

# FLORIDA LAW WEEKLY SEX CRIMES EDITION BY DENNIS NICEWANDER

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Fields v. State, 968 So.2d 1032 (Fla. 5<sup>th</sup> DCA 2007):

Probationer who had been designated a sexual offender, and whose probation for a felony driving offense was modified, was subject to electronic monitoring mandated by statute governing violation of probation by designated sex offenders, even though her probation was not for a sexual offense; statute applied to all designated sex offenders whose probation for any felony offense was revoked or modified. F.S. 948.063

Trial court's order subjecting probationer to electronic monitoring forty days after court initially modified probation did not violate double jeopardy; because electronic monitoring was mandatory for designated sex offenders whose probation was modified or revoked, order failing to require monitoring was incomplete, and could be properly modified within 60 days pursuant to rule of criminal procedure regarding modification of incomplete sentences.

Where a trial court fails to impose a mandatory penalty at the original sentence, double jeopardy principles are not offended where the trial court subsequently corrects the sentence by imposing the omitted mandatory sanction.