

By the Committee on Criminal Justice and Senator Burt

307-1870D-98

1 A bill to be entitled
2 An act relating to criminal justice; amending
3 s. 415.5018, F.S.; requiring that the
4 Department of Law Enforcement provide the
5 Department of Children and Family Services with
6 access to certain criminal justice information
7 for purposes of child protective investigations
8 and emergency child placement; amending s.
9 775.13, F.S., relating to the registration of
10 convicted felons; providing a definition;
11 providing an exemption from registration
12 requirements for certain registered sexual
13 offenders; amending s. 775.21, F.S.; revising
14 the Florida Sexual Predators Act; defining
15 terms; prescribing criteria and procedures for
16 designation as a sexual predator; requiring
17 that fingerprints be made if a sexual predator
18 is not imprisoned; prescribing registration and
19 notification requirements; providing
20 registration requirements with respect to a
21 sexual predator who is supervised by the
22 Department of Corrections or by a federal
23 agency or who is in the custody of a local
24 jail; providing notification requirements for a
25 sexual predator who intends to reside in
26 another state or jurisdiction; providing for
27 removal of designation as a sexual predator;
28 providing penalties for failing to comply with
29 duties imposed on persons so designated;
30 requiring the Department of Law Enforcement and
31 the Department of Corrections to verify the

1 addresses of sexual predators; prohibiting
2 misuse and misrepresentation of public records
3 information and providing penalties; creating
4 s. 775.24, F.S.; specifying that it is the duty
5 of the court to uphold laws governing sexual
6 predators and sexual offenders; providing
7 certain requirements for the court if a person
8 meets the criteria for designation as a sexual
9 predator or for classification as a sexual
10 offender; creating s. 775.25, F.S.; specifying
11 jurisdictions in which a sexual predator or
12 sexual offender may be prosecuted for an act or
13 for failure to act; amending s. 943.043, F.S.;
14 authorizing the Department of Law Enforcement
15 to provide information on sexual offenders and
16 sexual predators through the Internet;
17 providing civil immunity for certain persons
18 and entities who provide information regarding
19 sexual offenders and sexual predators; amending
20 s. 943.0435, F.S.; revising definitions;
21 specifying sexual offenders who must report and
22 identify themselves; revising reporting
23 requirements; providing civil immunity for
24 specified persons and entities that administer
25 such reporting requirements; providing for
26 certain persons to be relieved from such
27 reporting requirements; requiring that the
28 Department of Law Enforcement verify the
29 addresses of certain sexual offenders;
30 providing requirements for a sexual offender
31 who intends to reside in another state or

1 jurisdiction; requiring that a sexual offender
2 maintain registration for life, except under
3 specified circumstances; amending s. 943.325,
4 F.S.; providing for drawing blood specimens
5 from certain convicted persons committed to a
6 county jail for purposes of DNA analysis;
7 providing for obtaining blood specimens from a
8 person who is not incarcerated following
9 conviction; providing for a statewide protocol
10 for securing such specimens; providing that
11 certain medical facilities and personnel and
12 persons who assist a law enforcement officer in
13 withdrawing blood specimens are not civilly or
14 criminally liable for such actions; providing
15 for an application to the court for an order
16 authorizing that a person be taken into custody
17 for the purpose of providing blood specimens;
18 providing that failure to comply with certain
19 requirements is not grounds for challenging the
20 validity of a blood specimen or excluding
21 evidence based on a blood specimen; amending
22 ss. 944.605, 947.177, F.S.; prescribing
23 penalties for inmates who refuse to submit to
24 the taking of a digitized photograph; amending
25 ss. 944.606, 944.607, F.S.; revising provisions
26 governing notification concerning the release
27 of sexual offenders; specifying persons with
28 respect to whom such provisions apply;
29 requiring that fingerprints be made if the
30 sexual offender is not imprisoned; providing
31 registration requirements with respect to a

1 sexual offender who is in the custody of a
2 local jail or who is supervised by the
3 Department of Corrections or by a federal
4 agency; providing civil immunity for specified
5 persons and entities who release information
6 concerning such offenders; amending s. 948.01,
7 F.S.; providing that after a specified date, an
8 offender who commits certain specified sexual
9 offenses is ineligible for administrative
10 probation; amending s. 948.03, F.S.; providing
11 that conditions of probation and community
12 control for specified offenders do not require
13 oral pronouncement and shall be standard
14 conditions of supervision; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Present subsections (4), (5), and (6) of
20 section 415.5018, Florida Statutes, are redesignated as
21 subsections (5), (6), and (7), respectively, and a new
22 subsection (4) is added to that section, to read:

23 415.5018 District authority and responsibilities.--

24 (4) Notwithstanding any other law, the Department of
25 Law Enforcement shall provide the department with electronic
26 access to criminal justice information that is lawfully
27 available and not exempt from s. 119.07(1), only for the
28 purposes of child protective investigations and emergency
29 child placement. As a condition of access to such information,
30 the department shall execute an appropriate user agreement
31 with the Department of Law Enforcement which addresses access,

1 use, dissemination, and destruction of such information and
2 which complies with all applicable laws and rules of the
3 Department of Law Enforcement.

4 Section 2. Section 775.13, Florida Statutes, is
5 amended to read:

6 775.13 Registration of convicted felons, exemptions;
7 penalties.--

8 (1) As used in this section, the term "convicted"
9 means, with respect to a person's felony offense, a
10 determination of guilt which is the result of a trial or the
11 entry of a plea of guilty or nolo contendere, regardless of
12 whether adjudication is withheld.

13 (2)~~(1)~~ Any person who has been convicted of a felony
14 in any court of this state shall, within 48 hours after
15 entering any county in this state, register with the sheriff
16 of said county, be fingerprinted and photographed, and list
17 the crime for which convicted, place of conviction, sentence
18 imposed, if any, name, aliases, if any, address, and
19 occupation.

20 (3)~~(2)~~ Any person who has been convicted of a crime in
21 any federal court or in any court of a state other than
22 Florida, or of any foreign state or country, which crime if
23 committed in Florida would be a felony, shall forthwith within
24 48 hours after entering any county in this state register with
25 the sheriff of said county in the same manner as provided for
26 in subsection(2)~~(1)~~.

27 (4)~~(3)~~ Any person who is within any county of the
28 state as of October 1, 1997, shall register with the sheriff
29 of such county by December 1, 1997, if such person would be
30 required to register under the terms of subsection(2)~~(1)~~or
31 subsection(3)~~(2)~~, if he or she were entering such county.

1 (5)~~(4)~~ In lieu of registering with the sheriff as
2 required by this section, such registration may be made with
3 the Department of Law Enforcement, and is subject to the same
4 terms and conditions as required for registration with the
5 sheriff.

6 (6)~~(5)~~ This section does not apply to an offender:

7 (a) Who has had his or her civil rights restored;

8 (b) Who has received a full pardon for the offense for
9 which convicted;

10 (c) Who has been lawfully released from incarceration
11 or other sentence or supervision for a felony conviction for
12 more than 5 years prior to such time for registration, unless
13 the offender is a fugitive from justice on a felony charge or
14 has been convicted of any offense since release from such
15 incarceration or other sentence or supervision;

16 (d) Who is a parolee or probationer under the
17 supervision of the United States Parole Commission if the
18 commission knows of and consents to the presence of the
19 offender in Florida or is a probationer under the supervision
20 of any federal probation officer in the state or who has been
21 lawfully discharged from such parole or probation; ~~or~~

22 (e) Who is a sexual predator and has registered as
23 required under s. 775.21; ~~or~~

24 (f) Who is a sexual offender and has registered as
25 required in s. 943.0435 or s. 944.607.

26 (7)~~(6)~~ Failure of any such convicted felon to comply
27 with this section constitutes a misdemeanor of the second
28 degree, punishable as provided in s. 775.082 or s. 775.083.

29 (8)~~(7)~~ All laws and parts of laws in conflict herewith
30 are hereby repealed, provided that nothing in this section
31 shall be construed to affect any law of this state relating to

1 registration of criminals where the penalties are in excess of
2 those imposed by this section.

3 Section 3. Section 775.21, Florida Statutes, is
4 amended to read:

5 775.21 The Florida Sexual Predators Act; definitions;
6 legislative findings, purpose, and intent; criteria;
7 designation; registration; community and public notification;
8 immunity; penalties.--

9 (1) SHORT TITLE.--This section may be cited as "The
10 Florida Sexual Predators Act."

11 (2) DEFINITIONS.--As used in this section, the term:

12 (a) "Chief of police" means the chief law enforcement
13 officer of a municipality.

14 (b) "Community" means any county where the sexual
15 predator lives or otherwise establishes or maintains a
16 temporary or permanent residence.

17 (c) "Conviction" means a determination of guilt which
18 is the result of a trial or the entry of a plea of guilty or
19 nolo contendere, regardless of whether adjudication is
20 withheld. A conviction for a similar offense includes, but is
21 not limited to, a conviction by a federal or military
22 tribunal, including courts-martial conducted by the Armed
23 Forces of the United States, and includes a conviction in any
24 state of the United States.

25 (d)~~(e)~~ "Department" means the Department of Law
26 Enforcement.

27 (e)~~(d)~~ "Entering the county" includes being discharged
28 from a correctional facility or jail or secure treatment
29 facility within the county or being under supervision within
30 the county for the commission of a violation enumerated in
31 subsection (4).

1 (f) "Permanent residence" means a place where the
2 person abides, lodges, or resides for 14 or more consecutive
3 days.

4 (g)(e) "Temporary residence" means a place where the
5 person abides, lodges, or resides for a period of 14 or more
6 days in the aggregate during any calendar year and which is
7 not the person's permanent address; for a person whose
8 permanent residence is not in this state, a place where the
9 person is employed, practices a vocation, or is enrolled as a
10 student for any period of time in this state; or a place where
11 the person routinely abides, lodges, or resides for a period
12 of 4 or more consecutive or nonconsecutive days in any month
13 and which is not the person's permanent residence ~~a stay of 2~~
14 ~~or more weeks.~~

15 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE
16 INTENT.--

17 (a) Repeat sexual ~~sex~~ offenders, sexual ~~sex~~ offenders
18 who use physical violence, and sexual ~~sex~~ offenders who prey
19 on children are sexual predators who present an extreme threat
20 to the public safety. Sexual ~~Sex~~ offenders are extremely
21 likely to use physical violence and to repeat their offenses,
22 and most sexual ~~sex~~ offenders commit many offenses, have many
23 more victims than are ever reported, and are prosecuted for
24 only a fraction of their crimes. This makes the cost of sexual
25 ~~sex~~ offender victimization to society at large, while
26 incalculable, clearly exorbitant.

27 (b) The high level of threat that a sexual predator
28 presents to the public safety, and the long-term effects
29 suffered by victims of sex offenses, provide the state with
30 sufficient justification to implement a strategy that
31 includes:

1 1. Incarcerating sexual predators and maintaining
2 adequate facilities to ensure that decisions to release sexual
3 predators into the community are not made on the basis of
4 inadequate space.

5 2. Providing for specialized supervision of sexual
6 predators who are in the community by specially trained
7 probation officers with low caseloads, as described in ss.
8 947.1405(7) and 948.03(5). The sexual predator is subject to
9 specified terms and conditions implemented at sentencing or at
10 the time of release from incarceration, with a requirement
11 that those who are financially able must pay all or part of
12 the costs of supervision.

13 3. Requiring the registration of sexual predators,
14 with a requirement that complete and accurate information be
15 maintained and accessible for use by law enforcement
16 authorities, communities, and the public.

17 4. Providing for community and public notification
18 concerning the presence of sexual predators.

19 5. Prohibiting sexual predators from working with
20 children, either for compensation or as a volunteer.

21 (c) The state has a compelling interest in protecting
22 the public from sexual predators and in protecting children
23 from predatory sexual activity, and there is sufficient
24 justification for requiring sexual predators to register and
25 for requiring community and public notification of the
26 presence of sexual predators.

27 (d) It is the purpose of the Legislature that, upon
28 the court's written finding that an offender is a sexual
29 predator, in order to protect the public, it is necessary that
30 the sexual predator be registered with the department and that
31 members of the community and the public be notified of the

1 sexual predator's presence. The designation of a person as a
2 sexual predator is neither a sentence nor a punishment but
3 simply a status resulting from the conviction of certain
4 crimes.

