

Bill No. CS for CS for SB 1478

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Brown-Waite moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 1, line 18,		
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16	insert:		
17	Section 1. Section 775.21, Florida Statutes, 1998		
18	Supplement, is amended to read:		
19	775.21 The Florida Sexual Predators Act; definitions;		
20	legislative findings, purpose, and intent; criteria;		
21	designation; registration; community and public notification;		
22	immunity; penalties.--		
23	(1) SHORT TITLE.--This section may be cited as "The		
24	Florida Sexual Predators Act."		
25	(2) DEFINITIONS.--As used in this section, the term:		
26	(a) "Chief of police" means the chief law enforcement		
27	officer of a municipality.		
28	(b) "Community" means any county where the sexual		
29	predator lives or otherwise establishes or maintains a		
30	temporary or permanent residence; <u>or any address used by the</u>		
31	<u>person, including any out-of-state address.</u>		

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1 (c) "Conviction" means a determination of guilt which
2 is the result of a trial or the entry of a plea of guilty or
3 nolo contendere, regardless of whether adjudication is
4 withheld. A conviction for a similar offense includes, but is
5 not limited to, a conviction by a federal or military
6 tribunal, including courts-martial conducted by the Armed
7 Forces of the United States, and includes a conviction in any
8 state of the United States.

9 (d) "Department" means the Department of Law
10 Enforcement.

11 (e) "Entering the county" includes being discharged
12 from a correctional facility or jail or secure treatment
13 facility within the county or being under supervision within
14 the county for the commission of a violation enumerated in
15 subsection (4).

16 (f) "Permanent residence" means a place where the
17 person abides, lodges, or resides for 14 or more consecutive
18 days.

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

31 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE

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1 INTENT.--

2 (a) Repeat sexual offenders, sexual offenders who use
3 physical violence, and sexual offenders who prey on children
4 are sexual predators who present an extreme threat to the
5 public safety. Sexual offenders are extremely likely to use
6 physical violence and to repeat their offenses, and most
7 sexual offenders commit many offenses, have many more victims
8 than are ever reported, and are prosecuted for only a fraction
9 of their crimes. This makes the cost of sexual offender
10 victimization to society at large, while incalculable, clearly
11 exorbitant.

12 (b) The high level of threat that a sexual predator
13 presents to the public safety, and the long-term effects
14 suffered by victims of sex offenses, provide the state with
15 sufficient justification to implement a strategy that
16 includes:

17 1. Incarcerating sexual predators and maintaining
18 adequate facilities to ensure that decisions to release sexual
19 predators into the community are not made on the basis of
20 inadequate space.

21 2. Providing for specialized supervision of sexual
22 predators who are in the community by specially trained
23 probation officers with low caseloads, as described in ss.
24 947.1405(7) and 948.03(5). The sexual predator is subject to
25 specified terms and conditions implemented at sentencing or at
26 the time of release from incarceration, with a requirement
27 that those who are financially able must pay all or part of
28 the costs of supervision.

29 3. Requiring the registration of sexual predators,
30 with a requirement that complete and accurate information be
31 maintained and accessible for use by law enforcement

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1 authorities, communities, and the public.

2 4. Providing for community and public notification
3 concerning the presence of sexual predators.

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

6 (c) The state has a compelling interest in protecting
7 the public from sexual predators and in protecting children
8 from predatory sexual activity, and there is sufficient
9 justification for requiring sexual predators to register and
10 for requiring community and public notification of the
11 presence of sexual predators.

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

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

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

26 2. Requiring sexual predators to register with the
27 Florida Department of Law Enforcement, as provided in this
28 section; and

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

31 (4) SEXUAL PREDATOR CRITERIA.--

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

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

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

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

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

30
31 ~~the department shall remove that offender from the~~

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

22 ~~(b) For a current offense committed on or after~~
23 ~~October 1, 1995, and before October 1, 1996:~~
24 ~~1. An offender who was found by the court under former~~
25 ~~s. 775.22 or former s. 775.23 to be a sexual predator is a~~
26 ~~"sexual predator" if the court made a written finding that the~~
27 ~~offender was a sexual predator at the time of sentencing, as~~
28 ~~required by former s. 775.23. Such sexual predator must~~
29 ~~register or be registered with the department as provided in~~
30 ~~subsection (6), and is subject to community and public~~
31 ~~notification as provided in subsection (7). Upon notification~~

