

By the Committee on Criminal Justice and Senator Brown-Waite

307-1807-99

1                                   A bill to be entitled  
2           An act relating to sexual predators and sexual  
3           offenders; amending s. 775.21, F.S.;  
4           streamlining sexual predator registration;  
5           amending the sexual predator definition;  
6           clarifying temporary residence; requiring that  
7           the Department of Corrections or custodian of a  
8           local jail notify the Department of Law  
9           Enforcement if a sexual predator escapes from  
10          custody, absconds from supervision, or dies;  
11          deleting current exemption from registration if  
12          sexual predator has civil rights restored;  
13          amending s. 943.0435, F.S.; clarifying  
14          temporary residence; deleting current exemption  
15          from lifetime registration if sexual offender  
16          has civil rights restored; authorizing a  
17          petition for removal of registration  
18          requirements by a minor if specific criteria  
19          are met; amending s. 944.606, F.S., relating to  
20          reporting requirements for sexual offenders  
21          upon release; conforming a cross-reference;  
22          deleting current exemption from lifetime  
23          registration requirement if sexual offender has  
24          civil rights restored; requiring that the  
25          Department of Corrections notify the Department  
26          of Law Enforcement if a sexual offender  
27          escapes, absconds, or dies; amending s.  
28          944.607, F.S.; relating to notification to the  
29          Department of Law Enforcement of information on  
30          sexual offenders; correcting a reference to  
31          refer to the Department of Law Enforcement;

1 clarifying temporary residence; amending s.  
2 921.0022, F.S., relating to offense severity  
3 ranking chart; correcting a statutory reference  
4 relating to the ranking of an offense involving  
5 a sexual predator's failure to follow specific  
6 requirements under s. 775.21, F.S.; providing  
7 an effective date.

8

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

10

11 Section 1. Section 775.21, Florida Statutes, 1998  
12 Supplement, is amended to read:

13 775.21 The Florida Sexual Predators Act; definitions;  
14 legislative findings, purpose, and intent; criteria;  
15 designation; registration; community and public notification;  
16 immunity; penalties.--

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

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

20 (a) "Chief of police" means the chief law enforcement  
21 officer of a municipality.

22 (b) "Community" means any county where the sexual  
23 predator lives or otherwise establishes or maintains a  
24 temporary or permanent residence; or any address used by the  
25 person, including any out-of-state address.

26 (c) "Conviction" means a determination of guilt which  
27 is the result of a trial or the entry of a plea of guilty or  
28 nolo contendere, regardless of whether adjudication is  
29 withheld. A conviction for a similar offense includes, but is  
30 not limited to, a conviction by a federal or military  
31 tribunal, including courts-martial conducted by the Armed

1 Forces of the United States, and includes a conviction in any  
2 state of the United States.

3 (d) "Department" means the Department of Law  
4 Enforcement.

5 (e) "Entering the county" includes being discharged  
6 from a correctional facility or jail or secure treatment  
7 facility within the county or being under supervision within  
8 the county for the commission of a violation enumerated in  
9 subsection (4).

10 (f) "Permanent residence" means a place where the  
11 person abides, lodges, or resides for 14 or more consecutive  
12 days.

13 (g) "Temporary residence" means a place where the  
14 person abides, lodges, or resides for a period of 14 or more  
15 days in the aggregate during any calendar year and which is  
16 not the person's permanent address; for a person whose  
17 permanent residence is not in this state, a place where the  
18 person is employed, practices a vocation, or is enrolled as a  
19 student for any period of time in this state; or a place where  
20 the person routinely abides, lodges, or resides for a period  
21 of 4 or more consecutive or nonconsecutive days in any month  
22 and which is not the person's permanent residence; or any  
23 address used by the person, including any out-of-state  
24 address.

25 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE  
26 INTENT.--

27 (a) Repeat sexual offenders, sexual offenders who use  
28 physical violence, and sexual offenders who prey on children  
29 are sexual predators who present an extreme threat to the  
30 public safety. Sexual offenders are extremely likely to use  
31 physical violence and to repeat their offenses, and most

1 sexual offenders commit many offenses, have many more victims  
2 than are ever reported, and are prosecuted for only a fraction  
3 of their crimes. This makes the cost of sexual offender  
4 victimization to society at large, while incalculable, clearly  
5 exorbitant.

6 (b) The high level of threat that a sexual predator  
7 presents to the public safety, and the long-term effects  
8 suffered by victims of sex offenses, provide the state with  
9 sufficient justification to implement a strategy that  
10 includes:

11 1. Incarcerating sexual predators and maintaining  
12 adequate facilities to ensure that decisions to release sexual  
13 predators into the community are not made on the basis of  
14 inadequate space.

15 2. Providing for specialized supervision of sexual  
16 predators who are in the community by specially trained  
17 probation officers with low caseloads, as described in ss.  
18 947.1405(7) and 948.03(5). The sexual predator is subject to  
19 specified terms and conditions implemented at sentencing or at  
20 the time of release from incarceration, with a requirement  
21 that those who are financially able must pay all or part of  
22 the costs of supervision.

23 3. Requiring the registration of sexual predators,  
24 with a requirement that complete and accurate information be  
25 maintained and accessible for use by law enforcement  
26 authorities, communities, and the public.

27 4. Providing for community and public notification  
28 concerning the presence of sexual predators.

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

31

1 (c) The state has a compelling interest in protecting  
2 the public from sexual predators and in protecting children  
3 from predatory sexual activity, and there is sufficient  
4 justification for requiring sexual predators to register and  
5 for requiring community and public notification of the  
6 presence of sexual predators.

7 (d) It is the purpose of the Legislature that, upon  
8 the court's written finding that an offender is a sexual  
9 predator, in order to protect the public, it is necessary that  
10 the sexual predator be registered with the department and that  
11 members of the community and the public be notified of the  
12 sexual predator's presence. The designation of a person as a  
13 sexual predator is neither a sentence nor a punishment but  
14 simply a status resulting from the conviction of certain  
15 crimes.

