



196412

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with directory and title amendments)

Delete lines 298 - 312

and insert:

(9) (a) Except as otherwise specifically provided, a sexual offender who does not comply with the requirements of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) For a felony violation of this section, excluding subsection (13), committed on or after July 1, 2018, if the



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11 court does not impose a prison sentence, the court shall impose
12 a mandatory minimum term of community control, as defined in s.
13 948.001, as follows:

14 1. For a first offense, a mandatory minimum term of 6
15 months of community control with electronic monitoring.

16 2. For a second offense, a mandatory minimum term of 1 year
17 of community control with electronic monitoring.

18 3. For a third or subsequent offense, a mandatory minimum
19 term of 2 years of community control with electronic monitoring.

20 (c) ~~(b)~~ A sexual offender who commits any act or omission in
21 violation of this section may be prosecuted for the act or
22 omission in the county in which the act or omission was
23 committed, in the county of the last registered address of the
24 sexual offender, in the county in which the conviction occurred
25 for the offense or offenses that meet the criteria for
26 designating a person as a sexual offender, in the county where
27 the sexual offender was released from incarceration, or in the
28 county of the intended address of the sexual offender as
29 reported by the offender prior to his or her release from
30 incarceration.

31 (d) ~~(e)~~ An arrest on charges of failure to register when the
32 offender has been provided and advised of his or her statutory
33 obligations to register under subsection (2), the service of an
34 information or a complaint for a violation of this section, or
35 an arraignment on charges for a violation of this section
36 constitutes actual notice of the duty to register. A sexual
37 offender's failure to immediately register as required by this
38 section following such arrest, service, or arraignment
39 constitutes grounds for a subsequent charge of failure to



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40 register. A sexual offender charged with the crime of failure to
41 register who asserts, or intends to assert, a lack of notice of
42 the duty to register as a defense to a charge of failure to
43 register shall immediately register as required by this section.
44 A sexual offender who is charged with a subsequent failure to
45 register may not assert the defense of a lack of notice of the
46 duty to register.

47 ~~(d)~~ Registration following such arrest, service, or
48 arraignment is not a defense and does not relieve the sexual
49 offender of criminal liability for the failure to register.

50
51 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

52 And the directory clause is amended as follows:

53 Delete lines 258 - 261

54 and insert:

55 Section 2. Subsection (9) of section 943.0435, Florida
56 Statutes, is amended, and paragraph (f) of subsection (1),
57 paragraph (d) of subsection (4), and subsection (7) of that
58 section are republished, to read:

59
60 ===== T I T L E A M E N D M E N T =====

61 And the title is amended as follows:

62 Delete lines 16 - 17

63 and insert:

64 for first, second, and third and subsequent felony
65 violations if the court does not impose a prison
66 sentence; reenacting s. 775.25, F.S.,