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1 ~~of the presence of a sexual predator, the sheriff of the~~
2 ~~county or the chief of police of the municipality where the~~
3 ~~sexual predator establishes or maintains a permanent or~~
4 ~~temporary residence shall notify the community and the public~~
5 ~~of the presence of the sexual predator in a manner deemed~~
6 ~~appropriate by the sheriff or the chief of police.~~

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

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

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

19
20 ~~the department shall remove that offender from the~~
21 ~~department's sexual predator list, and shall notify the state~~
22 ~~attorney who prosecuted the offense that triggered the~~
23 ~~administrative sexual predator designation for offenders~~
24 ~~described in sub-subparagraph a., or the state attorney of the~~
25 ~~county where the offender establishes or maintains a permanent~~
26 ~~or temporary residence on October 1, 1996, for offenders~~
27 ~~described in sub-subparagraph b. The state attorney may bring~~
28 ~~the matter to the court's attention in order to establish that~~
29 ~~the offender meets the sexual predator criteria. If the court~~
30 ~~makes a written finding that the offender is a sexual~~
31 ~~predator, the offender is designated as a sexual predator,~~

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

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

14 1. ~~The felony meets the criteria of former ss.~~
15 ~~775.22(2) and 775.23(2), specifically,~~The felony is:

16 a. A capital, life, or first-degree felony violation
17 of s. 787.01 or s. 787.02, where the victim is a minor and the
18 defendant is not the victim's parent, or of chapter 794 or s.
19 847.0145, or a violation of a similar law of another
20 jurisdiction;

21 b. An attempt to commit a capital, life, or
22 first-degree felony violation of chapter 794, ~~where the victim~~
23 ~~is a minor,~~ or a violation of a similar law of another
24 jurisdiction; or

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

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1 regardless of adjudication, any violation of s. 787.01 or s.
2 787.02, where the victim is a minor and the defendant is not
3 the victim's parent; s. 794.011(2), (3), (4), (5), or (8); s.
4 794.023; s. 796.03; s. 800.04; s. 825.1025; s. 827.071; s.
5 847.0133; s. 847.0135; or s. 847.0145, or a violation of a
6 similar law of another jurisdiction;

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

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

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

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

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

31 2. The offender was administratively registered as a

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

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

31 (a)1. An offender who meets the sexual predator

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1 criteria described in paragraph(4)(a)(~~4~~)(c)who is before
2 the court for sentencing for a current offense committed on or
3 after October 1, 1993 ~~1996~~, is a sexual predator, and the
4 sentencing court must make a written finding at the time of
5 sentencing that the offender is a sexual predator, and the
6 clerk of the court shall transmit a copy of the order
7 containing the written finding to the department within 48
8 hours after the entry of the order; or

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

28
29 When the court makes a written finding that an offender is a
30 sexual predator, the court shall inform the sexual predator of
31 the registration and community and public notification

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1 requirements described in this section. Within 48 hours of the
2 court designating an offender as a sexual predator, the clerk
3 of the circuit court shall transmit a copy of the court's
4 written sexual predator finding to the department. If the
5 offender is sentenced to a term of imprisonment or
6 supervision, a copy of the court's written sexual predator
7 finding must be submitted to the Department of Corrections.

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

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

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1 attorney shall bring the matter to the court's attention in
2 order to establish that the offender meets the sexual predator
3 criteria. If the state attorney fails to establish that an
4 offender meets the sexual predator criteria and the court does
5 not make a written finding that an offender is a sexual
6 predator, the offender is not required to register with the
7 department as a sexual predator. The Department of
8 Corrections, the department, or any other law enforcement
9 agency shall not administratively designate an offender as a
10 sexual predator without a written finding from the court that
11 the offender is a sexual predator.

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

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1 (6) REGISTRATION.--

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

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

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

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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 (e) If the sexual predator is not in the custody or

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

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

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

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

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

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

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

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

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

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

29 (j) A sexual predator who indicates his or her intent
30 to reside in another state or jurisdiction and later decides
31 to remain in this state shall, within 48 hours after the date

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

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

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

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

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

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

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

24 (7) COMMUNITY AND PUBLIC NOTIFICATION.--

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

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

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

22

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

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

30 (c) The department shall notify the public of all
31 designated sexual predators through the Internet. The

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1 Internet notice shall include the information required by
2 paragraph (a).

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

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

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

24 (10) PENALTIES.--

25 (a) Except as otherwise specifically provided, a
26 sexual predator who fails to register or who fails, after
27 registration, to maintain, acquire, or renew a driver's
28 license or identification card or provide required location
29 information, or who otherwise fails, by act or omission, to
30 comply with the requirements of this section, commits a felony
31 of the third degree, punishable as provided in s. 775.082, s.

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1 775.083, or s. 775.084.

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

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

27 Section 2. Section 943.0435, Florida Statutes, 1998
28 Supplement, is amended to read:

29 943.0435 Sexual offenders required to register with
30 the department; penalty.--

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

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

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

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

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

31 (2) A sexual offender shall initially report in person

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

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1 department, along with the information provided by the sexual
2 offender.

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

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

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

24 (c) Provide, upon request, any additional information
25 necessary to confirm the identity of the sexual offender,
26 including a set of fingerprints.

27 (4) Each time a sexual offender's driver's license or
28 identification card is subject to renewal, and within 48 hours
29 after any change in the offender's permanent or temporary
30 residence, the offender shall report in person to a driver's
31 license office, and shall be subject to the requirements

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1 specified in subsection (3). The Department of Highway Safety
2 and Motor Vehicles shall forward to the department all
3 photographs and information provided by sexual offenders.
4 Notwithstanding the restrictions set forth in s. 322.142, the
5 Department of Highway Safety and Motor Vehicles is authorized
6 to release a reproduction of a color-photograph or
7 digital-image license to the Department of Law Enforcement for
8 purposes of public notification of sexual offenders as
9 provided in ss. 943.043, 943.0435, and 944.606.

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

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

17 (7) A sexual offender who intends to establish
18 residence in another state or jurisdiction shall notify the
19 sheriff of the county of current residence or the department
20 within 48 hours before the date he or she intends to leave
21 this state to establish residence in another state or
22 jurisdiction. The notification must include the address,
23 municipality, county, and state of intended residence. The
24 sheriff shall promptly provide to the department the
25 information received from the sexual offender. The department
26 shall notify the statewide law enforcement agency, or a
27 comparable agency, in the intended state or jurisdiction of
28 residence of the sexual offender's intended residence. The
29 failure of a sexual offender to provide his or her intended
30 place of residence is punishable as provided in subsection
31 (9).

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

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

21 (10) The department, the Department of Highway Safety
22 and Motor Vehicles, the Department of Corrections, the
23 personnel of those departments, and any individual or entity
24 acting at the request or upon the direction of any of those
25 departments are immune from civil liability for damages for
26 good faith compliance with the requirements of this section,
27 and shall be presumed to have acted in good faith in
28 compiling, recording, and reporting information. The
29 presumption of good faith is not overcome if a technical or
30 clerical error is made by the department, the Department of
31 Highway Safety and Motor Vehicles, the Department of

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1 Corrections, the personnel of those departments, or any
2 individual or entity acting at the request or upon the
3 direction of any of those departments in compiling or
4 providing information, or if information is incomplete or
5 incorrect because a sexual offender fails to report or falsely
6 reports his or her current place of permanent or temporary
7 residence.

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

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

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

26
27 may petition the criminal division of the circuit court of the
28 circuit in which the sexual offender resides for the purpose
29 of removing the requirement for registration as a sexual
30 offender. The court may grant or deny such relief if the
31 offender demonstrates to the court that he or she has not been

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

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

22 944.606 Sexual offenders; notification upon release.--

23 (1) As used in this section:

24 (a) "Conviction" means a determination of guilt which
25 is the result of a trial or the entry of a plea of guilty or
26 nolo contendere, regardless of whether adjudication is
27 withheld. A conviction for a violation of a similar law of
28 another jurisdiction includes, but is not limited to, a
29 conviction by a federal or military tribunal, including
30 courts-martial conducted by the Armed Forces of the United
31 States, and includes a conviction in any state of the United

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1 States.

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

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

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

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

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

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

16 1. The sheriff of the county from where the sexual
17 offender was sentenced;

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

21 3. The Florida Department of Law Enforcement; and

22 4. Any person who requests such information,

23

24 either within 6 months prior to the anticipated release of a
25 sexual offender, or as soon as possible if an offender is
26 released earlier than anticipated. All such information
27 provided to the Department of Law Enforcement must be
28 available electronically as soon as the information is in the
29 agency's database and must be in a format that is compatible
30 with the requirements of the Florida Crime Information Center.