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

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

21 2. Requiring sexual predators to register with the  
22 Florida Department of Law Enforcement, as provided in this  
23 section; and

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

26 (4) SEXUAL PREDATOR CRITERIA.--

27 ~~(a) For a current offense committed on or after~~  
28 ~~October 1, 1993, and before October 1, 1995:~~

29 ~~1. An offender who was found by the court under former~~  
30 ~~s. 775.22 or former s. 775.23 to be a sexual predator is a~~  
31 ~~"sexual predator" if the court made a written finding that the~~

1 ~~offender was a sexual predator at the time of sentencing, as~~  
2 ~~required by former s. 775.23. Such sexual predator must~~  
3 ~~register or be registered as a sexual predator with the~~  
4 ~~department as provided in subsection (6), and is subject to~~  
5 ~~community and public notification as provided in subsection~~  
6 ~~(7). Upon notification of the presence of a sexual predator,~~  
7 ~~the sheriff of the county or the chief of police of the~~  
8 ~~municipality where the sexual predator establishes or~~  
9 ~~maintains a permanent or temporary residence shall notify~~  
10 ~~members of the community and the public of the presence of the~~  
11 ~~sexual predator in a manner deemed appropriate by the sheriff~~  
12 ~~or the chief of police.~~

13 ~~2. If an offender has been registered as a sexual~~  
14 ~~predator by the Department of Corrections, the department, or~~  
15 ~~any other law enforcement agency and:~~

16 ~~a. The court did not, for whatever reason, make a~~  
17 ~~written finding at the time of sentencing that the offender~~  
18 ~~was a sexual predator, or~~

19 ~~b. The offender was administratively registered as a~~  
20 ~~sexual predator because the Department of Corrections, the~~  
21 ~~department, or any other law enforcement agency obtained~~  
22 ~~information which indicated that the offender met the sexual~~  
23 ~~predator criteria based on a violation of a similar law in~~  
24 ~~another jurisdiction,~~

25  
26 ~~the department shall remove that offender from the~~  
27 ~~department's sexual predator list, and shall notify the state~~  
28 ~~attorney who prosecuted the offense that triggered the~~  
29 ~~administrative sexual predator designation for offenders~~  
30 ~~described in sub-subparagraph a., or the state attorney of the~~  
31 ~~county where the offender establishes or maintains a permanent~~

1 ~~or temporary residence on October 1, 1996, for offenders~~  
2 ~~described in sub-subparagraph b. The state attorney may bring~~  
3 ~~the matter to the court's attention in order to establish that~~  
4 ~~the offender meets the sexual predator criteria. If the court~~  
5 ~~then makes a written finding that the offender is a sexual~~  
6 ~~predator, the offender is designated as a sexual predator,~~  
7 ~~must register or be registered as a sexual predator with the~~  
8 ~~department as provided in subsection (6), and is subject to~~  
9 ~~community and public notification requirements as provided in~~  
10 ~~subsection (7). If the court does not make a written finding~~  
11 ~~that the offender is a sexual predator, the offender is not~~  
12 ~~designated as a sexual predator with respect to that offense,~~  
13 ~~is not required to register or be registered as a sexual~~  
14 ~~predator with the department, and is not subject to the~~  
15 ~~requirements for community and public notification as a sexual~~  
16 ~~predator.~~

17 ~~(b) For a current offense committed on or after~~  
18 ~~October 1, 1995, and before October 1, 1996:~~

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

1 ~~of the presence of the sexual predator in a manner deemed~~  
2 ~~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 on October 1, 1996, for offenders~~  
23 ~~described in sub-subparagraph b. The state attorney may bring~~  
24 ~~the matter to the court's attention in order to establish that~~  
25 ~~the offender meets the sexual predator criteria. If the court~~  
26 ~~makes a written finding that the offender is a sexual~~  
27 ~~predator, the offender is designated as a sexual predator,~~  
28 ~~must register or be registered as a sexual predator with the~~  
29 ~~department as provided in subsection (6), and is subject to~~  
30 ~~the community and public notification as provided in~~  
31 ~~subsection (7). If the court does not make a written finding~~

1 ~~that the offender is a sexual predator, the offender is not~~  
2 ~~designated as a sexual predator with respect to that offense~~  
3 ~~and is not required to register or be registered as a sexual~~  
4 ~~predator with the department.~~

5 (a)(c) For a current offense committed on or after  
6 October 1, 1993 ~~1996~~, upon conviction, an offender shall be  
7 designated as a "sexual predator" under subsection (5), and  
8 subject to registration under subsection (6) and community and  
9 public notification under subsection (7) if:

10 1. ~~The felony meets the criteria of former ss.~~  
11 ~~775.22(2) and 775.23(2), specifically,~~The felony is:

12 a. A capital, life, or first-degree felony violation  
13 of s. 787.01 or s. 787.02, where the victim is a minor and the  
14 defendant is not the victim's parent, or of chapter 794 or s.  
15 847.0145, or a violation of a similar law of another  
16 jurisdiction;

17 b. An attempt to commit a capital, life, or  
18 first-degree felony violation of chapter 794, ~~where the victim~~  
19 ~~is a minor,~~ or a violation of a similar law of another  
20 jurisdiction; or

21 c. Any second-degree or greater felony violation of s.  
22 787.01 or s. 787.02, where the victim is a minor and the  
23 defendant is not the victim's parent; chapter 794; s. 796.03;  
24 s. 800.04; s. 825.1025(2)(b); s. 827.071; or s. 847.0145; or a  
25 violation of a similar law of another jurisdiction, and the  
26 offender has previously been convicted of or found to have  
27 committed, or has pled nolo contendere or guilty to,  
28 regardless of adjudication, any violation of s. 787.01 or s.  
29 787.02, where the victim is a minor and the defendant is not  
30 the victim's parent; s. 794.011(2), (3), (4), (5), or (8); s.  
31 794.023; s. 796.03; s. 800.04; s. 825.1025; s. 827.071; s.

