

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Clemons offered the following:

Amendment (with title amendment)

Remove lines 8-50 and insert:

6 Section 1. The Legislature finds that the opinion in *State*
7 *v. James*, 298 So.3d 90 (Fla. 2d DCA 2020), is contrary to
8 legislative intent and that a person's failure to pay a fine
9 does not relieve him or her of the requirement to register as a
10 sexual offender pursuant to s. 943.0435, Florida Statutes. The
11 Legislature intends that a person must register as a sexual
12 offender pursuant to s. 943.0435, Florida Statutes, when he or
13 she has been convicted of a qualifying offense and, on or after
14 October 1, 1997, has:

- 15 (1) No sanction imposed upon conviction; or
- 16 (2) Been released from a sanction imposed upon conviction.

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17 Section 2. Paragraph (h) of subsection (1) of section
18 943.0435, Florida Statutes, is amended to read:

19 943.0435 Sexual offenders required to register with the
20 department; penalty.—

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

22 (h)1. "Sexual offender" means a person who meets the
23 criteria in sub-subparagraph a., sub-subparagraph b., sub-
24 subparagraph c., or sub-subparagraph d., as follows:

25 a.(I) Has been convicted of committing, or attempting,
26 soliciting, or conspiring to commit, any of the criminal
27 offenses proscribed in the following statutes in this state or
28 similar offenses in another jurisdiction: s. 393.135(2); s.
29 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
30 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
31 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
32 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
33 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
34 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
35 s. 895.03, if the court makes a written finding that the
36 racketeering activity involved at least one sexual offense
37 listed in this sub-sub-subparagraph or at least one offense
38 listed in this sub-sub-subparagraph with sexual intent or
39 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
40 committed in this state which has been redesignated from a

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41 former statute number to one of those listed in this sub-sub-
42 subparagraph; and
43 (II) Has been released on or after October 1, 1997, from a
44 ~~the~~ sanction imposed for any conviction of an offense described
45 in sub-sub-subparagraph (I) and does not otherwise meet the
46 criteria for registration as a sexual offender under chapter 944
47 or chapter 985. For purposes of this sub-sub-subparagraph ~~(I)~~, a
48 sanction imposed in this state or in any other jurisdiction
49 means includes, but is not limited to, a fine, probation,
50 community control, parole, conditional release, control release,
51 or incarceration in a state prison, federal prison, private
52 correctional facility, or local detention facility. If no
53 sanction is imposed the person is deemed to be released upon
54 conviction;

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56
57 **T I T L E A M E N D M E N T**

58 Between lines 2 and 3, insert:
59 providing Legislative intent;