31 (c) Upon request, the department must provide the

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1 information described in subparagraph (a)2. to:

2 1. The sheriff of the county from where the sexual
3 offender was sentenced; and

4 2. The sheriff of the county and, if applicable, the
5 police chief of the municipality, where the sexual offender
6 plans to reside,

7
8 either within 6 months prior to the anticipated release of a
9 sexual offender, or as soon as possible if an offender is
10 released earlier than anticipated.

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

20 Section 4. Subsections (3), (4), and (6) of section
21 944.607, Florida Statutes, 1998 Supplement, are amended to
22 read:

23 944.607 Notification to Department of Law Enforcement
24 of information on sexual offenders.--

25 (3) If a sexual offender is not sentenced to a term of
26 imprisonment, the clerk of the court shall ensure that the
27 sexual offender's fingerprints are taken and forwarded to the
28 Department of Law Enforcement ~~department~~ within 48 hours after
29 the court sentences the offender. The fingerprint card shall
30 be clearly marked "Sexual Offender Registration Card."

31 (4) A sexual offender, as described in this section,

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

12 (6) The information provided to the Department of Law
13 Enforcement must include:

14 (a) The information obtained from the sexual offender
15 under subsection (4);

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

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

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

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

31 (f) The offense or offenses at conviction which

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1 resulted in the determination of the offender's status as a
2 sex offender; and

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

18
19 If any information provided by the department changes during
20 the time the sexual offender is under the department's
21 control, custody, or supervision, the department shall, in a
22 timely manner, update the information and provide it to the
23 Department of Law Enforcement in the manner prescribed in
24 subsection (2).

25 Section 5. Paragraph (f) of subsection (3) of section
26 921.0022, Florida Statutes, 1998 Supplement, is amended to
27 read:

28 (3) OFFENSE SEVERITY RANKING CHART
29
30
31

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1	Florida	Felony	
2	Statute	Degree	Description
3			
4			
5			(f) LEVEL 6
6	316.027(1)(b)	2nd	Accident involving death, failure
7			to stop; leaving scene.
8	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
9			conviction.
10	775.0875(1)	3rd	Taking firearm from law
11			enforcement officer.
12	<u>775.21(10)</u> 775.21(9)	3rd	Sexual predators; failure to
13			register; failure to renew
14			driver's license or
15			identification card.
16	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
17			without intent to kill.
18	784.021(1)(b)	3rd	Aggravated assault; intent to
19			commit felony.
20	784.041	3rd	Felony battery.
21	784.048(3)	3rd	Aggravated stalking; credible
22			threat.
23	784.048(5)	3rd	Aggravated stalking of person
24			under 16.
25	784.07(2)(c)	2nd	Aggravated assault on law
26			enforcement officer.
27	784.08(2)(b)	2nd	Aggravated assault on a person 65
28			years of age or older.
29	784.081(2)	2nd	Aggravated assault on specified
30			official or employee.
31			

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1	784.082(2)	2nd	Aggravated assault by detained
2			person on visitor or other
3			detainee.
4	784.083(2)	2nd	Aggravated assault on code
5			inspector.
6	787.02(2)	3rd	False imprisonment; restraining
7			with purpose other than those in
8			s. 787.01.
9	790.115(2)(d)	2nd	Discharging firearm or weapon on
10			school property.
11	790.161(2)	2nd	Make, possess, or throw
12			destructive device with intent to
13			do bodily harm or damage
14			property.
15	790.164(1)	2nd	False report of deadly explosive
16			or act of arson or violence to
17			state property.
18	790.19	2nd	Shooting or throwing deadly
19			missiles into dwellings, vessels,
20			or vehicles.
21	794.011(8)(a)	3rd	Solicitation of minor to
22			participate in sexual activity by
23			custodial adult.
24	794.05(1)	2nd	Unlawful sexual activity with
25			specified minor.
26	806.031(2)	2nd	Arson resulting in great bodily
27			harm to firefighter or any other
28			person.
29	810.02(3)(c)	2nd	Burglary of occupied structure;
30			unarmed; no assault or battery.
31			