5 (e) It is the intent of the Legislature to address the
6 problem of sexual predators by:

7 1. Requiring sexual predators supervised in the
8 community to have special conditions of supervision and to be
9 supervised by probation officers with low caseloads;

10 2. Requiring sexual predators to register with the
11 Florida Department of Law Enforcement, as provided in this
12 section; and

13 3. Requiring community and public notification of the
14 presence of a sexual predator, as provided in this section.

15 (4) SEXUAL PREDATOR CRITERIA.--

16 (a) For a current offense committed on or after
17 October 1, 1993, and before October 1, 1995:

18 1. An offender who was found by the court under former
19 s. 775.22 or former s. 775.23 to be a sexual predator is a
20 "sexual predator" if the court made a written finding that the
21 offender was a sexual predator at the time of sentencing, as
22 required by former s. 775.23. Such sexual predator must
23 register or be registered as a sexual predator with the
24 department as provided in subsection (6), and is subject to
25 community and public notification as provided in subsection
26 (7). Upon notification of the presence of a sexual predator,
27 the sheriff of the county or the chief of police of the
28 municipality where the sexual predator establishes or
29 maintains a permanent or temporary residence ~~temporarily or~~
30 ~~permanently resides~~ shall notify members of the community and
31

1 the public of the presence of the sexual predator in a manner
2 deemed appropriate by the sheriff or the chief of police.

3 2. If an offender has been registered as a sexual
4 predator by the Department of Corrections, the department, or
5 any other law enforcement agency and:

6 a. The court did not, for whatever reason, make a
7 written finding at the time of sentencing that the offender
8 was a sexual predator, or

9 b. The offender was administratively registered as a
10 sexual predator because the Department of Corrections, the
11 department, or any other law enforcement agency obtained
12 information which indicated that the offender met the sexual
13 predator criteria based on a violation of a similar law in
14 another jurisdiction,

15
16 the department shall remove that offender from the
17 department's sexual predator list, and shall notify the state
18 attorney who prosecuted the offense that triggered the
19 administrative sexual predator designation for offenders
20 described in sub-subparagraph a., or the state attorney of the
21 county where the offender establishes or maintains a permanent
22 or temporary residence ~~permanently or temporarily resides~~ on
23 October 1, 1996, for offenders described in sub-subparagraph

24 b. The state attorney may bring the matter to the court's
25 attention in order to establish that the offender meets the
26 sexual predator criteria. If the court then makes a written
27 finding that the offender is a sexual predator, the offender
28 is designated as a sexual predator, ~~and~~ must register or be
29 registered as a sexual predator with the department as
30 provided in subsection (6), and is subject to community and
31 public notification requirements as provided in subsection

1 (7). If the court does not make a written finding that the
2 offender is a sexual predator, the offender is not designated
3 as a sexual predator with respect to that offense, is not
4 required to register or be registered as a sexual predator
5 with the department, and is not subject to the requirements
6 for community and public notification as a sexual predator.

7 (b) For a current offense committed on or after
8 October 1, 1995, and before October 1, 1996:

9 1. An offender who was found by the court under former
10 s. 775.22 or former s. 775.23 to be a sexual predator is a
11 "sexual predator" if the court made a written finding that the
12 offender was a sexual predator at the time of sentencing, as
13 required by former s. 775.23. Such sexual predator must
14 register or be registered with the department as provided in
15 subsection (6), and is subject to community and public
16 notification as provided in subsection (7). Upon notification
17 of the presence of a sexual predator, the sheriff of the
18 county or the chief of police of the municipality where the
19 sexual predator establishes or maintains a permanent or
20 temporary residence ~~temporarily or permanently resides~~ shall
21 notify the community and the public of the presence of the
22 sexual predator in a manner deemed appropriate by the sheriff
23 or the chief of police.

24 2. If an offender has been registered as a sexual
25 predator by the Department of Corrections, the department, or
26 any other law enforcement agency and:

27 a. The court did not, for whatever reason, make a
28 written finding at the time of sentencing that the offender
29 was a sexual predator, or

30 b. The offender was administratively registered as a
31 sexual predator because the Department of Corrections, the

1 department, or any other law enforcement agency obtained
2 information which indicated that the offender met the sexual
3 predator criteria based on a violation of a similar law in
4 another jurisdiction,
5
6 the department shall remove that offender from the
7 department's sexual predator list, and shall notify the state
8 attorney who prosecuted the offense that triggered the
9 administrative sexual predator designation for offenders
10 described in sub-subparagraph a., or the state attorney of the
11 county where the offender establishes or maintains a permanent
12 or temporary residence ~~permanently or temporarily resides~~ on
13 October 1, 1996, for offenders described in sub-subparagraph
14 b. The state attorney may bring the matter to the court's
15 attention in order to establish that the offender meets the
16 sexual predator criteria. If the court makes a written finding
17 that the offender is a sexual predator, the offender is
18 designated as a sexual predator, must register or be
19 registered as a sexual predator with the department as
20 provided in subsection (6), and is subject to the community
21 and public notification as provided in subsection (7)
22 ~~provisions under former s. 775.225~~. If the court does not make
23 a written finding that the offender is a sexual predator, the
24 offender is not designated as a sexual predator with respect
25 to that offense and is not required to register or be
26 registered as a sexual predator with the department.
27 (c) For a current offense committed on or after
28 October 1, 1996, upon conviction, an offender shall be
29 designated as a "sexual predator" under subsection (5), and
30 subject to registration under subsection (6) and community and
31 public notification under subsection (7) if:

1 1. The felony meets the criteria of former ss.
2 775.22(2) and 775.23(2), specifically, the felony is:

3 a. A capital, life, or first-degree ~~first degree~~
4 felony violation of s. 787.01 or s. 787.02, where the victim
5 is a minor and the defendant is not the victim's parent, or of
6 chapter 794 or s. 847.0145, or a violation of a similar law of
7 another jurisdiction; ~~or~~

8 b. An attempt to commit a capital, life, or
9 first-degree felony violation of chapter 794, where the victim
10 is a minor, or a violation of a similar law of another
11 jurisdiction; ~~or~~

12 ~~c.b.~~ Any second-degree ~~second degree~~ or greater felony
13 violation of s. 787.01 or s. 787.02, where the victim is a
14 minor and the defendant is not the victim's parent; chapter
15 794; s. 796.03; s. 800.04; s. 825.1025(2)(b); s. 827.071;
16 or s. 847.0145; ~~or~~ a violation of a similar law of another
17 jurisdiction, and the offender has previously been convicted
18 of or found to have committed, or has pled nolo contendere or
19 guilty to, regardless of adjudication, any violation of s.
20 787.01 or s. 787.02, where the victim is a minor and the
21 defendant is not the victim's parent; s. 794.011(2), (3), (4),
22 (5), or (8); s. 794.023; s. 796.03; s. 800.04; s. 825.1025;
23 s. 827.071; s. 847.0133; s. 847.0135; ~~or~~ s. 847.0145, or a
24 violation of a similar law of another jurisdiction;

25 2. The offender has not received a pardon for any
26 felony or similar law of another jurisdiction that is
27 necessary for the operation of this paragraph; and

28 3. A conviction of a felony or similar law of another
29 jurisdiction necessary to the operation of this paragraph has
30 not been set aside in any postconviction proceeding.

31

1 (d) In order to be counted as a prior felony for
2 purposes of this subsection, the felony must have resulted in
3 a conviction sentenced separately, or an adjudication of
4 delinquency entered separately, prior to the current offense
5 and sentenced or adjudicated separately from any other felony
6 conviction that is to be counted as a prior felony. If the
7 offender's prior enumerated felony was committed more than 10
8 years before the primary offense, it shall not be considered a
9 prior felony under this subsection if the offender has not
10 been convicted of any other crime for a period of 10
11 consecutive years from the most recent date of release from
12 confinement, supervision, or sanction, whichever is later.

13 ~~(e) "Conviction" means a determination of guilt that~~
14 ~~is the result of a plea or a trial, regardless of whether~~
15 ~~adjudication is withheld.~~

16 (5) SEXUAL PREDATOR DESIGNATION.--For a current
17 offense committed on or after October 1, 1996, an offender is
18 designated as a sexual predator as follows:

19 (a)1. An offender who meets the sexual predator
20 criteria described in paragraph (4)(c) who is before the court
21 for sentencing for a current offense committed on or after
22 October 1, 1996, is a sexual predator, and the sentencing
23 court must make a written finding at the time of sentencing
24 that the offender is a sexual predator, and the clerk of the
25 court shall transmit a copy of the order containing the
26 written finding to the department within 48 hours after the
27 entry of the order; or

28 2. If the Department of Corrections, the department,
29 or any other law enforcement agency obtains information which
30 indicates that an offender who establishes or maintains a
31 permanent or temporary residence permanently or temporarily

1 ~~resides~~ in this state meets the sexual predator criteria
2 described in paragraph (4)(c) because the offender committed a
3 similar violation in another jurisdiction on or after October
4 1, 1996, the Department of Corrections, the department, or the
5 law enforcement agency shall notify the state attorney of the
6 county where the offender establishes or maintains a permanent
7 or temporary residence ~~permanently or temporarily resides~~ of
8 the offender's presence in the community. The state attorney
9 shall file a petition with the criminal division of the
10 circuit court for the purpose of holding a hearing to
11 determine if the offender's criminal record from another
12 jurisdiction meets the sexual predator criteria. If the court
13 finds that the offender meets the sexual predator criteria
14 because the offender has violated a similar law or similar
15 laws in another jurisdiction, the court shall make a written
16 finding that the offender is a sexual predator.

17
18 When the court makes a written finding that an offender is a
19 sexual predator, the court shall inform the sexual predator of
20 the registration and community and public notification
21 requirements described in this section. Within 48 hours of the
22 court designating an offender as a sexual predator, the clerk
23 of the circuit court shall transmit a copy of the court's
24 written sexual predator finding to the department. If the
25 offender is sentenced to a term of imprisonment or
26 supervision, a copy of the court's written sexual predator
27 finding must be submitted to the Department of Corrections.

28 (b) If a sexual predator is not sentenced to a term of
29 imprisonment, the clerk of the court shall ensure that the
30 sexual predator's fingerprints are taken and forwarded to the
31 department within 48 hours after the court renders its written

1 sexual predator finding. The fingerprint card shall be clearly
2 marked, "Sexual Predator Registration Card." The clerk of the
3 court that convicts and sentences the sexual predator for the
4 offense or offenses described in subsection (4) shall forward
5 to the department and to the Department of Corrections a
6 certified copy of any order entered by the court imposing any
7 special condition or restriction on the sexual predator which
8 restricts or prohibits access to the victim, if the victim is
9 a minor, or to other minors.

10 (c)~~(b)~~ If the Department of Corrections, the
11 department, or any other law enforcement agency obtains
12 information which indicates that an offender meets the sexual
13 predator criteria but the court did not make a written finding
14 that the offender is a sexual predator as required in
15 paragraph (a), the Department of Corrections, the department,
16 or the law enforcement agency shall notify the state attorney
17 who prosecuted the offense for offenders described in
18 subparagraph (a)1., or the state attorney of the county where
19 the offender establishes or maintains a residence temporarily
20 ~~or permanently resides~~ upon first entering the state for
21 offenders described in subparagraph (a)2. The state attorney
22 shall bring the matter to the court's attention in order to
23 establish that the offender meets the sexual predator
24 criteria. If the state attorney fails to establish that an
25 offender meets the sexual predator criteria and the court does
26 not make a written finding that an offender is a sexual
27 predator, the offender is not required to register with the
28 department as a sexual predator, and the department and other
29 ~~law enforcement agencies are not authorized to inform the~~
30 ~~community and the public of the offender's presence. The~~
31 ~~offender must comply with the convicted felon registration~~

1 ~~requirements under s. 775.13.~~The Department of Corrections,
2 the department, or any other law enforcement agency shall not
3 administratively designate an offender as a sexual predator
4 without a written finding from the court that the offender is
5 a sexual predator.

6 (d) A person who establishes or maintains a residence
7 in this state and who has not been designated as a sexual
8 predator by a court of this state but who has been designated
9 as a sexual predator, as a sexually violent predator, or by
10 another sexual offender designation in another state or
11 jurisdiction and was, as a result of such designation,
12 subjected to registration or community or public notification,
13 or both, shall register in the manner provided in s. 943.0435
14 or s. 944.607 and shall be subject to community and public
15 notification as provided in s. 943.0435 or s. 944.607. A
16 person who meets the criteria of this section is subject to
17 the requirements and penalty provisions of s. 943.0435 or s.
18 944.607 until the person provides the department with an order
19 issued by the court that designated the person as a sexual
20 predator, as a sexually violent predator, or by another sexual
21 offender designation in another state or jurisdiction in which
22 the order was issued which states that such designation has
23 been removed, and provided such person no longer meets the
24 criteria for registration as a sexual offender under the laws
25 of this state.

26 (6) REGISTRATION.--

27 (a) A sexual predator must register with the
28 department by providing the following information to the
29 department:

30 1. Name, social security number, age, race, sex, date
31 of birth, height, weight, hair and eye color, photograph,

1 address of legal residence ~~and~~, address of any current
2 temporary residence, including a rural route address and a
3 post office box, date and place of any employment, date and
4 place of each conviction, fingerprints, and a brief
5 description of the crime or crimes committed by the offender.
6 A post office box shall not be provided in lieu of a physical
7 residential address. If the sexual predator's place of
8 residence is a motor vehicle, trailer, mobile home, or
9 manufactured home, as defined in chapter 320, the sexual
10 predator shall also provide to the department written notice
11 of the vehicle identification number; the license tag number;
12 the registration number; and a description, including color
13 scheme, of the motor vehicle, trailer, mobile home, or
14 manufactured home. If a sexual predator's place of residence
15 is a vessel, live-aboard vessel, or houseboat, as defined in
16 chapter 327, the sexual predator shall also provide to the
17 department written notice of the hull identification number;
18 the manufacturer's serial number; the name of the vessel,
19 live-aboard vessel, or houseboat; the registration number; and
20 a description, including color scheme, of the vessel,
21 live-aboard vessel, or houseboat.

22 2. Any other information determined necessary by the
23 department, including criminal and corrections records;~~;~~
24 nonprivileged personnel, treatment, and abuse registry
25 records;~~;~~and evidentiary genetic markers when available.

26 (b) If the sexual predator is in the custody or
27 control of, or under the supervision of, the Department of
28 Corrections, or is in the custody of a private correctional
29 facility, the sexual predator must register with the
30 Department of Corrections. The Department of Corrections shall
31 provide to the department registration information and the

1 location of, and local telephone number for, any Department of
2 Corrections' office that is responsible for supervising the
3 sexual predator.

4 (c) If the sexual predator is in the custody of a
5 local jail, the custodian of the local jail shall register the
6 sexual predator and forward the registration information to
7 the department. The custodian of the local jail shall also
8 take a digitized photograph of the sexual predator while the
9 sexual predator remains in custody and shall provide the
10 digitized photograph to the department.

11 (d) If the sexual predator is under federal
12 supervision, the federal agency responsible for supervising
13 the sexual predator may forward to the department any
14 information regarding the sexual predator which is consistent
15 with the information provided by the Department of Corrections
16 under this section, and may indicate whether use of the
17 information is restricted to law enforcement purposes only or
18 may be used by the department for purposes of public
19 notification.

20 (e)(b) If the sexual predator is not in the custody or
21 control of, or under the supervision of, the Department of
22 Corrections, or is not in the custody of a private
23 correctional facility, and establishes or maintains a
24 residence ~~permanently or temporarily resides~~ in the state, the
25 sexual predator shall initially register in person at an
26 office of the department, or at the sheriff's office in the
27 county in which the predator establishes or maintains a
28 residence ~~permanently or temporarily resides~~, within 48 hours
29 after establishing permanent or temporary residence in this
30 state. If a sexual predator registers with the sheriff's
31 office, the sheriff shall take a photograph and a set of

1 fingerprints of the predator and forward the photographs and
2 fingerprints to the department, along with the information
3 that the predator is required to provide pursuant to this
4 section.

5 (f)(c) Within 48 hours after ~~Subsequent to~~ the initial
6 registration required under paragraph (a) or paragraph(e)(b),
7 a sexual predator who is not incarcerated and who resides in
8 the community, including a sexual predator under the
9 supervision of the Department of Corrections, shall register
10 in person at a driver's license office of the Department of
11 Highway Safety and Motor Vehicles and shall present proof of
12 initial registration ~~within 48 hours after any change in the~~
13 ~~predator's permanent or temporary residence.~~ At the driver's
14 license office the sexual predator shall:

15 1. If otherwise qualified, secure a Florida driver's
16 license, renew a Florida driver's license, or secure an
17 identification card. The sexual predator shall identify
18 himself or herself as a sexual predator who is required to
19 comply with this section, provide his or her place of
20 permanent or temporary residence, including a rural route
21 address and a post office box, and submit to the taking of a
22 photograph for use in issuing a driver's license, renewed
23 license, or identification card, and for use by the department
24 in maintaining current records of sexual predators. A post
25 office box shall not be provided in lieu of a physical
26 residential address. If the sexual predator's place of
27 residence is a motor vehicle, trailer, mobile home, or
28 manufactured home, as defined in chapter 320, the sexual
29 predator shall also provide to the Department of Highway
30 Safety and Motor Vehicles the vehicle identification number;
31 the license tag number; the registration number; and a

1 description, including color scheme, of the motor vehicle,
2 trailer, mobile home, or manufactured home. If a sexual
3 predator's place of residence is a vessel, live-aboard vessel,
4 or houseboat, as defined in chapter 327, the sexual predator
5 shall also provide to the Department of Highway Safety and
6 Motor Vehicles the hull identification number; the
7 manufacturer's serial number; the name of the vessel,
8 live-aboard vessel, or houseboat; the registration number; and
9 a description, including color scheme, of the vessel,
10 live-aboard vessel, or houseboat.

11 2. Pay the costs assessed by the Department of Highway
12 Safety and Motor Vehicles for issuing or renewing a driver's
13 license or identification card as required by this section.

14 3. Provide, upon request, any additional information
15 necessary to confirm the identity of the sexual predator,
16 including a set of fingerprints.

17 (g)~~(d)~~ Each time a sexual predator's driver's license
18 or identification card is subject to renewal, and within 48
19 hours after any change of the predator's residence,the
20 predator shall report in person to a driver's license office,
21 ~~regardless of whether the predator's residence has changed,~~
22 and shall be subject to the requirements specified in
23 paragraph(f)~~(e)~~. The Department of Highway Safety and Motor
24 Vehicles shall forward to the department and to the Department
25 of Corrections all photographs and information provided by
26 sexual predators. Notwithstanding the restrictions set forth
27 in s. 322.142, the Department of Highway Safety and Motor
28 Vehicles is authorized to release a reproduction of a
29 color-photograph or digital-image license to the Department of
30 Law Enforcement for purposes of public notification of sexual
31 predators as provided in this section.

1 ~~(h)(e)~~ If the sexual predator initially registers at
2 an office of the department, the department must notify the
3 sheriff and the state attorney of the county and, if
4 applicable, the police chief of the municipality, where the
5 sexual predator maintains a residence ~~permanently or~~
6 ~~temporarily resides~~ within 48 hours after the sexual predator
7 registers with the department.

8 (i) A sexual predator who intends to establish
9 residence in another state or jurisdiction shall notify the
10 sheriff of the county of current residence or the department
11 within 48 hours before the date he or she intends to leave
12 this state to establish residence in another state or
13 jurisdiction. The notification must include the address,
14 municipality, county, and state of intended residence. The
15 sheriff shall promptly provide to the department the
16 information received from the sexual predator. The department
17 shall notify the statewide law enforcement agency, or a
18 comparable agency, in the intended state or jurisdiction of
19 residence of the sexual predator's intended residence. The
20 failure of a sexual predator to provide his or her intended
21 place of residence is punishable as provided in subsection
22 (10).

23 (j) A sexual predator who indicates his or her intent
24 to reside in another state or jurisdiction and later decides
25 to remain in this state shall, within 48 hours after the date
26 upon which the sexual predator indicated he or she would leave
27 this state, notify the sheriff or the department, whichever
28 agency is the agency to which the sexual predator reported the
29 intended change of residence, of his or her intent to remain
30 in this state. If the sheriff is notified by the sexual
31 predator that he or she intends to remain in this state, the

1 sheriff shall promptly report this information to the
2 department. A sexual predator who reports his or her intent to
3 reside in another state or jurisdiction, but who remains in
4 this state without reporting to the sheriff or the department
5 in the manner required by this paragraph, commits a felony of
6 the second degree, punishable as provided in s. 775.082, s.
7 775.083, or s. 775.084.

8 (k)~~(f)~~1. The department is responsible for the on-line
9 maintenance of current information regarding each registered
10 sexual predator. The department must maintain hotline access
11 for state, local, and federal law enforcement agencies to
12 obtain instantaneous locator file and offender characteristics
13 information on all released registered sexual predators for
14 purposes of monitoring, tracking, and prosecution. The
15 photograph and fingerprints do not have to be stored in a
16 computerized format.

17 2. The department's sexual predator registration list,
18 containing the information described in subparagraph (a)1., is
19 a public record. The department is authorized to disseminate
20 this public information by any means deemed appropriate,
21 including operating a toll-free~~"900"~~ telephone number for
22 this purpose. When the department provides information
23 regarding a registered sexual predator to the public,
24 department personnel must advise the person making the inquiry
25 that positive identification of a person believed to be a
26 sexual predator cannot be established unless a fingerprint
27 comparison is made, and that it is illegal to use public
28 information regarding a registered sexual predator to
29 facilitate the commission of a crime.

30 3. The department shall adopt guidelines as necessary
31 regarding the registration of sexual predators and the

1 dissemination of information regarding sexual predators as
2 required by this section.

3 (1)(g) A sexual predator must maintain registration
4 with the department for the duration of his or her life,
5 unless the sexual predator has had his or her civil rights
6 restored, or has received a full pardon or has had a
7 conviction set aside in a postconviction proceeding for any
8 felony sex offense that met the criteria for the sexual
9 predator designation. However, a sexual predator who was
10 designated as a sexual predator by a court before October 1,
11 1998, and who has been lawfully released from confinement,
12 supervision, or sanction, whichever is later, for at least 10
13 years and has not been arrested for any felony or misdemeanor
14 offense since release, may petition the criminal division of
15 the circuit court in the circuit in which the sexual predator
16 resides for the purpose of removing the sexual predator
17 designation. A sexual predator who was designated a sexual
18 predator by a court on or after October 1, 1998, who has been
19 lawfully released from confinement, supervision, or sanction,
20 whichever is later, for at least 20 years, and who has not
21 been arrested for any felony or misdemeanor offense since
22 release may petition the criminal division of the circuit
23 court in the circuit in which the sexual predator resides for
24 the purpose of removing the sexual predator designation.The
25 court ~~may~~ ~~has the discretion to~~ grant or deny such relief if
26 the petitioner demonstrates to the court that he or she has
27 not been arrested for any crime since release, the requested
28 relief complies with federal standards applicable to the
29 removal of the designation as a sexual predator, and the court
30 is otherwise satisfied that the petitioner is not a current or
31 potential threat to public safety. The state attorney in the

1 circuit in which the petition is filed must be given notice of
2 the petition at least 3 weeks before the hearing on the
3 matter. The state attorney may present evidence in opposition
4 to the requested relief or may otherwise demonstrate the
5 reasons why the petition should be denied. If the court denies
6 the petition, the court may set a future date at which the
7 sexual predator may again petition the court for relief,
8 subject to the standards for relief provided in this
9 paragraph. Unless specified in the order, a sexual predator
10 who is granted relief under this paragraph must comply with
11 the requirements for registration as a sexual offender and
12 other requirements provided under s. 943.0435 or s. 944.607.
13 If a petitioner obtains an order from the court that imposed
14 the order designating the petitioner as a sexual predator
15 which removes such designation, the petitioner shall forward a
16 certified copy of the written findings or order to the
17 department in order to have the sexual predator designation
18 removed from the sexual predator registry.

19 (7) COMMUNITY AND PUBLIC NOTIFICATION.--

20 (a) Law enforcement agencies must inform members of
21 the community and the public of a sexual predator's presence.
22 Upon notification of the presence of a sexual predator, the
23 sheriff of the county or the chief of police of the
24 municipality where the sexual predator establishes or
25 maintains a permanent or temporary residence ~~temporarily or~~
26 ~~permanently resides~~ shall notify members of the community and
27 the public of the presence of the sexual predator in a manner
28 deemed appropriate by the sheriff or the chief of police.
29 Information provided to members of the community and the
30 public regarding a sexual predator must include:

31 1. The name of the sexual predator;

1 2. A description of the sexual predator, including a
2 photograph;

3 3. The sexual predator's current address, including
4 the name of the county or municipality if known;

5 4. The circumstances of the sexual predator's offense
6 or offenses; and

7 5. Whether the victim of the sexual predator's offense
8 or offenses was, at the time of the offense, a minor or an
9 adult.

10
11 This paragraph does not authorize the release of the name of
12 any victim of the sexual predator.

13 (b) The sheriff or the police chief may coordinate the
14 community and public notification efforts with the department.
15 Statewide notification to the public is authorized, as deemed
16 appropriate by local law enforcement personnel and the
17 department.

18 (c) The department shall notify the public of all
19 designated sexual predators through the Internet. The
20 Internet notice shall include the information required by
21 paragraph (a).

22 (d) The department shall adopt a protocol to assist
23 law enforcement agencies in their efforts to notify the
24 community and the public of the presence of sexual predators.
25 ~~The department, in consultation and cooperation with the~~
26 ~~Department of Highway Safety and Motor Vehicles, shall~~
27 ~~determine the feasibility of requiring sexual predators to~~
28 ~~have a special designation on any drivers license,~~
29 ~~identification card, or license tag issued in this state.~~

30 (8) VERIFICATION.--The department and the Department
31 of Corrections shall implement a system for verifying the

1 addresses of sexual predators. The system must be consistent
2 with federal requirements that apply to the laws of this state
3 governing sexual predators. The Department of Corrections
4 shall verify the addresses of sexual predators who are not
5 incarcerated but who reside in the community under the
6 supervision of the Department of Corrections. The department
7 shall verify the addresses of sexual predators who are not
8 under the care, custody, control, or supervision of the
9 Department of Corrections.

10 (9)(8) IMMUNITY.--When the court has made a written
11 finding that an offender is a sexual predator, an elected or
12 appointed official, public employee, school administrator or
13 employee, or agency, or any individual or entity acting at the
14 request or upon the direction of any law enforcement agency is
15 immune from civil liability for damages resulting from the
16 release of information under this section.

17 (10)(9) PENALTIES.--

18 (a) Except as otherwise specifically provided, a
19 sexual predator who fails to register or who fails, after
20 registration, to maintain, acquire, or renew a driver's
21 license or identification card or provide required location
22 information, or who otherwise fails, by act or omission, to
23 comply with the requirements of this section, commits a felony
24 of the third degree, punishable as provided in s. 775.082, s.
25 775.083, or s. 775.084.

26 (b) A sexual predator who has been convicted of or
27 found to have committed, or has pled nolo contendere or guilty
28 to, regardless of adjudication, any violation of s.
29 794.011(2), (3), (4), (5), or (8); s. 794.023; s. 800.04;
30 s. 827.071; s. 847.0133; or s. 847.0145, or a violation of a
31 similar law of another jurisdiction, when the victim of the

1 offense was a minor, and who works, whether for compensation
2 or as a volunteer, at any business, school, day care center,
3 park, playground, or other place where children regularly
4 congregate, commits a felony of the third degree, punishable
5 as provided in s. 775.082, s. 775.083, or s. 775.084.

6 (c) Any person who misuses public records information
7 relating to a sexual predator, as defined in this section, or
8 a sexual offender, as defined in s. 943.0435 or s. 944.607, to
9 secure a payment from such a predator or offender; who
10 knowingly distributes or publishes false information relating
11 to such a predator or offender which the person misrepresents
12 as being public records information; or who materially alters
13 public records information with the intent to misrepresent the
14 information, including documents, summaries of public records
15 information provided by law enforcement agencies, or public
16 records information displayed by law enforcement agencies on
17 web sites or provided through other means of communication,
18 commits a misdemeanor of the first degree, punishable as
19 provided in s. 775.082 or s. 775.083.

20 Section 4. Section 775.24, Florida Statutes, is
21 created to read:

22 775.24 Duty of the court to uphold laws governing
23 sexual predators and sexual offenders.--

24 (1) The Legislature finds that, for the purpose of
25 approving a plea agreement or for other reasons, certain
26 courts enter orders that effectively limit or nullify
27 requirements imposed upon sexual predators and sexual
28 offenders pursuant to the laws of this state and prevent
29 persons or entities from carrying out the duties imposed, or
30 exercising the authority conferred, by such laws. The laws
31 relating to sexual predators and sexual offenders are

1 substantive law. Furthermore, the Congress of the United
2 States has expressly encouraged every state to enact such
3 laws, and has provided that, to the extent that a state's laws
4 do not meet certain federal requirements, the state will lose
5 significant federal funding provided to the state for law
6 enforcement and public safety programs. Unless a court that
7 enters such an order determines that a person or entity is not
8 operating in accordance with the laws governing sexual
9 predators or sexual offenders, or that such laws or any part
10 of such laws are unconstitutional or unconstitutionally
11 applied, the court unlawfully encroaches on the Legislature's
12 exclusive power to make laws and places at risk significant
13 public interests of the state.

14 (2) If a person meets the criteria in this chapter for
15 designation as a sexual predator or meets the criteria in s.
16 943.0435, s. 944.606, s. 944.607, or any other law for
17 classification as a sexual offender, the court may not enter
18 an order, for the purpose of approving a plea agreement or for
19 any other reason, which:

20 (a) Exempts a person who meets the criteria for
21 designation as a sexual predator or classification as a sexual
22 offender from such designation or classification, or exempts
23 such person from the requirements for registration or
24 community and public notification imposed upon sexual
25 predators and sexual offenders;

26 (b) Restricts the compiling, reporting, or release of
27 public records information that relates to sexual predators or
28 sexual offenders; or

29 (c) Prevents any person or entity from performing its
30 duties or operating within its statutorily conferred authority

31

1 as such duty or authority relates to sexual predators or
2 sexual offenders.

3 (3) If the court enters an order that affects an
4 agency's performance of a duty imposed under the laws
5 governing sexual predators or sexual offenders, or that limits
6 the agency's exercise of authority conferred under such laws,
7 the Legislature strongly encourages the affected agency to
8 file a motion in the court that entered such order. The
9 affected agency may, within 60 days after the receipt of any
10 such order, move to modify or set aside the order or, if such
11 order is in the nature of an injunction, move to dissolve the
12 injunction. Grounds for granting any such motion include, but
13 need not be limited to:

14 (a) The affected agency was not properly noticed.

15 (b) The court is not authorized to enjoin the
16 operation of a statute that has been duly adjudged
17 constitutional and operative unless the statute is illegally
18 applied or unless the statute or the challenged part of it is
19 unconstitutional on adjudicated grounds.

20 (c) Jurisdiction may not be conferred by consent of
21 the parties.

22 (d) To the extent that the order is based upon actions
23 the agency might take, the court's order is premature and, if
24 and when such actions are taken, these actions may be
25 challenged in appropriate proceedings to determine their
26 enforceability.

27 (e) The injunction affects the public interest and
28 would cause injury to the public.

29 (f) The order creates an unenforceable, perpetual
30 injunction.

31

1 (g) The order seeks to restrict the agency in the
2 performance of its duties outside the court's territorial
3 jurisdiction.

4 Section 5. Section 775.25, Florida Statutes, is
5 created to read:

6 775.25 Prosecutions for acts or omissions.--A sexual
7 predator or sexual offender who commits any act or omission in
8 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606,
9 s. 944.607, or s. 947.177 may be prosecuted for the act or
10 omission in the county in which the act or omission was
11 committed, the county of the last registered address of the
12 sexual predator or sexual offender, or the county in which the
13 conviction occurred for the offense or offenses that meet the
14 criteria for designating a person as a sexual predator or
15 sexual offender. In addition, a sexual predator may be
16 prosecuted for any such act or omission in the county in which
17 he or she was designated a sexual predator.

18 Section 6. Section 943.043, Florida Statutes, is
19 amended to read:

20 943.043 Toll-free telephone number; sexual predator
21 and sexual offender ~~sex-offender~~ information.--

22 (1) The department may notify the public through the
23 Internet of any information regarding sexual predators and
24 sexual offenders which is not confidential and exempt from
25 public disclosure under s. 119.07(1) and s. 24(a), Art. I of
26 the State Constitution.

27 (2)~~(1)~~ The department shall provide, through a
28 toll-free telephone number, public access to registration
29 information regarding sexual predators and sexual ~~sex~~
30 offenders and may provide other information reported to the
31 department which is not ~~confidential~~ or exempt from public

1 disclosure ~~and which is reported to the department by the~~
2 ~~Department of Corrections as provided in s. 944.607 or by a~~
3 ~~sex offender as provided in s. 943.0435.~~

4 (3)~~(2)~~ The department shall provide to any person,
5 upon request and at a reasonable cost determined by the
6 department, a copy of the photograph of any sexual ~~sex~~
7 offender or sexual predator which the department maintains in
8 its files and a printed summary of the information that is
9 available to the public under this section.

10 (4)~~(3)~~ The department, and its personnel, and any
11 individual or entity acting at the request or upon the
12 direction of the department are immune from civil liability
13 for damages for good-faith ~~good faith~~ compliance with this
14 section and will ~~shall~~ be presumed to have acted in good faith
15 by reporting information. The presumption of good faith is not
16 overcome if technical or clerical errors are made by the
17 department, and its personnel, or any individual or entity
18 acting at the request or upon the direction of the department
19 in reporting the information, if the department and its
20 personnel are unable to report information because the
21 information has not been provided or reported by a person or
22 agency required to provide or report the information to the
23 department, or if the department, and its personnel, or any
24 individual or entity acting at the request or upon the
25 direction of the department reports ~~report~~ information that
26 was falsely reported without the knowledge of the department,
27 and its personnel, or such individual or entity.

28 Section 7. Section 943.0435, Florida Statutes, is
29 amended to read:

30 943.0435 Sexual ~~Sex~~ offenders required to register
31 with ~~report to~~ the department; penalty.--

- 1 (1) As used in this section, the term:
- 2 (a) "Sexual Sex offender" means a person who has been:
- 3 1. Convicted of committing, or attempting, soliciting,
- 4 or conspiring to commit, any of the criminal offenses
- 5 proscribed in the following statutes in this state or similar
- 6 analogous offenses in another jurisdiction: s. 787.01 or s.
- 7 787.02, where the victim is a minor and the defendant is not
- 8 the victim's parent; s. 787.025; chapter 794; s. 796.03;
- 9 s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135;
- 10 s. 847.0145; or any similar offense committed in this state
- 11 which has been redesignated from a former statute number to
- 12 one of those listed in this subparagraph.
- 13 2. Released on or after October 1, 1997, from the
- 14 sanction imposed for any conviction of an offense described in
- 15 subparagraph 1. For purposes of subparagraph 1., a sanction
- 16 imposed in this state or in any other jurisdiction includes,
- 17 but is not limited to, a fine, probation, community control,
- 18 parole, conditional release, control release, or incarceration
- 19 in a state prison, federal prison, private correctional
- 20 facility, or local detention facility.
- 21 (b) "Convicted" means that, regarding the person's
- 22 offense, there has been a determination of guilt ~~the person~~
- 23 ~~has been determined guilty~~ as a result of ~~a plea~~ or a trial or
- 24 the entry of a plea of guilty or nolo contendere, regardless
- 25 of whether adjudication is withheld. Conviction of a similar
- 26 offense includes, but is not limited to, a conviction by a
- 27 federal or military tribunal, including courts-martial
- 28 conducted by the Armed Forces of the United States, and
- 29 includes a conviction in any state of the United States.
- 30 (c) "Permanent residence" and "temporary residence"
- 31 have the same meaning ascribed in s. 775.21.

