

1                                   A bill to be entitled  
 2           An act relating to sexual offender registration;  
 3           providing legislative intent; amending s. 943.0435,  
 4           F.S.; redefining the term "sexual offender"; providing  
 5           an effective date.

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

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

20           Section 2. Paragraph (h) of subsection (1) of section  
 21 943.0435, Florida Statutes, is amended to read:

22           943.0435 Sexual offenders required to register with the  
 23 department; penalty.—

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

25           (h)1. "Sexual offender" means a person who meets the

26 criteria in sub-subparagraph a., sub-subparagraph b., sub-  
27 subparagraph c., or sub-subparagraph d., as follows:

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

46 (II) Has been released on or after October 1, 1997, from a  
47 ~~the~~ sanction imposed for any conviction of an offense described  
48 in sub-sub-subparagraph (I) and does not otherwise meet the  
49 criteria for registration as a sexual offender under chapter 944  
50 or chapter 985. For purposes of this sub-sub-subparagraph ~~(I)~~, a

51 | sanction imposed in this state or in any other jurisdiction  
52 | means ~~includes, but is not limited to, a fine,~~ probation,  
53 | community control, parole, conditional release, control release,  
54 | or incarceration in a state prison, federal prison, private  
55 | correctional facility, or local detention facility. If no  
56 | sanction is imposed the person is deemed to be released upon  
57 | conviction;

58 |       b. Establishes or maintains a residence in this state and  
59 | who has not been designated as a sexual predator by a court of  
60 | this state but who has been designated as a sexual predator, as  
61 | a sexually violent predator, or by another sexual offender  
62 | designation in another state or jurisdiction and was, as a  
63 | result of such designation, subjected to registration or  
64 | community or public notification, or both, or would be if the  
65 | person were a resident of that state or jurisdiction, without  
66 | regard to whether the person otherwise meets the criteria for  
67 | registration as a sexual offender;

68 |       c. Establishes or maintains a residence in this state who  
69 | is in the custody or control of, or under the supervision of,  
70 | any other state or jurisdiction as a result of a conviction for  
71 | committing, or attempting, soliciting, or conspiring to commit,  
72 | any of the criminal offenses proscribed in the following  
73 | statutes or similar offense in another jurisdiction: s.  
74 | 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
75 | 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),

76 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding  
77 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;  
78 s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133;  
79 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;  
80 s. 847.0145; s. 895.03, if the court makes a written finding  
81 that the racketeering activity involved at least one sexual  
82 offense listed in this sub-subparagraph or at least one offense  
83 listed in this sub-subparagraph with sexual intent or motive; s.  
84 916.1075(2); or s. 985.701(1); or any similar offense committed  
85 in this state which has been redesignated from a former statute  
86 number to one of those listed in this sub-subparagraph; or  
87 d. On or after July 1, 2007, has been adjudicated  
88 delinquent for committing, or attempting, soliciting, or  
89 conspiring to commit, any of the criminal offenses proscribed in  
90 the following statutes in this state or similar offenses in  
91 another jurisdiction when the juvenile was 14 years of age or  
92 older at the time of the offense:  
93 (I) Section 794.011, excluding s. 794.011(10);  
94 (II) Section 800.04(4)(a)2. where the victim is under 12  
95 years of age or where the court finds sexual activity by the use  
96 of force or coercion;  
97 (III) Section 800.04(5)(c)1. where the court finds  
98 molestation involving unclothed genitals;  
99 (IV) Section 800.04(5)(d) where the court finds the use of  
100 force or coercion and unclothed genitals; or

101 (V) Any similar offense committed in this state which has  
102 been redesignated from a former statute number to one of those  
103 listed in this sub-subparagraph.

104 2. For all qualifying offenses listed in sub-subparagraph  
105 1.d., the court shall make a written finding of the age of the  
106 offender at the time of the offense.

107  
108 For each violation of a qualifying offense listed in this  
109 subsection, except for a violation of s. 794.011, the court  
110 shall make a written finding of the age of the victim at the  
111 time of the offense. For a violation of s. 800.04(4), the court  
112 shall also make a written finding indicating whether the offense  
113 involved sexual activity and indicating whether the offense  
114 involved force or coercion. For a violation of s. 800.04(5), the  
115 court shall also make a written finding that the offense did or  
116 did not involve unclothed genitals or genital area and that the  
117 offense did or did not involve the use of force or coercion.

118 Section 3. This act shall take effect upon becoming a law.