

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Clemons offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. The Legislature finds that the opinion in *State*
6 *v. James*, 298 So. 3d 90 (Fla. 2d DCA 2020), is contrary to
7 legislative intent and that a person's failure to pay a fine
8 does not relieve him or her of the requirement to register as a
9 sexual offender pursuant to s. 943.0435, Florida Statutes. The
10 Legislature intends that a person must register as a sexual
11 offender pursuant to s. 943.0435, Florida Statutes, when he or
12 she has been convicted of a qualifying offense and, on or after
13 October 1, 1997, has:

122135

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Amendment No.

14 (1) No sanction imposed upon conviction; or

15 (2) Been released from a sanction imposed upon conviction.

16 Section 2. Paragraph (h) of subsection (1) of section
17 943.0435, Florida Statutes, is amended to read:

18 943.0435 Sexual offenders required to register with the
19 department; penalty.—

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

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

24 a.(I) Has been convicted of committing, or attempting,
25 soliciting, or conspiring to commit, any of the criminal
26 offenses proscribed in the following statutes in this state or
27 similar offenses in another jurisdiction: s. 393.135(2); s.
28 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
29 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
30 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
31 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
32 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
33 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
34 s. 895.03, if the court makes a written finding that the
35 racketeering activity involved at least one sexual offense
36 listed in this sub-sub-subparagraph or at least one offense
37 listed in this sub-sub-subparagraph with sexual intent or
38 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense

122135

Approved For Filing: 4/9/2021 11:11:01 AM

Amendment No.

39 committed in this state which has been redesignated from a
40 former statute number to one of those listed in this sub-sub-
41 subparagraph; and

42 (II) Has been released on or after October 1, 1997, from a
43 ~~the~~ sanction imposed for any conviction of an offense described
44 in sub-sub-subparagraph (I) and does not otherwise meet the
45 criteria for registration as a sexual offender under chapter 944
46 or chapter 985. For purposes of this sub-sub-subparagraph ~~(I)~~, a
47 sanction imposed in this state or in any other jurisdiction
48 means ~~includes, but is not limited to, a fine, probation,~~
49 community control, parole, conditional release, control release,
50 or incarceration in a state prison, federal prison, private
51 correctional facility, or local detention facility. If no
52 sanction is imposed the person is deemed to be released upon
53 conviction;

54 b. Establishes or maintains a residence in this state and
55 who has not been designated as a sexual predator by a court of
56 this state but who has been designated as a sexual predator, as
57 a sexually violent predator, or by another sexual offender
58 designation in another state or jurisdiction and was, as a
59 result of such designation, subjected to registration or
60 community or public notification, or both, or would be if the
61 person were a resident of that state or jurisdiction, without
62 regard to whether the person otherwise meets the criteria for
63 registration as a sexual offender;

122135

Approved For Filing: 4/9/2021 11:11:01 AM

Amendment No.

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

122135

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Amendment No.

- 89 (I) Section 794.011, excluding s. 794.011(10);
- 90 (II) Section 800.04(4)(a)2. where the victim is under 12
91 years of age or where the court finds sexual activity by the use
92 of force or coercion;
- 93 (III) Section 800.04(5)(c)1. where the court finds
94 molestation involving unclothed genitals;
- 95 (IV) Section 800.04(5)(d) where the court finds the use of
96 force or coercion and unclothed genitals; or
- 97 (V) Any similar offense committed in this state which has
98 been redesignated from a former statute number to one of those
99 listed in this sub-subparagraph.

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

103

104 For each violation of a qualifying offense listed in this
105 subsection, except for a violation of s. 794.011, the court
106 shall make a written finding of the age of the victim at the
107 time of the offense. For a violation of s. 800.04(4), the court
108 shall also make a written finding indicating whether the offense
109 involved sexual activity and indicating whether the offense
110 involved force or coercion. For a violation of s. 800.04(5), the
111 court shall also make a written finding that the offense did or
112 did not involve unclothed genitals or genital area and that the
113 offense did or did not involve the use of force or coercion.

122135

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Amendment No.

114 Section 3. This act shall take effect upon becoming a law.

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117 **T I T L E A M E N D M E N T**

118 Remove everything before the enacting clause and insert:

119

120 A bill to be entitled

121 An act relating to sexual offender registration;

122 providing legislative intent; amending s. 943.0435,

123 F.S.; redefining the term "sexual offender"; providing

124 an effective date.

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