1 (2) A sexual ~~sex~~ offender shall initially report in
2 person at an office of the department, or at the sheriff's
3 office in the county in which the offender establishes or
4 maintains a permanent or temporary residence ~~permanently or~~
5 ~~temporarily resides~~, within 48 hours after establishing
6 permanent or temporary residence in this state. ~~A sex offender~~
7 ~~permanently resides in this state if the offender abides,~~
8 ~~lodges, or resides in a place for more than 2 consecutive~~
9 ~~weeks. A sex offender temporarily resides in this state if the~~
10 ~~offender abides, lodges, or resides in a place for 2~~
11 ~~consecutive weeks or less, excluding a stay of 2 consecutive~~
12 ~~weeks or less at a different residence due to a vacation or an~~
13 ~~emergency or special circumstance that requires the sex~~
14 ~~offender to leave his or her place of permanent or temporary~~
15 ~~residence for 2 weeks or less.~~The sexual ~~sex~~ offender shall
16 provide his or her name, date of birth, social security
17 number, race, sex, height, weight, hair and eye color, tattoos
18 or other identifying marks, occupation and place of
19 employment, address of permanent or legal residence, ~~or~~
20 address of any current temporary residence, including a rural
21 route address and a post office box, date and place of each
22 conviction, and a brief description of the crime or crimes
23 committed by the offender. A post office box shall not be
24 provided in lieu of a physical residential address. If the
25 sexual offender's place of residence is a motor vehicle,
26 trailer, mobile home, or manufactured home, as defined in
27 chapter 320, the sexual offender shall also provide to the
28 department written notice of the vehicle identification
29 number; the license tag number; the registration number; and a
30 description, including color scheme, of the motor vehicle,
31 trailer, mobile home, or manufactured home. If the sexual

1 offender's place of residence is a vessel, live-aboard vessel,
2 or houseboat, as defined in chapter 327, the sexual offender
3 shall also provide to the department written notice of the
4 hull identification number; the manufacturer's serial number;
5 the name of the vessel, live-aboard vessel, or houseboat; the
6 registration number; and a description, including color
7 scheme, of the vessel, live-aboard vessel, or houseboat. If a
8 sexual ~~sex~~ offender reports at the sheriff's office, the
9 sheriff shall take a photograph and a set of fingerprints of
10 the offender and forward the photographs and fingerprints to
11 the department, along with the information provided by the
12 sexual ~~sex~~ offender.

13 (3) Within 48 hours after the ~~Subsequent to the~~
14 initial report required under subsection (2), a sexual ~~sex~~
15 offender shall report in person at a driver's license office
16 of the Department of Highway Safety and Motor Vehicles ~~within~~
17 ~~48 hours after any change in the offender's permanent or~~
18 ~~temporary residence.~~ At the driver's license office the sexual
19 ~~sex~~ offender shall:

20 (a) If otherwise qualified, secure a Florida driver's
21 license, renew a Florida driver's license, or secure an
22 identification card. The sexual ~~sex~~ offender shall identify
23 himself or herself as a sexual ~~sex~~ offender who is required to
24 comply with this section and shall provide proof that the
25 sexual offender initially reported as required in subsection
26 (2). The sexual ~~sex~~ offender shall provide any of the
27 information specified in subsection (2), if requested. The
28 sexual ~~sex~~ offender shall submit to the taking of a photograph
29 for use in issuing a driver's license, renewed license, or
30 identification card, and for use by the department in
31 maintaining current records of sexual ~~sex~~ offenders.

1 (b) Pay the costs assessed by the Department of
2 Highway Safety and Motor Vehicles for issuing or renewing a
3 driver's license or identification card as required by this
4 section.

5 (c) Provide, upon request, any additional information
6 necessary to confirm the identity of the sexual ~~sex~~ offender,
7 including a set of fingerprints.

8 (4) Each time a sexual ~~sex~~ offender's driver's license
9 or identification card is subject to renewal, and within 48
10 hours after any change in the offender's permanent or
11 temporary residence, the offender shall report in person to a
12 driver's license office, ~~regardless of whether the offender's~~
13 ~~residence has changed~~, and shall be subject to the
14 requirements specified in subsection (3). The Department of
15 Highway Safety and Motor Vehicles shall forward to the
16 department all photographs and information provided by sexual
17 ~~sex~~ offenders. Notwithstanding the restrictions set forth in
18 s. 322.142, the Department of Highway Safety and Motor
19 Vehicles is authorized to release a reproduction of a
20 color-photograph or digital-image license to the Department of
21 Law Enforcement for purposes of public notification of sexual
22 offenders as provided in ss. 943.043, 943.0435, and 944.606.

23 (5) This section does not apply to a sexual ~~sex~~
24 offender who is also a sexual predator, as defined in s.
25 775.21. A sexual predator must register as required under s.
26 775.21.

27 (6) The department shall verify the addresses of
28 sexual offenders who are not under the care, custody, control,
29 or supervision of the Department of Corrections in a manner
30 that is consistent with federal requirements.

31

1 (7) A sexual offender who intends to establish
2 residence in another state or jurisdiction shall notify the
3 sheriff of the county of current residence or the department
4 within 48 hours before the date he or she intends to leave
5 this state to establish residence in another state or
6 jurisdiction. The notification must include the address,
7 municipality, county, and state of intended residence. The
8 sheriff shall promptly provide to the department the
9 information received from the sexual offender. The department
10 shall notify the statewide law enforcement agency, or a
11 comparable agency, in the intended state or jurisdiction of
12 residence of the sexual offender's intended residence. The
13 failure of a sexual offender to provide his or her intended
14 place of residence is punishable as provided in subsection
15 (9).

16 (8) A sexual offender who indicates his or her intent
17 to reside in another state or jurisdiction and later decides
18 to remain in this state shall, within 48 hours after the date
19 upon which the sexual offender indicated he or she would leave
20 this state, notify the sheriff or department, whichever agency
21 is the agency to which the sexual offender reported the
22 intended change of residence, of his or her intent to remain
23 in this state. If the sheriff is notified by the sexual
24 offender that he or she intends to remain in this state, the
25 sheriff shall promptly report this information to the
26 department. A sexual offender who reports his or her intent to
27 reside in another state or jurisdiction but who remains in
28 this state without reporting to the sheriff or the department
29 in the manner required by this paragraph commits a felony of
30 the second degree, punishable as provided in s. 775.082, s.
31 775.083, or s. 775.084.

1 (9)(6) A sexual ~~sex~~ offender who does not comply with
2 the requirements of this section commits a felony of the third
3 degree, punishable as provided in s. 775.082, s. 775.083, or
4 s. 775.084.

5 (10)(7) The department, the Department of Highway
6 Safety and Motor Vehicles, the Department of Corrections, ~~and~~
7 the personnel of those departments, and any individual or
8 entity acting at the request or upon the direction of any of
9 those departments are immune from civil liability for damages
10 for good-faith ~~good-faith~~ compliance with the requirements of
11 this section, and shall be presumed to have acted in good
12 faith in compiling, recording, and reporting information. The
13 presumption of good faith is not overcome if a technical or
14 clerical error is made by the department, the Department of
15 Highway Safety and Motor Vehicles, the Department of
16 Corrections, ~~or~~ the personnel of those departments, or any
17 individual or entity acting at the request or upon the
18 direction of any of those departments in compiling or
19 providing information, or if information is incomplete or
20 incorrect because a sexual ~~sex~~ offender fails to report or
21 falsely reports his or her current place of permanent or
22 temporary residence.

23 (11) A sexual offender must maintain registration with
24 the department for the duration of his or her life, unless the
25 sexual offender has had his or her civil rights restored or
26 has received a full pardon or has had a conviction set aside
27 in a postconviction proceeding for any felony sex offense that
28 meets the criteria for classifying the person as a sexual
29 offender for purposes of registration. However, a sexual
30 offender who has been lawfully released from confinement,
31 supervision, or sanction, whichever is later, for at least 20

1 years and has not been arrested for any felony or misdemeanor
2 offense since release may petition the criminal division of
3 the circuit court of the circuit in which the sexual offender
4 resides for the purpose of removing the requirement for
5 registration as a sexual offender. The court may grant or deny
6 such relief if the offender demonstrates to the court that he
7 or she has not been arrested for any crime since release, the
8 requested relief complies with federal standards applicable to
9 the removal of registration requirements for a sexual
10 offender, and the court is otherwise satisfied that the
11 offender is not a current or potential threat to public
12 safety. The state attorney in the circuit in which the
13 petition is filed must be given notice of the petition at
14 least 3 weeks before the hearing on the matter. The state
15 attorney may present evidence in opposition to the requested
16 relief or may otherwise demonstrate the reasons why the
17 petition should be denied. If the court denies the petition,
18 the court may set a future date at which the sexual offender
19 may again petition the court for relief, subject to the
20 standards for relief provided in this subsection. The
21 department shall remove an offender from classification as a
22 sexual offender for purposes of registration if the offender
23 provides to the department a certified copy of the court's
24 written findings or order that indicates that the offender is
25 no longer required to comply with the requirements for
26 registration as a sexual offender.

27 Section 8. Section 943.325, Florida Statutes, is
28 amended to read:

29 943.325 Blood specimen testing for DNA analysis.--

30 (1)(a) Any person convicted, or who was previously
31 convicted and is still incarcerated, in this state for any

1 offense or attempted offense defined in chapter 794, chapter
2 800, s. 782.04, s. 784.045, s. 812.133, or s. 812.135, and who
3 is within the confines of the legal state boundaries, shall be
4 required to submit two specimens of blood to a Department of
5 Law Enforcement designated testing facility as directed by the
6 department.

7 (b) For the purpose of this section, the term "any
8 person" shall include both juveniles and adults committed to
9 or under the supervision of the Department of Corrections or
10 the Department of Juvenile Justice or committed to a county
11 jail.

12 (2) The withdrawal of blood for purposes of this
13 section shall be performed in a medically approved manner and
14 only under the supervision of a physician, registered nurse,
15 licensed practical nurse, or duly licensed medical personnel.

16 (3) Upon a conviction of any person for any offense
17 under paragraph (1)(a) which results in the commitment of the
18 offender to a county jail, correctional facility, or juvenile
19 facility, the entity responsible for the facility shall assure
20 that the blood specimens required by this section are promptly
21 secured and transmitted to the Department of Law Enforcement.
22 If the person is not incarcerated following such conviction,
23 the person may not be released from the custody of the court
24 or released pursuant to a bond or surety until the blood
25 specimens required by this section have been taken. The chief
26 judge of each circuit shall, in conjunction with the sheriff
27 or other entity that maintains the county jail, assure
28 implementation of a method to promptly collect required blood
29 specimens and forward the specimens to the Department of Law
30 Enforcement. The Department of Law Enforcement, in conjunction
31 with the sheriff, the courts, the Department of Corrections,

1 and the Department of Juvenile Justice, shall develop a
2 statewide protocol for securing the blood specimens of any
3 person required to provide specimens under this section.
4 Personnel at the jail, correctional facility, or juvenile
5 facility shall implement the protocol as part of the regular
6 processing of offenders.

7 (4) If any blood specimens submitted to the Department
8 of Law Enforcement under this section are found to be
9 unacceptable for analysis and use or cannot be used by the
10 department in the manner required by this section, the
11 Department of Law Enforcement may require that another set of
12 blood specimens be taken as set forth in subsection (11).

13 (5)~~(3)~~ The Department of Law Enforcement shall provide
14 the specimen vials, mailing tubes, labels, and instructions
15 for the collection of blood specimens. The specimens shall
16 thereafter be forwarded to the designated testing facility for
17 analysis to determine genetic markers and characteristics for
18 the purpose of individual identification of the person
19 submitting the sample.

20 (6)~~(4)~~ The analysis, when completed, shall be entered
21 into the automated database maintained by the Department of
22 Law Enforcement for such purpose, and shall not be included in
23 the state central criminal justice information repository.

24 (7)~~(5)~~ The results of a DNA analysis and the
25 comparison of analytic results shall be released only to
26 criminal justice agencies as defined in s. 943.045(10), at the
27 request of the agency. Otherwise, such information is
28 confidential and exempt from the provisions of s. 119.07(1)
29 and s. 24(a), Art. I of the State Constitution.

30 (8)~~(6)~~ The Department of Law Enforcement and the
31 statewide criminal laboratory analysis system shall establish,

1 implement, and maintain a statewide automated personal
2 identification system capable of, but not limited to,
3 classifying, matching, and storing analyses of DNA
4 (deoxyribonucleic acid) and other biological molecules. The
5 system shall be available to all criminal justice agencies.

6 (9)~~(7)~~ The Department of Law Enforcement shall:

7 (a) Receive, process, and store blood samples and the
8 data derived therefrom furnished pursuant to subsection (1) or
9 pursuant to a requirement of supervision imposed by the court
10 or the Parole Commission with respect to a person convicted of
11 any offense specified in subsection (1).

12 (b) Collect, process, maintain, and disseminate
13 information and records pursuant to this section.

14 (c) Strive to maintain or disseminate only accurate
15 and complete records.

16 (d) Adopt rules prescribing the proper procedure for
17 state and local law enforcement and correctional agencies to
18 collect and submit blood samples pursuant to this section.

19 (10)~~(8)~~(a) The court shall include in the judgment of
20 conviction for an offense specified in this section, or a
21 finding that a person described in subsection (1) violated a
22 condition of probation, community control, or any other
23 court-ordered supervision, an order stating that blood
24 specimens are required to be drawn by the appropriate agency
25 in a manner consistent with this section and, unless the
26 convicted person lacks the ability to pay, the person shall
27 reimburse the appropriate agency for the cost of drawing and
28 transmitting the blood specimens to the Florida Department of
29 Law Enforcement. The reimbursement payment may be deducted
30 from any existing balance in the inmates's bank account. If
31 the account balance is insufficient to cover the cost of

1 drawing and transmitting the blood specimens to the Florida
2 Department of Law Enforcement, 50 percent of each deposit to
3 the account must be withheld until the total amount owed has
4 been paid. If the judgment places the convicted person on
5 probation, community control, or any other court-ordered
6 supervision, the court shall order the convicted person to
7 submit to the drawing of the blood specimens as a condition of
8 the probation, community control, or other court-ordered
9 supervision. For the purposes of a person who is on
10 probation, community control, or any other court-ordered
11 supervision, the collection requirement must be based upon a
12 court order. If the judgment sentences the convicted person
13 to time served, the court shall order the convicted person to
14 submit to the drawing of the blood specimens as a condition of
15 such sentence.

16 (b) The appropriate agency shall cause the specimens
17 to be drawn as soon as practical after conviction but, in the
18 case of any person ordered to serve a term of incarceration as
19 part of the sentence, the specimen shall be drawn as soon as
20 practical after the receipt of the convicted person by the
21 custodial facility. For the purpose of this section, the
22 appropriate agency shall be the Department of Corrections
23 whenever the convicted person is committed to the legal and
24 physical custody of the department. Conviction information
25 contained in the offender information system of the Department
26 of Corrections shall be sufficient to determine applicability
27 under this section. The appropriate agency shall be the
28 sheriff or officer in charge of the county correctional
29 facility whenever the convicted person is placed on probation,
30 community control, or any other court-ordered supervision or
31

1 form of supervised release or is committed to the legal and
2 physical custody of a county correctional facility.

3 (c) Any person previously convicted of an offense
4 specified in this section, or a crime which, if committed in
5 this state, would be an offense specified in this section, and
6 who is also subject to the registration requirement imposed by
7 s. 775.13, shall be subject to the collection requirement of
8 this section when the appropriate agency described in this
9 section verifies the identification information of the person.
10 The collection requirement of this section does not apply to a
11 person as described in s. 775.13(6)~~s. 775.13(5)~~.

12 (d) For the purposes of this section, conviction shall
13 include a finding of guilty, or entry of a plea of nolo
14 contendere or guilty, regardless of adjudication or, in the
15 case of a juvenile, the finding of delinquency.

16 (e) If necessary, the state or local law enforcement
17 or correctional agency having authority over the person
18 subject to the sampling under this section shall assist in the
19 procedure. The law enforcement or correctional officer so
20 assisting may use reasonable force if necessary to require
21 such person to submit to the withdrawal of blood. The
22 withdrawal shall be performed in a reasonable manner. A
23 hospital, clinical laboratory, medical clinic, or similar
24 medical institution; a physician, certified paramedic,
25 registered nurse, licensed practical nurse, or other personnel
26 authorized by a hospital to draw blood; a licensed clinical
27 laboratory director, supervisor, technologist, or technician;
28 or any other person who assists a law enforcement officer is
29 not civilly or criminally liable as a result of withdrawing
30 blood specimens according to accepted medical standards when
31 requested to do so by a law enforcement officer or any

1 personnel of a jail, correctional facility, or juvenile
2 detention facility, regardless of whether the convicted person
3 resisted the drawing of blood specimens.

4 (11) If the Department of Law Enforcement determines
5 that a convicted person who is required to submit blood
6 specimens under this section has not provided the specimens,
7 the department, a state attorney, or any law enforcement
8 agency may apply to the circuit court for an order that
9 authorizes taking the convicted person into custody for the
10 purpose of securing the required specimens. The court shall
11 issue the order upon a showing of probable cause. Following
12 issuance of the order, the convicted person shall be
13 transported to a location acceptable to the agency that has
14 custody of the person, the blood specimens shall be withdrawn
15 in a reasonable manner, and the person shall be released if
16 there is no other reason to justify retaining the person in
17 custody. The agency that takes the convicted person into
18 custody may, but is not required to, transport the person back
19 to the location where the person was taken into custody.

20 (12) Unless the convicted person has been declared
21 indigent by the court, the convicted person shall pay the
22 actual costs of collecting the blood specimens required under
23 this section.

24 (13) If a court, a law enforcement agency, or the
25 Department of Law Enforcement fails to strictly comply with
26 this section or to abide by a statewide protocol for
27 collecting blood specimens, such failure is not grounds for
28 challenging the validity of the collection or the use of a
29 specimen, and evidence based upon or derived from the
30 collected blood specimens may not be excluded by a court.

31

1 Section 9. Subsection (4) is added to section 944.605,
2 Florida Statutes, to read:

3 944.605 Inmate release; notice by Department of
4 Corrections, Control Release Authority, or Parole
5 Commission.--

6 (4) An inmate who refuses to submit to the taking of a
7 digitized photograph commits a felony of the third degree,
8 punishable as provided in s. 775.082, s. 775.083, or s.
9 775.084.

10 Section 10. Section 944.606, Florida Statutes, is
11 amended to read:

12 944.606 Sexual offenders; notification upon release.--

13 (1) As used in this section:

14 (a) "Conviction" means a determination of guilt which
15 that is the result of a plea or a trial or the entry of a plea
16 of guilty or nolo contendere, regardless of whether
17 adjudication is withheld. A conviction for a violation of a
18 similar law of another jurisdiction includes, but is not
19 limited to, a conviction by a federal or military tribunal,
20 including courts-martial conducted by the Armed Forces of the
21 United States, and includes a conviction in any state of the
22 United States.

23 (b) "Sexual offender" means a person who has been
24 convicted of committing, or attempting, soliciting, or
25 conspiring to commit, any of the criminal offenses proscribed
26 in the following statutes in this state or similar offenses in
27 another jurisdiction: s. 787.01 or s. 782.02, where the
28 victim is a minor and the defendant is not the victim's
29 parent; s. 787.025; a felony violation of chapter 794; s.
30 796.03; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
31 847.0135; or s. 847.0145; or any similar offense committed in

1 this state which has been redesignated from a former statute
2 number to one of those listed in this subsection, ~~or a~~
3 ~~violation of a similar law of another jurisdiction,~~ when the
4 department has received verified information regarding such
5 conviction; an offender's computerized criminal history record
6 is not, in and of itself, verified information.

7 (2) The Legislature finds that sexual offenders,
8 especially those who have committed their offenses against
9 minors, often pose a high risk of engaging in sexual offenses
10 even after being released from incarceration or commitment and
11 that protection of the public from sexual offenders is a
12 paramount governmental interest. Sexual offenders have a
13 reduced expectation of privacy because of the public's
14 interest in public safety and in the effective operation of
15 government. Releasing sexual offender information to law
16 enforcement agencies and to persons who request such
17 information, and releasing such information to the public by a
18 law enforcement agency or public agency, will further the
19 governmental interests of public safety.

20 (3)(a) The department must provide information
21 regarding any sexual offender who is being released after
22 serving a period of incarceration for any offense, as follows:

23 1. The department must provide: the sexual offender's
24 name and any alias, if known; the correctional facility from
25 which the sexual offender is released; the sexual offender's
26 social security number, race, sex, date of birth, height,
27 weight, and hair and eye color; date and county of sentence
28 and each crime for which the offender was sentenced; a copy of
29 the offender's fingerprints and a digitized photograph taken
30 within 60 days before release; the date of release of the
31 sexual offender; and the offender's intended residence

1 address, if known. If the sexual offender is in the custody of
2 a private correctional facility, the facility shall take the
3 digitized photograph of the sexual offender within 60 days
4 before the sexual offender's release and provide this
5 photograph to the Department of Corrections and also place it
6 in the sexual offender's file. If the sexual offender is in
7 the custody of a local jail, the custodian of the local jail
8 shall notify the Department of Law Enforcement of the sexual
9 offender's release and provide to the Department of Law
10 Enforcement the information specified in paragraph (a) and any
11 information specified in subparagraph 2. that the Department
12 of Law Enforcement requests.

13 2. The department may provide any other information
14 deemed necessary, including criminal and corrections records,
15 nonprivileged personnel and treatment records, when available.

16 (b) The department must provide the information
17 described in subparagraph (a)1. to:

18 1. The sheriff of the county from where the sexual
19 offender was sentenced;

20 2. The sheriff of the county and, if applicable, the
21 police chief of the municipality, where the sexual offender
22 plans to reside;

23 3. The Florida Department of Law Enforcement; and

24 4. Any person who requests such information,
25

26 either within 6 months prior to the anticipated release of a
27 sexual offender, or as soon as possible if an offender is
28 released earlier than anticipated. All such information
29 provided to the Department of Law Enforcement must be
30 available electronically as soon as the information is in the
31

1 agency's database and must be in a format that is compatible
2 with the requirements of the Florida Crime Information Center.

3 (c) Upon request, the department must provide the
4 information described in subparagraph (a)2. to:

5 1. The sheriff of the county from where the sexual
6 offender was sentenced; and

7 2. The sheriff of the county and, if applicable, the
8 police chief of the municipality, where the sexual offender
9 plans to reside,

10
11 either within 6 months prior to the anticipated release of a
12 sexual offender, or as soon as possible if an offender is
13 released earlier than anticipated.

14 (d) Upon receiving information regarding a sexual
15 offender from the department, the Department of Law
16 Enforcement, the sheriff or the chief of police shall provide
17 the information described in subparagraph (a)1. to any
18 individual who requests such information and may release the
19 information to the public in any manner deemed appropriate,
20 unless the information so received is confidential or exempt
21 from s. 119.07(1) and s. 24(a), Art. I of the State
22 Constitution.

23 (4) This section authorizes the department or any law
24 enforcement agency to notify the community and the public of a
25 sexual offender's presence in the community. However, with
26 respect to a sexual offender who has been found to be a
27 "sexual predator" under chapter 775, the Florida Department of
28 Law Enforcement or any other law enforcement agency must
29 inform the community and the public of the sexual predator's
30 presence in the community, as provided in chapter 775. ~~Release~~
31 ~~of information pursuant to this section does not constitute~~

1 ~~unauthorized public disclosure of information that relates to~~
2 ~~sexual predators under chapter 775.~~

3 (5) An elected or appointed official, public employee,
4 school administrator or employee, or agency, or any individual
5 or entity acting at the request or upon the direction of any
6 law enforcement agency, is immune from civil liability for
7 damages resulting from the release of information under this
8 section.

9 Section 11. Section 944.607, Florida Statutes, is
10 amended to read:

11 944.607 Notification to Department of Law Enforcement
12 of information on sexual ~~sex~~ offenders.--

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

14 (a) "Sexual ~~Sex~~ offender" means a person who is in the
15 custody or control of, or under the supervision of, the
16 department or is in the custody of a private correctional
17 facility on or after October 1, 1997, as a result of a
18 conviction for committing, or attempting, soliciting, or
19 conspiring to commit, any of the criminal offenses proscribed
20 in the following statutes in this state or similar analogous
21 offenses in another jurisdiction: s. 787.01 or s. 787.02,
22 where the victim is a minor and the defendant is not the
23 victim's parent; s. 787.025; ~~chapter 794;~~ s. 796.03; ~~s.~~
24 800.04; s. 825.1025; ~~s.~~ 827.071; ~~s.~~ 847.0133; ~~s.~~ 847.0135;
25 s. 847.0145; ~~or any similar offense committed in this state~~
26 which has been redesignated from a former statute number to
27 one of those listed in this paragraph.

