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LEGISLATIVE ACTION

Senate

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House

Senator Book moved the following:

Senate Amendment

Delete lines 76 - 169

and insert:

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

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

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



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12 3. For a third or subsequent offense, a mandatory minimum
13 term of 2 years with electronic monitoring.

14 ~~(d)~~ Any person who misuses public records information
15 relating to a sexual predator, as defined in this section, or a
16 sexual offender, as defined in s. 943.0435 or s. 944.607, to
17 secure a payment from such a predator or offender; who knowingly
18 distributes or publishes false information relating to such a
19 predator or offender which the person misrepresents as being
20 public records information; or who materially alters public
21 records information with the intent to misrepresent the
22 information, including documents, summaries of public records
23 information provided by law enforcement agencies, or public
24 records information displayed by law enforcement agencies on
25 websites or provided through other means of communication,
26 commits a misdemeanor of the first degree, punishable as
27 provided in s. 775.082 or s. 775.083.

28 ~~(e)~~ A sexual predator who commits any act or omission in
29 violation of this section may be prosecuted for the act or
30 omission in the county in which the act or omission was
31 committed, in the county of the last registered address of the
32 sexual predator, in the county in which the conviction occurred
33 for the offense or offenses that meet the criteria for
34 designating a person as a sexual predator, in the county where
35 the sexual predator was released from incarceration, or in the
36 county of the intended address of the sexual predator as
37 reported by the predator prior to his or her release from
38 incarceration. In addition, a sexual predator may be prosecuted
39 for any such act or omission in the county in which he or she
40 was designated a sexual predator.



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41 ~~(f)~~^(e) An arrest on charges of failure to register, the
42 service of an information or a complaint for a violation of this
43 section, or an arraignment on charges for a violation of this
44 section constitutes actual notice of the duty to register when
45 the predator has been provided and advised of his or her
46 statutory obligation to register under subsection (6). A sexual
47 predator's failure to immediately register as required by this
48 section following such arrest, service, or arraignment
49 constitutes grounds for a subsequent charge of failure to
50 register. A sexual predator charged with the crime of failure to
51 register who asserts, or intends to assert, a lack of notice of
52 the duty to register as a defense to a charge of failure to
53 register shall immediately register as required by this section.
54 A sexual predator who is charged with a subsequent failure to
55 register may not assert the defense of a lack of notice of the
56 duty to register.

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

60 (g) Any person who has reason to believe that a sexual
61 predator is not complying, or has not complied, with the
62 requirements of this section and who, with the intent to assist
63 the sexual predator in eluding a law enforcement agency that is
64 seeking to find the sexual predator to question the sexual
65 predator about, or to arrest the sexual predator for, his or her
66 noncompliance with the requirements of this section:

67 1. Withholds information from, or does not notify, the law
68 enforcement agency about the sexual predator's noncompliance
69 with the requirements of this section, and, if known, the



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70 whereabouts of the sexual predator;

71 2. Harbors, or attempts to harbor, or assists another
72 person in harboring or attempting to harbor, the sexual
73 predator;

74 3. Conceals or attempts to conceal, or assists another
75 person in concealing or attempting to conceal, the sexual
76 predator; or

77 4. Provides information to the law enforcement agency
78 regarding the sexual predator which the person knows to be false
79 information,

80
81 commits a felony of the third degree, punishable as provided in
82 s. 775.082, s. 775.083, or s. 775.084. This paragraph does not
83 apply if the sexual predator is incarcerated in or is in the
84 custody of a state correctional facility, a private correctional
85 facility, a local jail, or a federal correctional facility.

86 Section 2. Subsection (9) of section 943.0435, Florida
87 Statutes, is amended to read:

88 943.0435 Sexual offenders required to register with the
89 department; penalty.—

90 (9) (a) A sexual offender who does not comply with the
91 requirements of this section commits a felony of the third
92 degree, punishable as provided in s. 775.082, s. 775.083, or s.
93 775.084.

94 (b) For a felony violation of this section, excluding
95 subsection (13), committed on or after July 1, 2018, if the
96 court does not impose a prison sentence, the court shall impose
97 a mandatory minimum term of community control, as defined in s.
98 948.001, as follows: