

House Bill No. 85

An act relating to lewd or lascivious molestation; amending s. 775.082, F.S.; requiring life sentences for certain second or subsequent offenders; amending s. 948.012, F.S.; conforming a cross-reference; reenacting s. 800.04(5)(b), F.S., relating to lewd or lascivious offenses committed against persons less than 12 years of age, to incorporate the amendments made to s. 775.082, F.S., in a reference thereto; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (a) of subsection (3) of section 775.082, Florida Statutes, is amended to read:

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

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

(a)1. For a life felony committed prior to October 1, 1983, by a term of imprisonment for life or for a term of years not less than 30.

2. For a life felony committed on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not exceeding 40 years.

3. Except as provided in subparagraph 4., for a life felony committed on or after July 1, 1995, by a term of imprisonment for life or by imprisonment for a term of years not exceeding life imprisonment.

4.a. Except as provided in sub-subparagraph b., for a life felony committed on or after September 1, 2005, which is a violation of s. 800.04(5)(b), by:

(I)a. A term of imprisonment for life; or

(II)b. A split sentence that is a term of not less than 25 years' imprisonment and not exceeding life imprisonment, followed by probation or community control for the remainder of the person's natural life, as provided in s. 948.012(4).

b. For a life felony committed on or after July 1, 2008, which is a person's second or subsequent violation of s. 800.04(5)(b), by a term of imprisonment for life.

Section 2. Subsection (4) of section 948.012, Florida Statutes, is amended to read:

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

(4) Effective for offenses committed on or after September 1, 2005, the court must impose a split sentence pursuant to subsection (1) for any person who is convicted of a life felony for lewd and lascivious molestation pursuant to s. 800.04(5)(b) if the court imposes a term of years in accordance with s. 775.082(3)(a)4.a.(II)~~b.~~ rather than life imprisonment. The probation or community control portion of the split sentence imposed by the court for a defendant must extend for the duration of the defendant's natural life and include a condition that he or she be electronically monitored.

Section 3. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in a reference thereto, paragraph (b) of subsection (5) of section 800.04, Florida Statutes, is reenacted to read:

800.04 Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.—

(5) LEWD OR LASCIVIOUS MOLESTATION.—

(b) An offender 18 years of age or older who commits lewd or lascivious molestation against a victim less than 12 years of age commits a life felony, punishable as provided in s. 775.082(3)(a)4.

Section 4. This act shall take effect July 1, 2008.

Approved by the Governor June 17, 2008.

Filed in Office Secretary of State June 17, 2008.