

By Senator Book

32-00115-21

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

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6 Be It Enacted by the Legislature of the State of Florida:

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8 Section 1. Paragraph (h) of subsection (1) of section
9 943.0435, Florida Statutes, is amended to read:

10 943.0435 Sexual offenders required to register with the
11 department; penalty.—

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

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

16 a.(I) Has been convicted of committing, or attempting,
17 soliciting, or conspiring to commit, any of the criminal
18 offenses proscribed in the following statutes in this state or
19 similar offenses in another jurisdiction: s. 393.135(2); s.
20 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
21 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
22 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
23 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
24 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
25 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
26 s. 895.03, if the court makes a written finding that the
27 racketeering activity involved at least one sexual offense
28 listed in this sub-sub-subparagraph or at least one offense
29 listed in this sub-sub-subparagraph with sexual intent or

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30 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
31 committed in this state which has been redesignated from a
32 former statute number to one of those listed in this sub-sub-
33 subparagraph; and

34 (II) Has been released on or after October 1, 1997, from a
35 ~~the~~ sanction imposed for any conviction of an offense described
36 in sub-sub-subparagraph (I). For purposes of sub-sub-
37 subparagraph (I), a sanction imposed in this state or in any
38 other jurisdiction includes, ~~but is not limited to, a fine,~~
39 probation, community control, parole, conditional release,
40 control release, or incarceration in a state prison, federal
41 prison, private correctional facility, or local detention
42 facility, and does not meet the criteria for registration as a
43 sexual offender under any other law of this state. If no
44 sanction is imposed, then the person is deemed to be released
45 upon conviction;

46 b. Establishes or maintains a residence in this state and
47 who has not been designated as a sexual predator by a court of
48 this state but who has been designated as a sexual predator, as
49 a sexually violent predator, or by another sexual offender
50 designation in another state or jurisdiction and was, as a
51 result of such designation, subjected to registration or
52 community or public notification, or both, or would be if the
53 person were a resident of that state or jurisdiction, without
54 regard to whether the person otherwise meets the criteria for
55 registration as a sexual offender;

56 c. Establishes or maintains a residence in this state who
57 is in the custody or control of, or under the supervision of,
58 any other state or jurisdiction as a result of a conviction for

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59 committing, or attempting, soliciting, or conspiring to commit,
60 any of the criminal offenses proscribed in the following
61 statutes or similar offense in another jurisdiction: s.
62 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
63 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
64 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
65 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
66 s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133;
67 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;
68 s. 847.0145; s. 895.03, if the court makes a written finding
69 that the racketeering activity involved at least one sexual
70 offense listed in this sub-subparagraph or at least one offense
71 listed in this sub-subparagraph with sexual intent or motive; s.
72 916.1075(2); or s. 985.701(1); or any similar offense committed
73 in this state which has been redesignated from a former statute
74 number to one of those listed in this sub-subparagraph; or
75 d. On or after July 1, 2007, has been adjudicated
76 delinquent for committing, or attempting, soliciting, or
77 conspiring to commit, any of the criminal offenses proscribed in
78 the following statutes in this state or similar offenses in
79 another jurisdiction when the juvenile was 14 years of age or
80 older at the time of the offense:
81 (I) Section 794.011, excluding s. 794.011(10);
82 (II) Section 800.04(4)(a)2. where the victim is under 12
83 years of age or where the court finds sexual activity by the use
84 of force or coercion;
85 (III) Section 800.04(5)(c)1. where the court finds
86 molestation involving unclothed genitals;
87 (IV) Section 800.04(5)(d) where the court finds the use of

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88 force or coercion and unclothed genitals; or

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

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

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96 For each violation of a qualifying offense listed in this
97 subsection, except for a violation of s. 794.011, the court
98 shall make a written finding of the age of the victim at the
99 time of the offense. For a violation of s. 800.04(4), the court
100 shall also make a written finding indicating whether the offense
101 involved sexual activity and indicating whether the offense
102 involved force or coercion. For a violation of s. 800.04(5), the
103 court shall also make a written finding that the offense did or
104 did not involve unclothed genitals or genital area and that the
105 offense did or did not involve the use of force or coercion.

106 Section 2. This act shall take effect upon becoming a law.