



536248

LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (e) of subsection (3) of section
775.082, Florida Statutes, is amended and paragraph (f) of
subsection (3) is added to that section to read:

775.082 Penalties; applicability of sentencing structures;
mandatory minimum sentences for certain reoffenders previously
released from prison.—



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11 (3) A person who has been convicted of any other designated
12 felony may be punished as follows:

13 (e) For a felony of the third degree, by a term of
14 imprisonment not exceeding 5 years. However, notwithstanding
15 subsection (10), if the offender has been convicted of a sexual
16 offense listed in s. 775.21(4)(a) or s. 943.0435(1)(a)1.a.(I),
17 and is then convicted of an additional felony of the third
18 degree committed on or after October 1, 2015, which is listed in
19 s. 943.0435(1)(a)1.a.(I) or s. 775.21(4)(a), the offender shall
20 be sentenced under s. 948.012(6) or s. 948.04(2) to a mandatory
21 10-year sex offender supervision term. For purposes of this
22 section, "convicted" means that there has been a determination
23 of guilt as a result of a trial or plea of guilty or nolo
24 contendere, regardless of whether adjudication was withheld.
25 This subsection does not preclude a court from imposing a
26 greater sentence of incarceration as authorized by law, pursuant
27 to s. 775.084 or any other provision of law.

28 (f) Effective for offenses committed on or after October 1,
29 2015, for persons who are sentenced to a term of imprisonment,
30 the court shall impose a split sentence for any person who is
31 convicted of a violation of offenses listed in s.
32 943.0453(1)(a)1.a.(I), or s. 775.21(4)(a) and has a prior
33 conviction or a prior withheld adjudication of a sexual offense
34 listed in s. 943.0435(1)(a)1.a.(I), or s. 775.21(4)(a). A
35 mandatory 10-year sex offender supervision term shall follow the
36 period of incarceration. Persons sentenced under this section
37 may be sentenced to the statutory maximum term of imprisonment
38 in addition to the mandatory 10-year sex offender supervision
39 term. Persons sentenced under this subsection shall have



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40 electronic monitoring imposed as a condition of supervision for
41 the entire term of supervision.

42 Section 2. Subsection (1) of section 948.012, Florida
43 Statutes, is amended, present subsection (6) is redesignated as
44 subsection (7), and a new subsection (6) is added to that
45 section, to read:

46 948.012 Split sentence of probation or community control
47 and imprisonment.—

48 (1) If punishment by imprisonment for a misdemeanor or a
49 felony, except for a capital felony, is prescribed, the court
50 may, at the time of sentencing, impose a split sentence whereby
51 the defendant is to be placed on probation or, with respect to
52 any such felony, into community control upon completion of any
53 specified period of such sentence which may include a term of
54 years or less. In such case, the court shall stay and withhold
55 the imposition of the remainder of sentence imposed upon the
56 defendant and direct that the defendant be placed upon probation
57 or into community control after serving such period as may be
58 imposed by the court. Except as provided in subsection (7) ~~(6)~~,
59 the period of probation or community control shall commence
60 immediately upon the release of the defendant from
61 incarceration, whether by parole or gain-time allowances.

62 (6) If a defendant is convicted of a sexual offense listed
63 in s. 775.21(4)(a) or s. 943.0453(1)(a)1.a.(I), committed on or
64 after October 1, 2015 and has a prior conviction or a prior
65 withheld adjudication of a sexual offense listed in s.
66 775.21(4)(a) or s. 943.0435(1)(a)1.a.(I), if the court imposes a
67 term of imprisonment, the court shall impose a split sentence
68 followed by a mandatory 10-year sex offender supervision term.



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69 Persons sentenced under this section may be sentenced to the
70 statutory maximum term of imprisonment in addition to the
71 mandatory 10-year sex offender supervision term. Persons
72 sentenced under this subsection shall have electronic monitoring
73 imposed as a condition of supervision for the entire term of
74 supervision.

75 Section 3. Present subsections (2) and (3) of section
76 948.04, Florida Statutes, are redesignated as subsections (3)
77 and (4), respectively, and subsection (2) is added to that
78 section, to read:

79 948.04 Period of probation; duty of probationer; early
80 termination.-

81 (2) Effective for persons who commit a sexual offense
82 listed in s. 775.21(4) (a) or s. 943.0435(1) (a)1.a.(I), on or
83 after October 1, 2015, if the person is sentenced to a term of
84 supervision and has a prior conviction or a prior adjudication
85 withheld for a sexual offense listed in s. 775.21(4) (a) or s.
86 943.0435(1) (a)1.a.(I), the court shall impose a mandatory
87 minimum 10-year sex offender supervision term. This subsection
88 does not preclude a court from imposing a sentence under s.
89 948.012(6) or a greater sentence of incarceration as authorized
90 by law, pursuant to s. 775.084, or any other provision of law.
91 Persons sentenced under this subsection shall have electronic
92 monitoring imposed as a condition of supervision for the entire
93 term of supervision.

94 Section 4. This act shall take effect October 1, 2015.

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

97 And the title is amended as follows:



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98 Delete everything before the enacting clause
99 and insert:

100 A bill to be entitled
101 An act relating to electronic monitoring of sex
102 offenders; amending ss. 775.082, 948.012, and 948.04,
103 F.S.; requiring a court to sentence an offender
104 convicted of certain sexual offenses who is then
105 convicted of certain offenses after a specified date
106 to a mandatory minimum term of years of sex offender
107 supervision; requiring a court to impose a split
108 sentence for a person convicted of certain offenses;
109 requiring a mandatory term of supervision for a sex
110 offender; providing for sentencing; providing
111 electronic monitoring under certain circumstances;
112 conforming a cross-reference to changes made by the
113 act; providing an effective date.