1 847.0133; s. 847.0135; or s. 847.0145, or a violation of a  
2 similar law of another jurisdiction;

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

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

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

21 (c) If an offender has been registered as a sexual  
22 predator by the Department of Corrections, the department, or  
23 any other law enforcement agency and if:

24 1. The court did not, for whatever reason, make a  
25 written finding at the time of sentencing that the offender  
26 was a sexual predator; or

27 2. The offender was administratively registered as a  
28 sexual predator because the Department of Corrections, the  
29 department, or any other law enforcement agency obtained  
30 information that indicated that the offender met the criteria  
31

1 for designation as a sexual predator based on a violation of a  
2 similar law in another jurisdiction,  
3  
4 the department shall remove that offender from the  
5 department's list of sexual predators and, for an offender  
6 described under subparagraph 1., shall notify the state  
7 attorney who prosecuted the offense that met the criteria for  
8 administrative designation as a sexual predator, and, for an  
9 offender described under subparagraph 2., shall notify the  
10 state attorney of the county where the offender establishes or  
11 maintains a permanent or temporary residence. The state  
12 attorney may bring the matter to the court's attention in  
13 order to establish that the offender meets the criteria for  
14 designation as a sexual predator. If the court makes a written  
15 finding that the offender is a sexual predator, the offender  
16 must be designated as a sexual predator, must register or be  
17 registered as a sexual predator with the department as  
18 provided in subsection (6), and is subject to the community  
19 and public notification as provided in subsection (7). If the  
20 court does not make a written finding that the offender is a  
21 sexual predator, the offender may not be designated as a  
22 sexual predator with respect to that offense and is not  
23 required to register or be registered as a sexual predator  
24 with the department.

25 (5) SEXUAL PREDATOR DESIGNATION.--For a current  
26 offense committed on or after October 1, 1993 ~~1996~~, an  
27 offender is designated as a sexual predator as follows:

28 (a)1. An offender who meets the sexual predator  
29 criteria described in paragraph(4)(a)(~~4~~)(c)who is before  
30 the court for sentencing for a current offense committed on or  
31 after October 1, 1993 ~~1996~~, is a sexual predator, and the

1 sentencing court must make a written finding at the time of  
2 sentencing that the offender is a sexual predator, and the  
3 clerk of the court shall transmit a copy of the order  
4 containing the written finding to the department within 48  
5 hours after the entry of the order; or

6           2. If the Department of Corrections, the department,  
7 or any other law enforcement agency obtains information which  
8 indicates that an offender who establishes or maintains a  
9 permanent or temporary residence in this state meets the  
10 sexual predator criteria described in paragraph~~(4)(a)(4)(c)~~  
11 because the offender committed a similar violation in another  
12 jurisdiction on or after October 1, 1993 ~~1996~~, the Department  
13 of Corrections, the department, or the law enforcement agency  
14 shall notify the state attorney of the county where the  
15 offender establishes or maintains a permanent or temporary  
16 residence of the offender's presence in the community. The  
17 state attorney shall file a petition with the criminal  
18 division of the circuit court for the purpose of holding a  
19 hearing to determine if the offender's criminal record from  
20 another jurisdiction meets the sexual predator criteria. If  
21 the court finds that the offender meets the sexual predator  
22 criteria because the offender has violated a similar law or  
23 similar laws in another jurisdiction, the court shall make a  
24 written finding that the offender is a sexual predator.

25  
26 When the court makes a written finding that an offender is a  
27 sexual predator, the court shall inform the sexual predator of  
28 the registration and community and public notification  
29 requirements described in this section. Within 48 hours of the  
30 court designating an offender as a sexual predator, the clerk  
31 of the circuit court shall transmit a copy of the court's

1 written sexual predator finding to the department. If the  
2 offender is sentenced to a term of imprisonment or  
3 supervision, a copy of the court's written sexual predator  
4 finding must be submitted to the Department of Corrections.

5 (b) If a sexual predator is not sentenced to a term of  
6 imprisonment, the clerk of the court shall ensure that the  
7 sexual predator's fingerprints are taken and forwarded to the  
8 department within 48 hours after the court renders its written  
9 sexual predator finding. The fingerprint card shall be clearly  
10 marked, "Sexual Predator Registration Card." The clerk of the  
11 court that convicts and sentences the sexual predator for the  
12 offense or offenses described in subsection (4) shall forward  
13 to the department and to the Department of Corrections a  
14 certified copy of any order entered by the court imposing any  
15 special condition or restriction on the sexual predator which  
16 restricts or prohibits access to the victim, if the victim is  
17 a minor, or to other minors.

18 (c) If the Department of Corrections, the department,  
19 or any other law enforcement agency obtains information which  
20 indicates that an offender meets the sexual predator criteria  
21 but the court did not make a written finding that the offender  
22 is a sexual predator as required in paragraph (a), the  
23 Department of Corrections, the department, or the law  
24 enforcement agency shall notify the state attorney who  
25 prosecuted the offense for offenders described in subparagraph  
26 (a)1., or the state attorney of the county where the offender  
27 establishes or maintains a residence upon first entering the  
28 state for offenders described in subparagraph (a)2. The state  
29 attorney shall bring the matter to the court's attention in  
30 order to establish that the offender meets the sexual predator  
31 criteria. If the state attorney fails to establish that an

1 offender meets the sexual predator criteria and the court does  
2 not make a written finding that an offender is a sexual  
3 predator, the offender is not required to register with the  
4 department as a sexual predator. The Department of  
5 Corrections, the department, or any other law enforcement  
6 agency shall not administratively designate an offender as a  
7 sexual predator without a written finding from the court that  
8 the offender is a sexual predator.

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

29 (6) REGISTRATION.--  
30  
31

1 (a) A sexual predator must register with the  
2 department by providing the following information to the  
3 department:

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

27 2. Any other information determined necessary by the  
28 department, including criminal and corrections records;  
29 nonprivileged personnel, treatment, and abuse registry  
30 records; and evidentiary genetic markers when available.

31

1           (b) If the sexual predator is in the custody or  
2 control of, or under the supervision of, the Department of  
3 Corrections, or is in the custody of a private correctional  
4 facility, the sexual predator must register with the  
5 Department of Corrections. The Department of Corrections shall  
6 provide to the department registration information and the  
7 location of, and local telephone number for, any Department of  
8 Corrections office that is responsible for supervising the  
9 sexual predator. In addition, the Department of Corrections  
10 shall notify the department if the sexual predator escapes or  
11 absconds from custody or supervision or if the sexual predator  
12 dies.

13           (c) If the sexual predator is in the custody of a  
14 local jail, the custodian of the local jail shall register the  
15 sexual predator and forward the registration information to  
16 the department. The custodian of the local jail shall also  
17 take a digitized photograph of the sexual predator while the  
18 sexual predator remains in custody and shall provide the  
19 digitized photograph to the department. The custodian shall  
20 notify the department if the sexual predator escapes from  
21 custody or dies.