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1	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
2			but less than \$100,000, grand
3			theft in 2nd degree.
4	812.13(2)(c)	2nd	Robbery, no firearm or other
5			weapon (strong-arm robbery).
6	817.034(4)(a)1.	1st	Communications fraud, value
7			greater than \$50,000.
8	817.4821(5)	2nd	Possess cloning paraphernalia
9			with intent to create cloned
10			cellular telephones.
11	825.102(1)	3rd	Abuse of an elderly person or
12			disabled adult.
13	825.102(3)(c)	3rd	Neglect of an elderly person or
14			disabled adult.
15	825.1025(3)	3rd	Lewd or lascivious molestation of
16			an elderly person or disabled
17			adult.
18	825.103(2)(c)	3rd	Exploiting an elderly person or
19			disabled adult and property is
20			valued at less than \$20,000.
21	827.03(1)	3rd	Abuse of a child.
22	827.03(3)(c)	3rd	Neglect of a child.
23	827.071(2)&(3)	2nd	Use or induce a child in a sexual
24			performance, or promote or direct
25			such performance.
26	836.05	2nd	Threats; extortion.
27	836.10	2nd	Written threats to kill or do
28			bodily injury.
29	843.12	3rd	Aids or assists person to escape.
30	847.0135(3)	3rd	Solicitation of a child, via a
31			computer service, to commit an

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- 1 unlawful sex act.
- 2 914.23 2nd Retaliation against a witness,
- 3 victim, or informant, with bodily
- 4 injury.
- 5 943.0435(6) 3rd Sex offenders; failure to comply
- 6 with reporting requirements.
- 7 944.35(3)(a)2. 3rd Committing malicious battery upon
- 8 or inflicting cruel or inhuman
- 9 treatment on an inmate or
- 10 offender on community
- 11 supervision, resulting in great
- 12 bodily harm.
- 13 944.40 2nd Escapes.
- 14 944.46 3rd Harboring, concealing, aiding
- 15 escaped prisoners.
- 16 944.47(1)(a)5. 2nd Introduction of contraband
- 17 (firearm, weapon, or explosive)
- 18 into correctional facility.
- 19 951.22(1) 3rd Intoxicating drug, firearm, or
- 20 weapon introduced into county
- 21 facility.

22 Section 6. Subsection (4) of section 943.13, Florida
23 Statutes, is amended to read:

24 943.13 Officers' minimum qualifications for employment
25 or appointment.--On or after October 1, 1984, any person
26 employed or appointed as a full-time, part-time, or auxiliary
27 law enforcement officer or correctional officer; on or after
28 October 1, 1986, any person employed as a full-time,
29 part-time, or auxiliary correctional probation officer; and on
30 or after October 1, 1986, any person employed as a full-time,
31 part-time, or auxiliary correctional officer by a private

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1 entity under contract to the Department of Corrections, to a
 2 county commission, or to the Correctional Privatization
 3 Commission shall:

4 (4) Not have been convicted of any felony or of a
 5 violation of ss. 817.49, 837.012, 837.05, 837.06, or 944.35(4)
 6 ~~(b)misdemeanor involving perjury or a false statement~~, or
 7 have received a dishonorable discharge from any of the Armed
 8 Forces of the United States. Any person who, after July 1,
 9 1981, pleads guilty or nolo contendere to or is found guilty
 10 of any felony or of a misdemeanor involving perjury or a false
 11 statement is not eligible for employment or appointment as an
 12 officer, notwithstanding suspension of sentence or withholding
 13 of adjudication. Notwithstanding this subsection, any person
 14 who has pled nolo contendere to a misdemeanor involving a
 15 false statement, prior to December 1, 1985, and has had such
 16 record sealed or expunged shall not be deemed ineligible for
 17 employment or appointment as an officer.

18 Section 7. Section 943.1395, Florida Statutes, is
 19 amended to read:

20 943.1395 Certification for employment or appointment;
 21 concurrent certification; reemployment or reappointment;
 22 inactive status; revocation; suspension; investigation.--

23 (1) The commission shall certify, under procedures
 24 established by rule, any person for employment or appointment
 25 as an officer if:

26 (a) The person complies with s. 943.13(1)-(10); and

27 (b) The employing agency complies with s. 943.133(2)
 28 and (3).

29 (2) An officer who is certified in one discipline and
 30 who complies with s. 943.13 in another discipline shall hold
 31 concurrent certification and may be assigned in either

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1 discipline within his or her employing agency.

