
20 (3), (4), (5), or (8); s. 794.05; s. 796.03; s. 796.035; s.  
21 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135; ~~or~~  
22 s. 847.0145; or s. 985.4045(1); ~~or~~ or a violation of a similar  
23 law of another jurisdiction;

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

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

30 ~~(b) In order to be counted as a prior felony for~~  
31 ~~purposes of this subsection, the felony must have resulted in~~

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1 ~~a conviction sentenced separately, or an adjudication of~~  
 2 ~~delinquency entered separately, prior to the current offense~~  
 3 ~~and sentenced or adjudicated separately from any other felony~~  
 4 ~~conviction that is to be counted as a prior felony.~~

5 (b)~~(c)~~ If an offender has been registered as a sexual  
 6 predator by the Department of Corrections, the department, or  
 7 any other law enforcement agency and if:

8 1. The court did not, for whatever reason, make a  
 9 written finding at the time of sentencing that the offender  
 10 was a sexual predator; or

11 2. The offender was administratively registered as a  
 12 sexual predator because the Department of Corrections, the  
 13 department, or any other law enforcement agency obtained  
 14 information that indicated that the offender met the criteria  
 15 for designation as a sexual predator based on a violation of a  
 16 similar law in another jurisdiction,

17  
 18 the department shall remove that offender from the  
 19 department's list of sexual predators and, for an offender  
 20 described under subparagraph 1., shall notify the state  
 21 attorney who prosecuted the offense that met the criteria for  
 22 administrative designation as a sexual predator, and, for an  
 23 offender described under this subparagraph, shall notify the  
 24 state attorney of the county where the offender establishes or  
 25 maintains a permanent or temporary residence. The state  
 26 attorney shall bring the matter to the court's attention in  
 27 order to establish that the offender meets the criteria for  
 28 designation as a sexual predator. If the court makes a written  
 29 finding that the offender is a sexual predator, the offender  
 30 must be designated as a sexual predator, must register or be  
 31 registered as a sexual predator with the department as

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1 provided in subsection (6), and is subject to the community  
 2 and public notification as provided in subsection (7). If the  
 3 court does not make a written finding that the offender is a  
 4 sexual predator, the offender may not be designated as a  
 5 sexual predator with respect to that offense and is not  
 6 required to register or be registered as a sexual predator  
 7 with the department.

8       ~~(c)(d)~~ An offender who has been determined to be a  
 9 sexually violent predator pursuant to a civil commitment  
 10 proceeding under chapter 394 shall be designated as a "sexual  
 11 predator" under subsection (5) and subject to registration  
 12 under subsection (6) and community and public notification  
 13 under subsection (7).

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16 ===== T I T L E    A M E N D M E N T =====

17 And the title is amended as follows:

18           On page 1, line 7, after the semicolon,

19  
 20 insert:

21           deleting the requirement for a separate  
 22           sentencing of a prior felony for designation as  
 23           a sexual predator;

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