22           (d) If the sexual predator is under federal  
23 supervision, the federal agency responsible for supervising  
24 the sexual predator may forward to the department any  
25 information regarding the sexual predator which is consistent  
26 with the information provided by the Department of Corrections  
27 under this section, and may indicate whether use of the  
28 information is restricted to law enforcement purposes only or  
29 may be used by the department for purposes of public  
30 notification.

31

1           (e) If the sexual predator is not in the custody or  
2 control of, or under the supervision of, the Department of  
3 Corrections, or is not in the custody of a private  
4 correctional facility, and establishes or maintains a  
5 residence in the state, the sexual predator shall initially  
6 register in person at an office of the department, or at the  
7 sheriff's office in the county in which the predator  
8 establishes or maintains a residence, within 48 hours after  
9 establishing permanent or temporary residence in this state.  
10 If a sexual predator registers with the sheriff's office, the  
11 sheriff shall take a photograph and a set of fingerprints of  
12 the predator and forward the photographs and fingerprints to  
13 the department, along with the information that the predator  
14 is required to provide pursuant to this section.

15           (f) Within 48 hours after the initial registration  
16 required under paragraph (a) or paragraph (e), a sexual  
17 predator who is not incarcerated and who resides in the  
18 community, including a sexual predator under the supervision  
19 of the Department of Corrections, shall register in person at  
20 a driver's license office of the Department of Highway Safety  
21 and Motor Vehicles and shall present proof of initial  
22 registration. At the driver's license office the sexual  
23 predator shall:

24           1. If otherwise qualified, secure a Florida driver's  
25 license, renew a Florida driver's license, or secure an  
26 identification card. The sexual predator shall identify  
27 himself or herself as a sexual predator who is required to  
28 comply with this section, provide his or her place of  
29 permanent or temporary residence, including a rural route  
30 address and a post office box, and submit to the taking of a  
31 photograph for use in issuing a driver's license, renewed

1 license, or identification card, and for use by the department  
2 in maintaining current records of sexual predators. A post  
3 office box shall not be provided in lieu of a physical  
4 residential address. If the sexual predator's place of  
5 residence is a motor vehicle, trailer, mobile home, or  
6 manufactured home, as defined in chapter 320, the sexual  
7 predator shall also provide to the Department of Highway  
8 Safety and Motor Vehicles the vehicle identification number;  
9 the license tag number; the registration number; and a  
10 description, including color scheme, of the motor vehicle,  
11 trailer, mobile home, or manufactured home. If a sexual  
12 predator's place of residence is a vessel, live-aboard vessel,  
13 or houseboat, as defined in chapter 327, the sexual predator  
14 shall also provide to the Department of Highway Safety and  
15 Motor Vehicles the hull identification number; the  
16 manufacturer's serial number; the name of the vessel,  
17 live-aboard vessel, or houseboat; the registration number; and  
18 a description, including color scheme, of the vessel,  
19 live-aboard vessel, or houseboat.

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

23           3. Provide, upon request, any additional information  
24 necessary to confirm the identity of the sexual predator,  
25 including a set of fingerprints.

26           (g) Each time a sexual predator's driver's license or  
27 identification card is subject to renewal, and within 48 hours  
28 after any change of the predator's residence, the predator  
29 shall report in person to a driver's license office, and shall  
30 be subject to the requirements specified in paragraph (f). The  
31 Department of Highway Safety and Motor Vehicles shall forward

1 to the department and to the Department of Corrections all  
2 photographs and information provided by sexual predators.  
3 Notwithstanding the restrictions set forth in s. 322.142, the  
4 Department of Highway Safety and Motor Vehicles is authorized  
5 to release a reproduction of a color-photograph or  
6 digital-image license to the Department of Law Enforcement for  
7 purposes of public notification of sexual predators as  
8 provided in this section.

9 (h) If the sexual predator initially registers at an  
10 office of the department, the department must notify the  
11 sheriff and the state attorney of the county and, if  
12 applicable, the police chief of the municipality, where the  
13 sexual predator maintains a residence within 48 hours after  
14 the sexual predator registers with the department.

15 (i) A sexual predator who intends to establish  
16 residence in another state or jurisdiction shall notify the  
17 sheriff of the county of current residence or the department  
18 within 48 hours before the date he or she intends to leave  
19 this state to establish residence in another state or  
20 jurisdiction. The notification must include the address,  
21 municipality, county, and state of intended residence. The  
22 sheriff shall promptly provide to the department the  
23 information received from the sexual predator. The department  
24 shall notify the statewide law enforcement agency, or a  
25 comparable agency, in the intended state or jurisdiction of  
26 residence of the sexual predator's intended residence. The  
27 failure of a sexual predator to provide his or her intended  
28 place of residence is punishable as provided in subsection  
29 (10).

30 (j) A sexual predator who indicates his or her intent  
31 to reside in another state or jurisdiction and later decides

1 to remain in this state shall, within 48 hours after the date  
2 upon which the sexual predator indicated he or she would leave  
3 this state, notify the sheriff or the department, whichever  
4 agency is the agency to which the sexual predator reported the  
5 intended change of residence, of his or her intent to remain  
6 in this state. If the sheriff is notified by the sexual  
7 predator that he or she intends to remain in this state, the  
8 sheriff shall promptly report this information to the  
9 department. A sexual predator who reports his or her intent to  
10 reside in another state or jurisdiction, but who remains in  
11 this state without reporting to the sheriff or the department  
12 in the manner required by this paragraph, commits a felony of  
13 the second degree, punishable as provided in s. 775.082, s.  
14 775.083, or s. 775.084.

15 (k)1. The department is responsible for the on-line  
16 maintenance of current information regarding each registered  
17 sexual predator. The department must maintain hotline access  
18 for state, local, and federal law enforcement agencies to  
19 obtain instantaneous locator file and offender characteristics  
20 information on all released registered sexual predators for  
21 purposes of monitoring, tracking, and prosecution. The  
22 photograph and fingerprints do not have to be stored in a  
23 computerized format.