2 (3) Any certified officer who has separated from
3 employment or appointment and who is not reemployed or
4 reappointed by an employing agency within 4 years after the
5 date of separation must meet the minimum qualifications
6 described in s. 943.13, except for the requirement found in s.
7 943.13(9). Further, such officer must complete any training
8 required by the commission by rule.

9 (4) The certification of an officer who fails to
10 comply with s. 943.135(1) shall be inactive, and the officer
11 may not be employed or appointed as an officer until he or she
12 complies with the provisions of s. 943.135(1).

13 (5) The employing agency must conduct an internal
14 investigation if it has cause to suspect that an officer is
15 not in compliance with, or has failed to maintain compliance
16 with, s. 943.13(4) or (7). If an officer is not in compliance
17 with, or has failed to maintain compliance with, s. 943.13(4)
18 or (7), the employing agency must submit the investigative
19 findings and supporting information and documentation to the
20 commission in accordance with rules adopted by the commission.

21 ~~(6) The commission shall revoke the certification of~~
22 ~~any officer who is not in compliance with the provisions of s.~~
23 ~~943.13(4) or who intentionally executes a false affidavit~~
24 ~~established in s. 943.13(8), s. 943.133(2), or s. 943.139(2).~~

25 (a) The commission shall cause to be investigated any
26 ground for revocation from the employing agency pursuant to s.
27 943.139 or from the Governor, and the commission may
28 investigate verifiable complaints. Any investigation initiated
29 by the commission pursuant to this section must be completed
30 within 6 months after receipt of the completed report of the
31 disciplinary or internal affairs investigation from the

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1 employing agency or Governor's office. A verifiable complaint
2 shall be completed within 1 year after receipt of the
3 complaint. An investigation shall be considered completed
4 upon a finding by a probable cause panel of the commission.
5 These time periods shall be tolled during the period of any
6 criminal prosecution of the officer.

7 (b) The report of misconduct and all records or
8 information provided to or developed by the commission during
9 the course of an investigation conducted by the commission are
10 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
11 I of the State Constitution and, except as otherwise provided
12 by law, such information shall be subject to public disclosure
13 only after a determination as to probable cause has been made
14 or until the investigation becomes inactive.

15 (c) When an officer's certification is revoked in any
16 discipline, his or her certification in any other discipline
17 shall simultaneously be revoked.

18 (7) The commission shall revoke the certification of
19 any officer who is not in compliance with the provisions of s.
20 943.13(4) or who intentionally executes a false affidavit
21 established in s. 943.13(8), s. 943.133(2), or s. 943.139(2).
22 Upon receipt of documentation that a certified officer is not
23 in compliance with s. 943.13(4), the commission shall, after
24 notice and the opportunity for a hearing pursuant to s.
25 120.57(2), issue an order revoking the officer's
26 certification. Upon a finding that the judgment has been
27 vacated, or the officer has been granted a full or conditional
28 pardon pursuant to s. 940.01, the commission shall rescind its
29 final order revoking the officer's certification.

30 (8)(7) Upon a finding by the commission that a
31 certified officer has not maintained good moral character, the

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1 definition of which has been adopted by rule and is
2 established as a statewide standard, as required by s.
3 943.13(7), the commission may enter an order imposing one or
4 more of the following penalties:

5 (a) Revocation of certification.
6 (b) Suspension of certification for a period not to
7 exceed 2 years.
8 (c) Placement on a probationary status for a period
9 not to exceed 2 years, subject to terms and conditions imposed
10 by the commission. Upon the violation of such terms and
11 conditions, the commission may revoke certification or impose
12 additional penalties as enumerated in this subsection.
13 (d) Successful completion by the officer of any basic
14 recruit, advanced, or career development training or such
15 retraining deemed appropriate by the commission.
16 (e) Issuance of a reprimand.

