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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 247 - 257

and insert:

s. 775.082, s. 775.083, or s. 775.084.

(b) A sexual predator who has been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation, or attempted violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 794.011, excluding s. 794.011(10); s.



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11 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
12 827.071; s. 847.0133; s. 847.0135(5); s. 847.0145; or s.
13 985.701(1); or a violation of a similar law of another
14 jurisdiction when the victim of the offense was a minor, and who
15 works, whether for compensation or as a volunteer, at any
16 business, school, child care facility, park, playground, or
17 other place where children regularly congregate, commits a
18 felony of the third degree, punishable as provided in s.
19 775.082, s. 775.083, or s. 775.084.

20 (c) For a felony violation of this section, excluding
21 paragraph (10)(g), committed on or after July 1, 2018, if the
22 court does not impose a prison sentence, the court shall impose
23 a mandatory minimum term of community control, as defined in s.
24 948.001, as follows:

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

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

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

31 (d)~~(e)~~ Any person who misuses public records information
32 relating to a sexual predator, as defined in this section, or a
33 sexual offender, as defined in s. 943.0435 or s. 944.607, to
34 secure a payment from such a predator or offender; who knowingly
35 distributes or publishes false information relating to such a
36 predator or offender which the person misrepresents as being
37 public records information; or who materially alters public
38 records information with the intent to misrepresent the
39 information, including documents, summaries of public records



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40 information provided by law enforcement agencies, or public
41 records information displayed by law enforcement agencies on
42 websites or provided through other means of communication,
43 commits a misdemeanor of the first degree, punishable as
44 provided in s. 775.082 or s. 775.083.

45 (e)~~(d)~~ A sexual predator who commits any act or omission in
46 violation of this section may be prosecuted for the act or
47 omission in the county in which the act or omission was
48 committed, in the county of the last registered address of the
49 sexual predator, in the county in which the conviction occurred
50 for the offense or offenses that meet the criteria for
51 designating a person as a sexual predator, in the county where
52 the sexual predator was released from incarceration, or in the
53 county of the intended address of the sexual predator as
54 reported by the predator prior to his or her release from
55 incarceration. In addition, a sexual predator may be prosecuted
56 for any such act or omission in the county in which he or she
57 was designated a sexual predator.

58 (f)~~(e)~~ An arrest on charges of failure to register, the
59 service of an information or a complaint for a violation of this
60 section, or an arraignment on charges for a violation of this
61 section constitutes actual notice of the duty to register when
62 the predator has been provided and advised of his or her
63 statutory obligation to register under subsection (6). A sexual
64 predator's failure to immediately register as required by this
65 section following such arrest, service, or arraignment
66 constitutes grounds for a subsequent charge of failure to
67 register. A sexual predator charged with the crime of failure to
68 register who asserts, or intends to assert, a lack of notice of



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69 the duty to register as a defense to a charge of failure to
70 register shall immediately register as required by this section.
71 A sexual predator who is charged with a subsequent failure to
72 register may not assert the defense of a lack of notice of the
73 duty to register.

74 ~~(f)~~ Registration following such arrest, service, or
75 arraignment is not a defense and does not relieve the sexual
76 predator of criminal liability for the failure to register.

77 (g) Any person who has reason to believe that a sexual
78 predator is not complying, or has not complied, with the
79 requirements of this section and who, with the intent to assist
80 the sexual predator in eluding a law enforcement agency that is
81 seeking to find the sexual predator to question the sexual
82 predator about, or to arrest the sexual predator for, his or her
83 noncompliance with the requirements of this section:

84 1. Withholds information from, or does not notify, the law
85 enforcement agency about the sexual predator's noncompliance
86 with the requirements of this section, and, if known, the
87 whereabouts of the sexual predator;

88 2. Harbors, or attempts to harbor, or assists another
89 person in harboring or attempting to harbor, the sexual
90 predator;

91 3. Conceals or attempts to conceal, or assists another
92 person in concealing or attempting to conceal, the sexual
93 predator; or

94 4. Provides information to the law enforcement agency
95 regarding the sexual predator which the person knows to be false
96 information,
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98 commits a felony of the third degree, punishable as provided in
99 s. 775.082, s. 775.083, or s. 775.084. This paragraph does not
100 apply if the sexual predator is incarcerated in or is in the
101 custody of a state correctional facility, a private correctional
102 facility, a local jail, or a federal correctional facility.

103
104 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

105 And the directory clause is amended as follows:

106 Delete lines 33 - 37

107 and insert:

108 Section 1. Paragraphs (k), (n), and (o) of subsection (2)
109 and subsection (10) of section 775.21, Florida Statutes, are
110 amended, and paragraph (d) of subsection (5) and paragraphs (g)
111 and (i) of subsection (6) of that section are republished, to
112 read:

113
114 ===== T I T L E A M E N D M E N T =====

115 And the title is amended as follows:

116 Delete lines 8 - 12

117 and insert:

118 residency category; revising existing criminal
119 penalties for sexual predators to require mandatory
120 minimum terms of community control with electronic
121 monitoring for first, second, and third and subsequent
122 felony violations if the court does not impose a
123 prison sentence; amending s.