

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Judiciary offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Section 775.21, Florida Statutes, is amended to read:

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

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

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

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

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

(c) "Conviction" means a determination of guilt which

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

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

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

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

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

29 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE
30 INTENT.--

31 (a) Repeat sexual offenders, sexual offenders who use

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

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

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

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

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

31 4. Providing for community and public notification

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1 concerning the presence of sexual predators.

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

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

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

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

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

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

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

29 (4) SEXUAL PREDATOR CRITERIA.--

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

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

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

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

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

28
29 ~~the department shall remove that offender from the~~
30 ~~department's sexual predator list, and shall notify the state~~
31 ~~attorney who prosecuted the offense that triggered the~~

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

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

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

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1 ~~sexual predator establishes or maintains a permanent or~~
2 ~~temporary residence shall notify the community and the public~~
3 ~~of the presence of the sexual predator in a manner deemed~~
4 ~~appropriate by the sheriff or the chief of police.~~
5 ~~2. If an offender has been registered as a sexual~~
6 ~~predator by the Department of Corrections, the department, or~~
7 ~~any other law enforcement agency and:~~
8 ~~a. The court did not, for whatever reason, make a~~
9 ~~written finding at the time of sentencing that the offender~~
10 ~~was a sexual predator, or~~
11 ~~b. The offender was administratively registered as a~~
12 ~~sexual predator because the Department of Corrections, the~~
13 ~~department, or any other law enforcement agency obtained~~
14 ~~information which indicated that the offender met the sexual~~
15 ~~predator criteria based on a violation of a similar law in~~
16 ~~another jurisdiction,~~
17
18 ~~the department shall remove that offender from the~~
19 ~~department's sexual predator list, and shall notify the state~~
20 ~~attorney who prosecuted the offense that triggered the~~
21 ~~administrative sexual predator designation for offenders~~
22 ~~described in sub-subparagraph a., or the state attorney of the~~
23 ~~county where the offender establishes or maintains a permanent~~
24 ~~or temporary residence on October 1, 1996, for offenders~~
25 ~~described in sub-subparagraph b. The state attorney may bring~~
26 ~~the matter to the court's attention in order to establish that~~
27 ~~the offender meets the sexual predator criteria. If the court~~
28 ~~makes a written finding that the offender is a sexual~~
29 ~~predator, the offender is designated as a sexual predator,~~
30 ~~must register or be registered as a sexual predator with the~~
31 ~~department as provided in subsection (6), and is subject to~~

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

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

12 1. ~~The felony meets the criteria of former ss.~~
13 ~~775.22(2) and 775.23(2), specifically,~~The felony is:

14 a. A capital, life, or first-degree felony violation,
15 or any attempt thereof,of s. 787.01 or s. 787.02, where the
16 victim is a minor and the defendant is not the victim's
17 parent, or of chapter 794, s. 800.04,or s. 847.0145, or a
18 violation of a similar law of another jurisdiction; or

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

23 ~~b.c.~~ Any ~~second-degree or greater~~ felony violation, or
24 any attempt thereof,of s. 787.01, ~~or~~ s. 787.02, or s.
25 787.025,where the victim is a minor and the defendant is not
26 the victim's parent; chapter 794, excluding ss. 794.011(10)
27 and 794.0235; s. 796.03; s. 800.04; s. 825.1025(2)(b); s.
28 827.071; or s. 847.0145; or a violation of a similar law of
29 another jurisdiction, and the offender has previously been
30 convicted of or found to have committed, or has pled nolo
31 contendere or guilty to, regardless of adjudication, any

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1 violation of s. 787.01, ~~or~~ s. 787.02, or s. 787.025, where the
2 victim is a minor and the defendant is not the victim's
3 parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05 ~~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 shall 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, 1996,~~An offender is
30 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, or would be if the person was a resident of that
20 state or jurisdiction, shall register in the manner provided
21 in s. 943.0435 or s. 944.607 and shall be subject to community
22 and public notification as provided in s. 943.0435 or s.
23 944.607. A person who meets the criteria of this section is
24 subject to the requirements and penalty provisions of s.
25 943.0435 or s. 944.607 until the person provides the
26 department with an order issued by the court that designated
27 the person as a sexual predator, as a sexually violent
28 predator, or by another sexual offender designation in the
29 ~~another~~ state or jurisdiction in which the order was issued
30 which states that such designation has been removed or
31 demonstrates to the department that such designation, if not

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1 imposed by a court, has been removed by operation of law or
2 court order in the state or jurisdiction in which the
3 designation was made, and provided such person no longer meets
4 the criteria for registration as a sexual offender under the
5 laws of this state.