17 (9)(8)(a) The commission shall, by rule, adopt
18 disciplinary guidelines and procedures to administer the
19 penalties provided in subsections (7) and (8)(6) and (7). The
20 commission may, by rule, prescribe penalties for certain
21 offenses. The commission shall, by rule, set forth aggravating
22 and mitigating circumstances to be considered when imposing
23 the penalties provided in subsection (8)(7).
24 (b) The disciplinary guidelines and prescribed
25 penalties must be based upon the severity of specific
26 offenses. The guidelines must provide reasonable and
27 meaningful notice to officers and to the public of penalties
28 that may be imposed for prohibited conduct. The penalties
29 must be consistently applied by the commission.
30 (c) For the purpose of implementing the penalties
31 provided in subsections (7) and (8)(6) and (7), the chair of

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1 the commission may appoint one or more panels of three
2 commissioners each to determine probable cause. In lieu of a
3 finding of probable cause, the probable cause panel may issue
4 a letter of guidance to the officer. However, when an
5 employing agency disciplines an officer and the officer's
6 employment is continued or reinstated by the agency, a
7 probable cause panel may review the sustained disciplinary
8 charges and disciplinary penalty, determine whether or not the
9 penalty conforms to the disciplinary penalties prescribed by
10 rule, and, in writing and on behalf of the commission, notify
11 the employing agency and officer of the results of the review.
12 If the penalty conforms to the disciplinary penalty provided
13 by rule, the officer and employing agency shall be notified,
14 in writing, that no further action shall be taken. If the
15 penalty does not conform to such disciplinary penalty
16 prescribed by rule, the officer and employer shall be
17 notified, in writing, of further action to be taken.

18 (d) An administrative law judge assigned to conduct a
19 hearing under ss. 120.569 and 120.57(1) regarding allegations
20 that an officer is not in compliance with, or has failed to
21 maintain compliance with, s. 943.13(4) or (7) must, in his or
22 her recommended order:

23 1. Adhere to the disciplinary guidelines and penalties
24 set forth in subsections (7) and (8)~~(6) and (7)~~ and the rules
25 adopted by the commission for the type of offense committed.

26 2. Specify, in writing, any aggravating or mitigating
27 circumstance that he or she considered in determining the
28 recommended penalty.

29

30 Any deviation from the disciplinary guidelines or prescribed
31 penalty must be based upon circumstances or factors that

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1 reasonably justify the aggravation or mitigation of the
2 penalty. Any deviation from the disciplinary guidelines or
3 prescribed penalty must be explained, in writing, by the
4 administrative law judge.

5 Section 8. Subsection (5) of section 943.22, Florida
6 Statutes, is amended to read:

7 943.22 Salary incentive program for full-time
8 officers.--

9 (5) An officer is not entitled to full or proportional
10 salary incentive payments for training completed pursuant to
11 s. 943.1395(8)(7).

12
13 (Redesignate subsequent sections.)

14
15

16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 On page 1, line 2, delete that line

19

20 and insert: An act relating to law enforcement; amending s.
21 775.21, F.S.; streamlining sexual predator registration;
22 amending the sexual predator definition; clarifying temporary
23 residence; requiring that the Department of Corrections or
24 custodian of a local jail notify the Department of Law
25 Enforcement if a sexual predator escapes from custody,
26 absconds from supervision, or dies; deleting current exemption
27 from registration if sexual predator has civil rights
28 restored; amending s. 943.0435, F.S.; clarifying temporary
29 residence; deleting current exemption from lifetime
30 registration if sexual offender has civil rights restored;
31 authorizing a petition for removal of registration

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1 requirements by a minor if specific criteria are met; amending
2 s. 944.606, F.S., relating to reporting requirements for
3 sexual offenders upon release; conforming a cross-reference;
4 deleting current exemption from lifetime registration
5 requirement if sexual offender has civil rights restored;
6 requiring that the Department of Corrections notify the
7 Department of Law Enforcement if a sexual offender escapes,
8 absconds, or dies; amending s. 944.607, F.S.; relating to
9 notification to the Department of Law Enforcement of
10 information on sexual offenders; correcting a reference to
11 refer to the Department of Law Enforcement; clarifying
12 temporary residence; amending s. 921.0022, F.S., relating to
13 offense severity ranking chart; correcting a statutory
14 reference relating to the ranking of an offense involving a
15 sexual predator's failure to follow specific requirements
16 under s. 775.21, F.S.; amending s. 943.13, F.S.; specifying
17 misdemeanor violations which affect eligibility for employment
18 or appointment as an officer; amending s. 943.1395, F.S.;
19 requiring the Criminal Justice Standards and Training
20 Commission, after notice and hearing, to issue an order
21 revoking certification upon conviction for a felony or
22 specified misdemeanor; providing for rescission of the order
23 under certain circumstances; amending s. 943.22, F.S.;
24 conforming a cross-reference;

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