28 (b) "Conviction" means a determination of guilt which
29 is the ~~as a~~ result of a ~~plea or trial or the entry of a plea~~
30 of guilty or nolo contendere, regardless of whether
31 adjudication is withheld. Conviction of a similar offense

1 includes, but is not limited to, a conviction by a federal or
2 military tribunal, including courts-martial conducted by the
3 Armed Forces of the United States, and includes a conviction
4 in any state of the United States.

5 (2) The clerk of the court of that court which
6 convicted and sentenced the sexual offender for the offense or
7 offenses described in subsection (1) shall forward to the
8 department and the Department of Law Enforcement a certified
9 copy of any order entered by the court imposing any special
10 condition or restriction on the sexual offender which
11 restricts or prohibits access to the victim, if the victim is
12 a minor, or to other minors. The Department of Law Enforcement
13 may include on its Internet site such special conditions or
14 restrictions.

15 (3) If a sexual offender is not sentenced to a term of
16 imprisonment, the clerk of the court shall ensure that the
17 sexual offender's fingerprints are taken and forwarded to the
18 department within 48 hours after the court sentences the
19 offender. The fingerprint card shall be clearly marked "Sexual
20 Offender Registration Card."

21 (4) A sexual offender, as described in this section,
22 who is under the supervision of the Department of Corrections
23 but is not incarcerated must register with the Department of
24 Corrections and provide the following information: name; date
25 of birth; social security number; race; sex; height; weight;
26 hair and eye color; tattoos or other identifying marks; and
27 permanent or legal residence and address of temporary
28 residence, including any rural route address or post office
29 box. The Department of Corrections shall verify the address of
30 each sexual offender in the manner described in s. 775.21 and
31 s. 943.0435.

1 ~~(5)(2)~~ In addition to notification and transmittal
2 requirements imposed by any other provision of law, the
3 department shall compile information on any sexual ~~sex~~
4 offender and provide the information to the Department of Law
5 Enforcement. The information shall be made available
6 electronically to the Department of Law Enforcement as soon as
7 this information is in the department's database and must be
8 in a format that is compatible with the requirements of the
9 Florida Crime Information Center.

10 ~~(6)(3)~~ The information provided to the Department of
11 Law Enforcement must include:

12 (a) The information obtained from the sexual offender
13 under subsection (4)~~name of the sex offender and any alias,~~
14 ~~if known;~~

15 (b) The sexual ~~sex~~ offender's most current address and
16 place of permanent and ~~or~~ temporary residence, including the
17 name of the county or municipality in which the offender
18 permanently or temporarily resides and, if known, the intended
19 place of permanent or temporary residence upon satisfaction of
20 all sanctions;

21 (c) The legal status of the sexual ~~sex~~ offender and
22 the scheduled termination date of that legal status;

23 (d) The location of, and local telephone number for,
24 any Department of Corrections'office that ~~of probation,~~
25 ~~community control, parole, conditional release, or control~~
26 ~~release which~~ is responsible for supervising the sexual ~~sex~~
27 offender;

28 (e) An indication of whether the victim of the offense
29 that resulted in the offender's status as a sexual ~~sex~~
30 offender was a minor;

31 ~~(f) A physical description of the sex offender;~~

1 ~~(f)(g)~~ The offense or offenses at conviction which
2 resulted in the determination of the offender's status as a
3 sex offender; and

4 ~~(g)(h)~~ A digitized photograph of the sexual ~~sex~~
5 offender which must have been taken within 60 days before the
6 offender is released from the custody of the department or a
7 private correctional facility by expiration of sentence under
8 s. 944.275 or must have been taken by January 1, 1998, or
9 within 60 days after the onset of the department's supervision
10 of any sexual ~~sex~~ offender who is on probation, community
11 control, conditional release, parole, provisional release, or
12 control release or who is supervised by the department under
13 the Interstate Compact Agreement for Probationers and
14 Parolees. If the sexual ~~sex~~ offender is in the custody of a
15 private correctional facility, the facility shall take a
16 digitized photograph of the sexual ~~sex~~ offender within the
17 time period provided in this paragraph and shall provide the
18 photograph to the department.

19
20 If any information provided by the department changes during
21 the time the sexual ~~sex~~ offender is under the department's
22 control, custody, or supervision, the department shall, in a
23 timely manner, update the information and provide it to the
24 Department of Law Enforcement in the manner prescribed in
25 subsection (2).

26 (7) If the sexual offender is in the custody of a
27 local jail, the custodian of the local jail shall register the
28 offender and forward the information to the Department of Law
29 Enforcement. The custodian of the local jail shall also take a
30 digitized photograph of the sexual offender while the offender
31

1 remains in custody and shall provide the digitized photograph
2 to the Department of Law Enforcement.

3 (8) If the sexual offender is under federal
4 supervision, the federal agency responsible for supervising
5 the sexual offender may forward to the Department of Law
6 Enforcement any information regarding the sexual offender
7 which is consistent with the information provided by the
8 department under this section, and may indicate whether use of
9 the information is restricted to law enforcement purposes only
10 or may be used by the Department of Law Enforcement for
11 purposes of public notification.

12 (9) A sexual offender, as described in this section,
13 who is under the supervision of the Department of Corrections
14 but who is not incarcerated shall, in addition to the
15 registration requirements provided in subsection (4), register
16 in the manner provided in s. 943.0435(3), (4), and (5), unless
17 the sexual offender is a sexual predator, in which case he or
18 she shall register as required under s. 775.21. A sexual
19 offender who fails to comply with the requirements of s.
20 943.0435 is subject to the penalties provided in s.
21 943.0435(10).

22 (10) The failure of a sexual offender to submit to the
23 taking of a digitized photograph, or to otherwise comply with
24 the requirements of this section, is a felony of the third
25 degree, punishable as provided in s. 775.082, s. 775.083, or
26 s. 775.084.

27 (11)~~(4)~~ The department, the Department of Highway
28 Safety and Motor Vehicles, the Department of Law Enforcement,
29 the Department of Corrections, and its personnel of those
30 departments, and any individual or entity acting at the
31 request or upon the direction of those departments are immune

1 from civil liability for damages for good-faith ~~good-faith~~
2 compliance with this section, and shall be presumed to have
3 acted in good faith in compiling, recording, reporting, or ~~and~~
4 providing information. The presumption of good faith is not
5 overcome if technical or clerical errors are made by the
6 department, the Department of Highway Safety and Motor
7 Vehicles, the Department of Law Enforcement, ~~and its personnel~~
8 of those departments, or any individual or entity acting at
9 the request or upon the direction of those departments in
10 compiling, recording, reporting, or providing information, or,
11 if the information compiled, recorded, or provided by the
12 department and its personnel is incomplete or incorrect
13 because the information has not been provided to the
14 department by a person or agency required to provide the
15 information, or because the if the department and its
16 personnel compile, record, or provide information that was not
17 reported or was falsely reported without the knowledge of the
18 department and its personnel.

19 Section 12. Subsection (4) is added to section
20 947.177, Florida Statutes, to read:

21 947.177 Inmate release; notice by Department of
22 Corrections, Control Release Authority, or Parole
23 Commission.--

24 (4) An inmate who refuses to submit to the taking of a
25 digitized photograph commits a felony of the third degree,
26 punishable as provided in s. 775.082, s. 775.083, or s.
27 775.084.

28 Section 13. Subsection (15) is added to section
29 948.01, Florida Statutes, to read:

30 948.01 When court may place defendant on probation or
31 into community control.--

1 (15) Effective for an offense committed on or after
2 July 1, 1998, a person is ineligible for placement on
3 administrative probation if the person is sentenced to or is
4 -serving a term of probation or community control, regardless
5 of the conviction or adjudication, for committing, or
6 attempting, conspiring, or soliciting to commit, any of the
7 felony offenses described in s. 787.01 or s. 787.02, where the
8 victim is a minor and the defendant is not the victim's
9 parent; s. 787.025; chapter 794; s. 796.03; s. 800.04; s.
10 825.1025(2)(b); s. 827.071; s. 847.0133; s. 847.0135; or s.
11 847.0145.

12 Section 14. Subsection (5) of section 948.03, Florida
13 Statutes, is amended to read:

14 948.03 Terms and conditions of probation or community
15 control.--

16 (5) Conditions imposed pursuant to this subsection, as
17 specified in paragraphs (a) and (b), do not require oral
18 pronouncement at the time of sentencing and shall be
19 considered standard conditions of probation or community
20 control for offenders specified in this subsection.

21 (a) Effective for probationers or community
22 controllees whose crime was committed on or after October 1,
23 1995, and who are placed under supervision for violation of
24 chapter 794 or s. 800.04, s. 827.071, or s. 847.0145, the
25 court must impose the following conditions in addition to all
26 other standard and special conditions imposed:

27 1. A mandatory curfew from 10 p.m. to 6 a.m. The court
28 may designate another 8-hour period if the offender's
29 employment precludes the above specified time, and such
30 alternative is recommended by the Department of Corrections.

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1 If the court determines that imposing a curfew would endanger
2 the victim, the court may consider alternative sanctions.

3 2. If the victim was under the age of 18, a
4 prohibition on living within 1,000 feet of a school, day care
5 center, park, playground, or other place where children
6 regularly congregate, as prescribed by the court.

7 3. Active participation in and successful completion
8 of a sex offender treatment program with therapists
9 specifically trained to treat sex offenders, at the
10 probationer's or community controllee's own expense. If a
11 specially trained therapist is not available within a 50-mile
12 radius of the probationer's or community controllee's
13 residence, the offender shall participate in other appropriate
14 therapy.

15 4. A prohibition on any contact with the victim,
16 directly or indirectly, including through a third person,
17 unless approved by the victim, the offender's therapist, and
18 the sentencing court.

19 5. If the victim was under the age of 18, a
20 prohibition, until successful completion of a sex offender
21 treatment program, on unsupervised contact with a child under
22 the age of 18, unless authorized by the sentencing court
23 without another adult present who is responsible for the
24 child's welfare, has been advised of the crime, and is
25 approved by the sentencing court.

26 6. If the victim was under age 18, a prohibition on
27 working for pay or as a volunteer at any school, day care
28 center, park, playground, or other place where children
29 regularly congregate.

30 7. Unless otherwise indicated in the treatment plan
31 provided by the sexual offender treatment program, a

1 prohibition on viewing, owning, or possessing any obscene,
2 pornographic, or sexually stimulating visual or auditory
3 material, including telephone, electronic media, computer
4 programs, or computer services that are relevant to the
5 offender's deviant behavior pattern.

6 8. A requirement that the probationer or community
7 controllee must submit two specimens of blood to the Florida
8 Department of Law Enforcement to be registered with the DNA
9 data bank.

10 9. A requirement that the probationer or community
11 controllee make restitution to the victim, as ordered by the
12 court under s. 775.089, for all necessary medical and related
13 professional services relating to physical, psychiatric, and
14 psychological care.

15 10. Submission to a warrantless search by the
16 community control or probation officer of the probationer's or
17 community controllee's person, residence, or vehicle.

18 (b) Effective for a probationer or community
19 controllee whose crime was committed on or after October 1,
20 1997, and who is placed on sex offender probation for a
21 violation of chapter 794, s. 800.04, s. 827.071, or s.
22 847.0145, in addition to any other provision of this
23 subsection, the court must impose the following conditions of
24 probation or community control:

25 1. As part of a treatment program, participation at
26 least annually in polygraph examinations to obtain information
27 necessary for risk management and treatment and to reduce the
28 sex offender's denial mechanisms. A polygraph examination must
29 be conducted by a polygrapher trained specifically in the use
30 of the polygraph for the monitoring of sex offenders, where
31 available, and shall be paid by the sex offender. The results

1 of the polygraph examination shall not be used as evidence in
2 court to prove that a violation of community supervision has
3 occurred.