24 2. The department's sexual predator registration list,  
25 containing the information described in subparagraph (a)1., is  
26 a public record. The department is authorized to disseminate  
27 this public information by any means deemed appropriate,  
28 including operating a toll-free telephone number for this  
29 purpose. When the department provides information regarding a  
30 registered sexual predator to the public, department personnel  
31 must advise the person making the inquiry that positive

1 identification of a person believed to be a sexual predator  
2 cannot be established unless a fingerprint comparison is made,  
3 and that it is illegal to use public information regarding a  
4 registered sexual predator to facilitate the commission of a  
5 crime.

6           3. The department shall adopt guidelines as necessary  
7 regarding the registration of sexual predators and the  
8 dissemination of information regarding sexual predators as  
9 required by this section.

10           (1) A sexual predator must maintain registration with  
11 the department for the duration of his or her life, unless the  
12 sexual predator ~~has had his or her civil rights restored, or~~  
13 has received a full pardon or has had a conviction set aside  
14 in a postconviction proceeding for any felony sex offense that  
15 met the criteria for the sexual predator designation. However,  
16 a sexual predator who was designated as a sexual predator by a  
17 court before October 1, 1998, and who has been lawfully  
18 released from confinement, supervision, or sanction, whichever  
19 is later, for at least 10 years and has not been arrested for  
20 any felony or misdemeanor offense since release, may petition  
21 the criminal division of the circuit court in the circuit in  
22 which the sexual predator resides for the purpose of removing  
23 the sexual predator designation. A sexual predator who was  
24 designated a sexual predator by a court on or after October 1,  
25 1998, who has been lawfully released from confinement,  
26 supervision, or sanction, whichever is later, for at least 20  
27 years, and who has not been arrested for any felony or  
28 misdemeanor offense since release may petition the criminal  
29 division of the circuit court in the circuit in which the  
30 sexual predator resides for the purpose of removing the sexual  
31 predator designation. The court may grant or deny such relief

1 | if the petitioner demonstrates to the court that he or she has  
2 | not been arrested for any crime since release, the requested  
3 | relief complies with federal standards applicable to the  
4 | removal of the designation as a sexual predator, and the court  
5 | is otherwise satisfied that the petitioner is not a current or  
6 | potential threat to public safety. The state attorney in the  
7 | circuit in which the petition is filed must be given notice of  
8 | the petition at least 3 weeks before the hearing on the  
9 | matter. The state attorney may present evidence in opposition  
10 | to the requested relief or may otherwise demonstrate the  
11 | reasons why the petition should be denied. If the court denies  
12 | the petition, the court may set a future date at which the  
13 | sexual predator may again petition the court for relief,  
14 | subject to the standards for relief provided in this  
15 | paragraph. Unless specified in the order, a sexual predator  
16 | who is granted relief under this paragraph must comply with  
17 | the requirements for registration as a sexual offender and  
18 | other requirements provided under s. 943.0435 or s. 944.607.  
19 | If a petitioner obtains an order from the court that imposed  
20 | the order designating the petitioner as a sexual predator  
21 | which removes such designation, the petitioner shall forward a  
22 | certified copy of the written findings or order to the  
23 | department in order to have the sexual predator designation  
24 | removed from the sexual predator registry.

25 | (7) COMMUNITY AND PUBLIC NOTIFICATION.--

26 | (a) Law enforcement agencies must inform members of  
27 | the community and the public of a sexual predator's presence.  
28 | Upon notification of the presence of a sexual predator, the  
29 | sheriff of the county or the chief of police of the  
30 | municipality where the sexual predator establishes or  
31 | maintains a permanent or temporary residence shall notify

1 members of the community and the public of the presence of the  
2 sexual predator in a manner deemed appropriate by the sheriff  
3 or the chief of police. Within 48 hours after receiving  
4 notification of the presence of a sexual predator, the sheriff  
5 of the county or the chief of police of the municipality where  
6 the sexual predator temporarily or permanently resides shall  
7 notify each licensed day care center, elementary school,  
8 middle school, and high school within a 1-mile radius of the  
9 temporary or permanent residence of the sexual predator of the  
10 presence of the sexual predator. Information provided to  
11 members of the community and the public regarding a sexual  
12 predator must include:

- 13 1. The name of the sexual predator;
- 14 2. A description of the sexual predator, including a  
15 photograph;
- 16 3. The sexual predator's current address, including  
17 the name of the county or municipality if known;
- 18 4. The circumstances of the sexual predator's offense  
19 or offenses; and
- 20 5. Whether the victim of the sexual predator's offense  
21 or offenses was, at the time of the offense, a minor or an  
22 adult.

23

24 This paragraph does not authorize the release of the name of  
25 any victim of the sexual predator.

26 (b) The sheriff or the police chief may coordinate the  
27 community and public notification efforts with the department.  
28 Statewide notification to the public is authorized, as deemed  
29 appropriate by local law enforcement personnel and the  
30 department.

31

1           (c) The department shall notify the public of all  
2 designated sexual predators through the Internet. The  
3 Internet notice shall include the information required by  
4 paragraph (a).

5           (d) The department shall adopt a protocol to assist  
6 law enforcement agencies in their efforts to notify the  
7 community and the public of the presence of sexual predators.

8           (8) VERIFICATION.--The department and the Department  
9 of Corrections shall implement a system for verifying the  
10 addresses of sexual predators. The system must be consistent  
11 with federal requirements that apply to the laws of this state  
12 governing sexual predators. The Department of Corrections  
13 shall verify the addresses of sexual predators who are not  
14 incarcerated but who reside in the community under the  
15 supervision of the Department of Corrections. The department  
16 shall verify the addresses of sexual predators who are not  
17 under the care, custody, control, or supervision of the  
18 Department of Corrections.

19           (9) IMMUNITY.--When the court has made a written  
20 finding that an offender is a sexual predator, an elected or  
21 appointed official, public employee, school administrator or  
22 employee, agency, or any individual or entity acting at the  
23 request or upon the direction of any law enforcement agency is  
24 immune from civil liability for damages resulting from the  
25 release of information under this section.

26           (10) PENALTIES.--

27           (a) Except as otherwise specifically provided, a  
28 sexual predator who fails to register or who fails, after  
29 registration, to maintain, acquire, or renew a driver's  
30 license or identification card or provide required location  
31 information, or who otherwise fails, by act or omission, to

1 comply with the requirements of this section, commits a felony  
2 of the third degree, punishable as provided in s. 775.082, s.  
3 775.083, or s. 775.084.