4 2. Maintenance of a driving log and a prohibition
5 against driving a motor vehicle alone without the prior
6 approval of the supervising officer.

7 3. A prohibition against obtaining or using a post
8 office box without the prior approval of the supervising
9 officer.

10 4. If there was sexual contact, a submission to, at
11 the probationer's or community controllee's expense, an HIV
12 test with the results to be released to the victim and/or the
13 victim's parent or guardian.

14 5. Electronic monitoring when deemed necessary by the
15 community control or probation officer and his or her
16 supervisor, and ordered by the court at the recommendation of
17 the Department of Corrections.

18 Section 15. This section and section 5 of this act
19 shall take effect upon becoming a law; sections 1, 2, 4, 7, 9,
20 13, and 14 of this act shall take effect July 1, 1998; and
21 sections 3, 6, 8, 10, 11, and 12 of this act shall take effect
22 October 1, 1998.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1992

- 4 . Requires that the Department of Law Enforcement share
5 criminal justice information with the Department of
6 Children and Family Services, subject to a user
7 agreement.
- 8 . Provides for a definition of the term "conviction" in s.
9 775.13, F.S., relating to convicted felon registration.
- 10 . Clarifies the term "conviction" in s. 775.21, F.S.,
11 relating to sexual predator registration.
- 12 . Clarifies the terms "permanent residence" and "temporary
13 residence" in the sexual predator statute.
- 14 . Adds attempted sexual battery offenses to the list of
15 criteria for designation as a sexual predator.
- 16 . Provides that the clerk of the court shall forward to the
17 Department of Law Enforcement a copy of an order
18 designating an offender as a sexual predator within 48
19 hours after the entry of such order.
- 20 . Requires that a fingerprint card on a sexual predator be
21 clearly marked as a "Sexual Predator Registration Card."
- 22 . Requires that the clerk of the court forward to the
23 Department of Law Enforcement any order imposing special
24 conditions or restrictions relating to access to minors.
- 25 . Requires a person designated as a sexual predator in
26 another state or jurisdiction to register in this state
27 as a sexual predator if the person resides in this state.
- 28 . Requires sexual predators, when registering, to provide a
29 rural route address and post office box; however, a post
30 office box shall not be provided in lieu of a physical
31 residential address.
- Requires sexual predators who live in motor vehicles,
trailers, mobile homes, manufactured homes, vessels,
live-aboard vessels, or houseboats, to provide certain
descriptive information regarding the residence and its
location.
- Requires the Department of Corrections to provide to the
Department of Law Enforcement registration information
and the location of the Department of Corrections' office
responsible for supervising the sexual predator.
- Requires the custodian of a jail having custody of a
sexual predator to register the sexual predator, take a
digitized photograph of the sexual predator, and provide
the information and photograph to the Department of Law
Enforcement.
- Authorizes a federal agency having supervision over a

- 1 sexual predator to forward information regarding the
2 sexual predator to the Department of Law Enforcement and
3 indicate whether the information is for law enforcement
4 purposes only or may be used by the department for public
5 notification.
- 6 . Provides that a sexual predator registering with the
7 Department of Highway Safety and Motor Vehicles provide a
8 rural route address and post office box and shall not
9 provide a post office box in lieu of a physical
10 residential address.
- 11 . Requires a sexual predator registering with the
12 Department of Highway Safety and Motor Vehicles to
13 provide certain information if the sexual predator's
14 place of residence is a motor vehicle, trailer, mobile
15 home, manufactured home, vessel, live-aboard vessel, or
16 houseboat.
- 17 . Requires a sexual predator to notify the Department of
18 Law Enforcement or the county sheriff where the predator
19 resides of the predator's intent to move to another state
20 or jurisdiction, and provides that it is a third degree
21 felony to fail to provide this notice of intent.
- 22 . Requires a sexual predator who indicates an intent to
23 reside in another state or jurisdiction to notify the
24 Department of Law Enforcement or the county sheriff if
25 the predator changes his or her mind and remains in this
26 state, and provides that it is a second degree felony if
27 the predator remains in this state after indicating an
28 intent to locate out of this state but does not inform
29 the department or the sheriff that he or she remains in
30 this state.
- 31 . Provides that a person designated as a sexual predator on
or after October 1, 1998, and who has been lawfully
released from any sanction for at least 20 years and has
not been arrested for any crime since release, may
petition the court for removal of the sexual predator
designation, if the petitioner demonstrates the requested
relief complies with federal standards and the court is
otherwise satisfied the predator is not a current or
potential threat to public safety.
- . Requires a petitioner whose petition for removal of his
or her sexual predator designation has been granted to
forward a copy of the order to the Department of Law
Enforcement.
- . Requires the Department of Law Enforcement and the
Department of Corrections to implement a system for
verifying the addresses of sexual predators and sexual
offenders.
- . Provides that a school administrator or employee, or an
individual or entity acting at the request of or upon the
direction of a law enforcement agency, are immune from
civil liability for damages for good-faith compliance
with s. 775.21, F.S.
- . Provides that it is the intent of the Legislature that

- 1 orders should not be entered limiting or nullifying
2 statutory requirements imposed upon sexual predators and
3 sexual offenders, absent the court finding that the laws
4 have not been followed, are unconstitutional, or are
5 unconstitutionally applied, and authorizes affected
6 agencies to move for modification of orders not based on
7 these findings, for the setting aside of such orders, or,
8 if in the nature of an injunction, dissolving such
9 injunction, on the basis of, but not limited to, several
10 specified grounds for granting such motion.
- 11 . Provides for prosecution for acts or omissions by sexual
12 predators and sexual predators in several venues.
- 13 . Authorizes the Department of Law Enforcement to notify
14 the public of public records information on sexual
15 predator and sexual offenders through the Internet.
- 16 . Clarifies the term "conviction" as used in s. 943.0435,
17 F.S., relating to reporting of information regarding
18 released sexual offenders.
- 19 . Adds attempted sexual battery offenses to the list of
20 criteria for classification as a sexual offender under s.
21 943.0435, F.S.
- 22 . Requires sexual offenders registering pursuant to s.
23 943.0435, F.S., to provide their occupation and place of
24 employment, and provides that however, a post office box
25 shall not be provided in lieu of a physical residential
26 address.
- 27 . Requires sexual offenders who register pursuant to s.
28 943.045, F.S., and who live in a motor vehicle, trailer,
29 mobile home, manufactured home, vessel, live-aboard
30 vessel, or houseboat, to provide information about the
31 residence and its location.
- . Requiring the Department of Law Enforcement and the
Department of Corrections to verify the address of sexual
offenders required to register pursuant to s. 943.0435,
F.S.
- . Requires a sexual offender under s. 943.0435, F.S., to
notify the Department of Law Enforcement or the sheriff
of the county where the predator resides of the
predator's intent to reside in another state or
jurisdiction, and provides that it is a third degree
felony to fail to provide this notice.
- . Requires a sexual predator under s. 943.0435, F.S., who
has notified the Department of Law Enforcement or the
county sheriff of his or her intent to reside in another
state or jurisdiction but who remains in this state, to
notify the department or sheriff, and provides that it is
a second degree felony if the predator fails to provide
notification of the predator's intent to remain in this
state.
- . Provides that a sexual offender under s. 943.0435, F.S.,
must maintain registration with the Department of Law
Enforcement for life, unless the offender is pardoned,

- 1 the predator's conviction is set-aside, or the predator's
2 civil rights are restored; however, a sexual offender who
3 has been lawfully released from his or her sanction for
4 at least 20 years and has not been arrested for any crime
5 since release, may petition for removal of the
6 registration requirements, subject to a showing that the
7 request for relief meets federal standards and that the
8 court is otherwise satisfied that the offender is not a
9 current or potential threat to public safety.
- 10 . Requires that the state attorney be given notice of any
11 petition for removal of the sexual offender registration
12 requirements, and authorizes the state attorney to
13 challenge such a petition.
- 14 . Authorizes the court to set a future date when a petition
15 for removal of sexual offender registration may be heard,
16 if the petition is denied.
- 17 . Requires a person who has been granted relief from the
18 sexual offender registration requirements to provide the
19 Department of Law Enforcement with a copy of the order.
- 20 . Amends the definition of "any person" in s. 943.325,
21 F.S., relating to the taking of blood specimens of
22 convicted persons for DNA analysis, to include persons
23 committed to a county jail.
- 24 . Provides procedures for ensuring that the blood specimens
25 of convicted offenders are taken for DNA analysis.
- 26 . Provides immunity from criminal or civil liability to
27 certain medical personnel who assist a law enforcement
28 officer in withdrawing blood specimens for DNA analysis
29 according to accepted medical standards.
- 30 . Provides that, in the event a court, a law enforcement
31 agency, or the Department of Law Enforcement fails to
strictly comply with s. 943.235, F.S., or to abide by
statewide protocol for the collection of blood specimens,
such failure is not grounds for challenging the validity
of the collection or the use of a specimen, and evidence
based upon or derived from the specimens may not be
excluded by a court.
- . Provides that it is a third degree felony if an inmate
releasee under s. 944.605, F.S., refuses to submit to the
taking of a digitized photograph.
- . Clarifies the term "conviction" in s. 944.606, F.S.,
relating to notification of certain information regarding
released sexual offenders.
- . Amends the definition of "sexual offender" in s. 944.606,
F.S., to make it consistent with other definitions of the
term.
- . Requires the custodian of a local jail to notify the
Department of Law Enforcement of the release of a sexual
offender in the custody of the local jail and provide
other information regarding the sexual offender.

- 1 . Provides that a school administrator or employee, or any
2 individual or entity acting at the request or upon the
3 direction of any law enforcement agency, is immune from
4 civil liability for damages resulting from the release of
5 information in accordance with s. 944.606, F.S.
- 6 . Requires the clerk of the court to forward to the
7 Department of Law Enforcement a certified copy of any
8 order imposing any special conditions or restrictions
9 upon a sexual offender relating to access to minors, and
10 authorizing the department to include such information on
11 its Internet site.
- 12 . Provides that, in the event a sexual offender under s.
13 944.607, F.S., is not imprisoned, the clerk of the court
14 shall forward the offender's fingerprints to the
15 Department of Law Enforcement within 48 hours after the
16 court sentences the offender, and the fingerprint card
17 shall be clearly marked "Sexual Offender Registration
18 Card."
- 19 . Provides that a sexual offender who is under the
20 supervision of the Department of Corrections shall
21 provide certain information, and the department shall
22 verify the offender's address.
- 23 . Provides that if a sexual offender under s. 944.607,
24 F.S., is in the custody of a local jail, the custodian of
25 the local jail shall register the offender and take the
26 offender's digitized photograph, and provide the
27 registration information and photograph to the Department
28 of Law Enforcement.
- 29 . Authorizes a federal agency having supervision over a
30 sexual offender as described in s. 944.607, F.S., to
31 provide to the Department of Law Enforcement certain
information regarding the offender and indicate if the
information is only for law enforcement purposes or may
be used for public notification.
- . Requires a sexual offender, who is under the supervision
of the Department of Corrections, in addition to
registering with the department, to register with the
Department of Highway Safety and Motor Vehicles in the
manner provided in s. 943.0435, F.S., unless the offender
is a sexual predator, in which case the offender
registers under s. 775.21, F.S.
- . Provides that a sexual offender who fails to register as
required in s. 943.0435, F.S., shall be subject to the
penalties in that section, and further provides that the
failure of the offender to submit to the taking of a
digitized photograph, as required under s. 944.607, F.S.,
is a third degree felony.
- . Provides that the Department of Highway Safety and Motor
Vehicles, the Department of Law Enforcement, and
personnel of those departments, are immune from civil
liability for good-faith compliance with s. 944.607, F.S.
- . Prohibits offenders convicted for certain sexual offenses

1 | and certain offences committed against a minor from being
2 | placed on administration probation.
3 | . Provides that certain statutorily specified probation and
4 | community control conditions relating to specified sexual
5 | offenders are standard conditions that do not require
6 | oral pronouncement at sentencing.
7 | . Provides that the legislation and sections shall take
8 | effect upon becoming a law; sections 1, 2, 4, 7, 9 and
9 | 13, shall take effect July 1, 1998; and sections 3, 6, 8,
10 | 10, 11, and 12 shall take effect October 1, 1998.
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