4 (b) A sexual predator who has been convicted of or  
5 found to have committed, or has pled nolo contendere or guilty  
6 to, regardless of adjudication, any violation of s.  
7 794.011(2), (3), (4), (5), or (8); s. 794.023; s. 800.04; s.  
8 827.071; s. 847.0133; or s. 847.0145, or a violation of a  
9 similar law of another jurisdiction, when the victim of the  
10 offense was a minor, and who works, whether for compensation  
11 or as a volunteer, at any business, school, day care center,  
12 park, playground, or other place where children regularly  
13 congregate, commits a felony of the third degree, punishable  
14 as provided in s. 775.082, s. 775.083, or s. 775.084.

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

29 Section 2. Section 943.0435, Florida Statutes, 1998  
30 Supplement, is amended to read:

31

1           943.0435 Sexual offenders required to register with  
2 the department; penalty.--

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

4           (a) "Sexual offender" means a person who has been:

5           1. Convicted of committing, or attempting, soliciting,  
6 or conspiring to commit, any of the criminal offenses  
7 proscribed in the following statutes in this state or similar  
8 offenses in another jurisdiction: s. 787.01 or s. 787.02,  
9 where the victim is a minor and the defendant is not the  
10 victim's parent; s. 787.025; chapter 794; s. 796.03; s.  
11 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135; s.  
12 847.0145; or any similar offense committed in this state which  
13 has been redesignated from a former statute number to one of  
14 those listed in this subparagraph.

15           2. Released on or after October 1, 1997, from the  
16 sanction imposed for any conviction of an offense described in  
17 subparagraph 1. For purposes of subparagraph 1., a sanction  
18 imposed in this state or in any other jurisdiction includes,  
19 but is not limited to, a fine, probation, community control,  
20 parole, conditional release, control release, or incarceration  
21 in a state prison, federal prison, private correctional  
22 facility, or local detention facility.

23           (b) "Convicted" means that, regarding the person's  
24 offense, there has been a determination of guilt as a result  
25 of a trial or the entry of a plea of guilty or nolo  
26 contendere, regardless of whether adjudication is withheld.  
27 Conviction of a similar offense includes, but is not limited  
28 to, a conviction by a federal or military tribunal, including  
29 courts-martial conducted by the Armed Forces of the United  
30 States, and includes a conviction in any state of the United  
31 States.

1 (c) "Permanent residence" and "temporary residence"  
2 have the same meaning ascribed in s. 775.21.

3 (2) A sexual offender shall initially report in person  
4 at an office of the department, or at the sheriff's office in  
5 the county in which the offender establishes or maintains a  
6 permanent or temporary residence, within 48 hours after  
7 establishing permanent or temporary residence in this state.  
8 The sexual offender shall provide his or her name, date of  
9 birth, social security number, race, sex, height, weight, hair  
10 and eye color, tattoos or other identifying marks, occupation  
11 and place of employment, address of permanent or legal  
12 residence or address of any current temporary residence, both  
13 within the state and out-of-state, including a rural route  
14 address and a post office box, date and place of each  
15 conviction, and a brief description of the crime or crimes  
16 committed by the offender. A post office box shall not be  
17 provided in lieu of a physical residential address. If the  
18 sexual offender's place of residence is a motor vehicle,  
19 trailer, mobile home, or manufactured home, as defined in  
20 chapter 320, the sexual offender shall also provide to the  
21 department written notice of the vehicle identification  
22 number; the license tag number; the registration number; and a  
23 description, including color scheme, of the motor vehicle,  
24 trailer, mobile home, or manufactured home. If the sexual  
25 offender's place of residence is a vessel, live-aboard vessel,  
26 or houseboat, as defined in chapter 327, the sexual offender  
27 shall also provide to the department written notice of the  
28 hull identification number; the manufacturer's serial number;  
29 the name of the vessel, live-aboard vessel, or houseboat; the  
30 registration number; and a description, including color  
31 scheme, of the vessel, live-aboard vessel, or houseboat. If a

1 sexual offender reports at the sheriff's office, the sheriff  
2 shall take a photograph and a set of fingerprints of the  
3 offender and forward the photographs and fingerprints to the  
4 department, along with the information provided by the sexual  
5 offender.

6 (3) Within 48 hours after the initial report required  
7 under subsection (2), a sexual offender shall report in person  
8 at a driver's license office of the Department of Highway  
9 Safety and Motor Vehicles. At the driver's license office the  
10 sexual offender shall:

11 (a) If otherwise qualified, secure a Florida driver's  
12 license, renew a Florida driver's license, or secure an  
13 identification card. The sexual offender shall identify  
14 himself or herself as a sexual offender who is required to  
15 comply with this section and shall provide proof that the  
16 sexual offender initially reported as required in subsection  
17 (2). The sexual offender shall provide any of the information  
18 specified in subsection (2), if requested. The sexual offender  
19 shall submit to the taking of a photograph for use in issuing  
20 a driver's license, renewed license, or identification card,  
21 and for use by the department in maintaining current records  
22 of sexual offenders.

23 (b) Pay the costs assessed by the Department of  
24 Highway Safety and Motor Vehicles for issuing or renewing a  
25 driver's license or identification card as required by this  
26 section.

27 (c) Provide, upon request, any additional information  
28 necessary to confirm the identity of the sexual offender,  
29 including a set of fingerprints.

30 (4) Each time a sexual offender's driver's license or  
31 identification card is subject to renewal, and within 48 hours

1 after any change in the offender's permanent or temporary  
2 residence, the offender shall report in person to a driver's  
3 license office, and shall be subject to the requirements  
4 specified in subsection (3). The Department of Highway Safety  
5 and Motor Vehicles shall forward to the department all  
6 photographs and information provided by sexual offenders.  
7 Notwithstanding the restrictions set forth in s. 322.142, the  
8 Department of Highway Safety and Motor Vehicles is authorized  
9 to release a reproduction of a color-photograph or  
10 digital-image license to the Department of Law Enforcement for  
11 purposes of public notification of sexual offenders as  
12 provided in ss. 943.043, 943.0435, and 944.606.

13 (5) This section does not apply to a sexual offender  
14 who is also a sexual predator, as defined in s. 775.21. A  
15 sexual predator must register as required under s. 775.21.

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

20 (7) A sexual offender who intends to establish  
21 residence in another state or jurisdiction shall notify the  
22 sheriff of the county of current residence or the department  
23 within 48 hours before the date he or she intends to leave  
24 this state to establish residence in another state or  
25 jurisdiction. The notification must include the address,  
26 municipality, county, and state of intended residence. The  
27 sheriff shall promptly provide to the department the  
28 information received from the sexual offender. The department  
29 shall notify the statewide law enforcement agency, or a  
30 comparable agency, in the intended state or jurisdiction of  
31 residence of the sexual offender's intended residence. The

1 failure of a sexual offender to provide his or her intended  
2 place of residence is punishable as provided in subsection  
3 (9).

4 (8) A sexual offender who indicates his or her intent  
5 to reside in another state or jurisdiction and later decides  
6 to remain in this state shall, within 48 hours after the date  
7 upon which the sexual offender indicated he or she would leave  
8 this state, notify the sheriff or department, whichever agency  
9 is the agency to which the sexual offender reported the  
10 intended change of residence, of his or her intent to remain  
11 in this state. If the sheriff is notified by the sexual  
12 offender that he or she intends to remain in this state, the  
13 sheriff shall promptly report this information to the  
14 department. A sexual offender who reports his or her intent to  
15 reside in another state or jurisdiction but who remains in  
16 this state without reporting to the sheriff or the department  
17 in the manner required by this subsection commits a felony of  
18 the second degree, punishable as provided in s. 775.082, s.  
19 775.083, or s. 775.084.

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

24 (10) The department, the Department of Highway Safety  
25 and Motor Vehicles, the Department of Corrections, the  
26 personnel of those departments, and any individual or entity  
27 acting at the request or upon the direction of any of those  
28 departments are immune from civil liability for damages for  
29 good faith compliance with the requirements of this section,  
30 and shall be presumed to have acted in good faith in  
31 compiling, recording, and reporting information. The

1 presumption of good faith is not overcome if a technical or  
2 clerical error is made by the department, the Department of  
3 Highway Safety and Motor Vehicles, the Department of  
4 Corrections, the personnel of those departments, or any  
5 individual or entity acting at the request or upon the  
6 direction of any of those departments in compiling or  
7 providing information, or if information is incomplete or  
8 incorrect because a sexual offender fails to report or falsely  
9 reports his or her current place of permanent or temporary  
10 residence.

11 (11) A sexual offender must maintain registration with  
12 the department for the duration of his or her life, unless the  
13 sexual offender ~~has had his or her civil rights restored or~~  
14 has received a full pardon or has had a conviction set aside  
15 in a postconviction proceeding for any felony sex offense that  
16 meets the criteria for classifying the person as a sexual  
17 offender for purposes of registration. However, a sexual  
18 offender who:

19 (a) Has been lawfully released from confinement,  
20 supervision, or sanction, whichever is later, for at least 20  
21 years and has not been arrested for any felony or misdemeanor  
22 offense since release; or

23 (b) Was 18 years of age or under at the time the  
24 offense was committed and received a withhold of adjudication,  
25 and who has been lawfully released from confinement,  
26 supervision, or sanction, whichever occurred later, for at  
27 least 10 years and has not been arrested for any felony or  
28 misdemeanor offense since release,

29  
30 may petition the criminal division of the circuit court of the  
31 circuit in which the sexual offender resides for the purpose

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

23 Section 3. Subsections (1) and (3) of section 944.606,  
24 Florida Statutes, 1998 Supplement, are amended to read:

25 944.606 Sexual offenders; notification upon release.--

26 (1) As used in this section:

27 (a) "Conviction" means a determination of guilt which  
28 is the result of a trial or the entry of a plea of guilty or  
29 nolo contendere, regardless of whether adjudication is  
30 withheld. A conviction for a violation of a similar law of  
31 another jurisdiction includes, but is not limited to, a

1 conviction by a federal or military tribunal, including  
2 courts-martial conducted by the Armed Forces of the United  
3 States, and includes a conviction in any state of the United  
4 States.

5 (b) "Sexual offender" means a person who has been  
6 convicted of committing, or attempting, soliciting, or  
7 conspiring to commit, any of the criminal offenses proscribed  
8 in the following statutes in this state or similar offenses in  
9 another jurisdiction: s. 787.01 or s. 787.02 ~~s. 782.02~~, where  
10 the victim is a minor and the defendant is not the victim's  
11 parent; s. 787.025; chapter 794; s. 796.03; s. 800.04; s.  
12 825.1025; s. 827.071; s. 847.0133; s. 847.0135; s. 847.0145;  
13 or any similar offense committed in this state which has been  
14 redesignated from a former statute number to one of those  
15 listed in this subsection, when the department has received  
16 verified information regarding such conviction; an offender's  
17 computerized criminal history record is not, in and of itself,  
18 verified information.

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

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

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

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

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

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

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

24           3. The Florida Department of Law Enforcement; and

25           4. Any person who requests such information,

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

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 Section 4. Subsections (3), (4), and (6) of section  
24 944.607, Florida Statutes, 1998 Supplement, are amended to  
25 read:

26 944.607 Notification to Department of Law Enforcement  
27 of information on sexual offenders.--

28 (3) If a sexual offender is not sentenced to a term of  
29 imprisonment, the clerk of the court shall ensure that the  
30 sexual offender's fingerprints are taken and forwarded to the  
31 Department of Law Enforcement ~~department~~ within 48 hours after

1 the court sentences the offender. The fingerprint card shall  
2 be clearly marked "Sexual Offender Registration Card."

3 (4) A sexual offender, as described in this section,  
4 who is under the supervision of the Department of Corrections  
5 but is not incarcerated must register with the Department of  
6 Corrections and provide the following information: name; date  
7 of birth; social security number; race; sex; height; weight;  
8 hair and eye color; tattoos or other identifying marks; and  
9 permanent or legal residence and address of temporary  
10 residence, both within the state and out-of-state, while the  
11 sexual offender is under supervision in this state, including  
12 any rural route address or post office box. The Department of  
13 Corrections shall verify the address of each sexual offender  
14 in the manner described in ss. 775.21 and 943.0435.

15 (6) The information provided to the Department of Law  
16 Enforcement must include:

17 (a) The information obtained from the sexual offender  
18 under subsection (4);

19 (b) The sexual offender's most current address and  
20 place of permanent and temporary residence, both within the  
21 state and out-of-state, while the sexual offender is under  
22 supervision in this state, including the name of the county or  
23 municipality in which the offender permanently or temporarily  
24 resides and, if known, the intended place of permanent or  
25 temporary residence upon satisfaction of all sanctions;

26 (c) The legal status of the sexual offender and the  
27 scheduled termination date of that legal status;

28 (d) The location of, and local telephone number for,  
29 any Department of Corrections' office that is responsible for  
30 supervising the sexual offender;

31

1           (e) An indication of whether the victim of the offense  
2 that resulted in the offender's status as a sexual offender  
3 was a minor;

4           (f) The offense or offenses at conviction which  
5 resulted in the determination of the offender's status as a  
6 sex offender; and

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

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

29           Section 5. Paragraph (f) of subsection (3) of section  
30 921.0022, Florida Statutes, 1998 Supplement, is amended to  
31 read:

1	(3) OFFENSE SEVERITY RANKING CHART		
2			
3	Florida	Felony	
4	Statute	Degree	Description
5			
6			
7			(f) LEVEL 6
8	316.027(1)(b)	2nd	Accident involving death, failure
9			to stop; leaving scene.
10	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
11			conviction.
12	775.0875(1)	3rd	Taking firearm from law
13			enforcement officer.
14	<u>775.21(10)</u> <del>775.21(9)</del>	3rd	Sexual predators; failure to
15			register; failure to renew
16			driver's license or
17			identification card.
18	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
19			without intent to kill.
20	784.021(1)(b)	3rd	Aggravated assault; intent to
21			commit felony.
22	784.041	3rd	Felony battery.
23	784.048(3)	3rd	Aggravated stalking; credible
24			threat.
25	784.048(5)	3rd	Aggravated stalking of person
26			under 16.
27	784.07(2)(c)	2nd	Aggravated assault on law
28			enforcement officer.
29	784.08(2)(b)	2nd	Aggravated assault on a person 65
30			years of age or older.
31			

1	784.081(2)	2nd	Aggravated assault on specified
2			official or employee.
3	784.082(2)	2nd	Aggravated assault by detained
4			person on visitor or other
5			detainee.
6	784.083(2)	2nd	Aggravated assault on code
7			inspector.
8	787.02(2)	3rd	False imprisonment; restraining
9			with purpose other than those in
10			s. 787.01.
11	790.115(2)(d)	2nd	Discharging firearm or weapon on
12			school property.
13	790.161(2)	2nd	Make, possess, or throw
14			destructive device with intent to
15			do bodily harm or damage
16			property.
17	790.164(1)	2nd	False report of deadly explosive
18			or act of arson or violence to
19			state property.
20	790.19	2nd	Shooting or throwing deadly
21			missiles into dwellings, vessels,
22			or vehicles.
23	794.011(8)(a)	3rd	Solicitation of minor to
24			participate in sexual activity by
25			custodial adult.
26	794.05(1)	2nd	Unlawful sexual activity with
27			specified minor.
28	806.031(2)	2nd	Arson resulting in great bodily
29			harm to firefighter or any other
30			person.
31			

1	810.02(3)(c)	2nd	Burglary of occupied structure;
2			unarmed; no assault or battery.
3	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
4			but less than \$100,000, grand
5			theft in 2nd degree.
6	812.13(2)(c)	2nd	Robbery, no firearm or other
7			weapon (strong-arm robbery).
8	817.034(4)(a)1.	1st	Communications fraud, value
9			greater than \$50,000.
10	817.4821(5)	2nd	Possess cloning paraphernalia
11			with intent to create cloned
12			cellular telephones.
13	825.102(1)	3rd	Abuse of an elderly person or
14			disabled adult.
15	825.102(3)(c)	3rd	Neglect of an elderly person or
16			disabled adult.
17	825.1025(3)	3rd	Lewd or lascivious molestation of
18			an elderly person or disabled
19			adult.
20	825.103(2)(c)	3rd	Exploiting an elderly person or
21			disabled adult and property is
22			valued at less than \$20,000.
23	827.03(1)	3rd	Abuse of a child.
24	827.03(3)(c)	3rd	Neglect of a child.
25	827.071(2)&(3)	2nd	Use or induce a child in a sexual
26			performance, or promote or direct
27			such performance.
28	836.05	2nd	Threats; extortion.
29	836.10	2nd	Written threats to kill or do
30			bodily injury.
31	843.12	3rd	Aids or assists person to escape.

1	847.0135(3)	3rd	Solicitation of a child, via a
2			computer service, to commit an
3			unlawful sex act.
4	914.23	2nd	Retaliation against a witness,
5			victim, or informant, with bodily
6			injury.
7	943.0435(6)	3rd	Sex offenders; failure to comply
8			with reporting requirements.
9	944.35(3)(a)2.	3rd	Committing malicious battery upon
10			or inflicting cruel or inhuman
11			treatment on an inmate or
12			offender on community
13			supervision, resulting in great
14			bodily harm.
15	944.40	2nd	Escapes.
16	944.46	3rd	Harboring, concealing, aiding
17			escaped prisoners.
18	944.47(1)(a)5.	2nd	Introduction of contraband
19			(firearm, weapon, or explosive)
20			into correctional facility.
21	951.22(1)	3rd	Intoxicating drug, firearm, or
22			weapon introduced into county
23			facility.
24	Section 6.		This act shall take effect upon becoming a
25	law.		
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1260

- Clarifies the term "temporary residence" for the purpose of both sexual predator and sexual offender registration.
- Amends the definition of sexual predator to clarify that the attempted offenses that qualify for sexual predator designation apply, regardless of the age of the victim.
- Permits a sexual offender to petition the court for removal of the registration requirement if:
  - the offender was 18 years of age or younger at the time of the offense;
  - adjudication was withheld; and
  - the offender was lawfully released from confinement, supervision, or sanction, whichever occurred later, for at least 10 years and has not been arrested for any felony or misdemeanor offense since release.