6 (6) REGISTRATION.--

7 (a) A sexual predator must register with the
8 department by providing the following information to the
9 department:

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

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1 scheme, of the vessel, live-aboard vessel, or houseboat.

2 2. Any other information determined necessary by the
3 department, including criminal and corrections records;
4 nonprivileged personnel, treatment, and abuse registry
5 records; and evidentiary genetic markers when available.

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

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

27 (d) If the sexual predator is under federal
28 supervision, the federal agency responsible for supervising
29 the sexual predator may forward to the department any
30 information regarding the sexual predator which is consistent
31 with the information provided by the Department of Corrections

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1 under this section, and may indicate whether use of the
2 information is restricted to law enforcement purposes only or
3 may be used by the department for purposes of public
4 notification.

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

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

28 1. If otherwise qualified, secure a Florida driver's
29 license, renew a Florida driver's license, or secure an
30 identification card. The sexual predator shall identify
31 himself or herself as a sexual predator who is required to

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

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

27 3. Provide, upon request, any additional information
28 necessary to confirm the identity of the sexual predator,
29 including a set of fingerprints.

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

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1 after any change of the predator's residence or change in the
2 predator's name by reason of marriage or other legal process,
3 the predator shall report in person to a driver's license
4 office, and shall be subject to the requirements specified in
5 paragraph (f). The Department of Highway Safety and Motor
6 Vehicles shall forward to the department and to the Department
7 of Corrections all photographs and information provided by
8 sexual predators. Notwithstanding the restrictions set forth
9 in s. 322.142, the Department of Highway Safety and Motor
10 Vehicles is authorized to release a reproduction of a
11 color-photograph or digital-image license to the Department of
12 Law Enforcement for purposes of public notification of sexual
13 predators as provided in this section.

14 (h) If the sexual predator ~~initially~~ registers at an
15 office of the department, the department must notify the
16 sheriff and the state attorney of the county and, if
17 applicable, the police chief of the municipality, where the
18 sexual predator maintains a residence within 48 hours after
19 the sexual predator registers with the department.

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

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1 jurisdiction of residence of the sexual predator's intended
2 residence. The failure of a sexual predator to provide his or
3 her intended place of residence is punishable as provided in
4 subsection (10).

5 (j) A sexual predator who indicates his or her intent
6 to reside in another state or jurisdiction and later decides
7 to remain in this state shall, within 48 hours after the date
8 upon which the sexual predator indicated he or she would leave
9 this state, report in person to ~~notify~~ the sheriff or the
10 department, whichever agency is the agency to which the sexual
11 predator reported the intended change of residence, of his or
12 her intent to remain in this state. If the sheriff is notified
13 by the sexual predator that he or she intends to remain in
14 this state, the sheriff shall promptly report this information
15 to the department. A sexual predator who reports his or her
16 intent to reside in another state or jurisdiction, but who
17 remains in this state without reporting to the sheriff or the
18 department in the manner required by this paragraph, commits a
19 felony of the second degree, punishable as provided in s.
20 775.082, s. 775.083, or s. 775.084.

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

30 2. The department's sexual predator registration list,
31 containing the information described in subparagraph (a)1., is

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1 a public record. The department is authorized to disseminate
2 this public information by any means deemed appropriate,
3 including operating a toll-free telephone number for this
4 purpose. When the department provides information regarding a
5 registered sexual predator to the public, department personnel
6 must advise the person making the inquiry that positive
7 identification of a person believed to be a sexual predator
8 cannot be established unless a fingerprint comparison is made,
9 and that it is illegal to use public information regarding a
10 registered sexual predator to facilitate the commission of a
11 crime.

12 3. The department shall adopt guidelines as necessary
13 regarding the registration of sexual predators and the
14 dissemination of information regarding sexual predators as
15 required by this section.

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

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1 supervision, or sanction, whichever is later, for at least 20
2 years, and who has not been arrested for any felony or
3 misdemeanor offense since release may petition the criminal
4 division of the circuit court in the circuit in which the
5 sexual predator resides for the purpose of removing the sexual
6 predator designation. The court may grant or deny such relief
7 if the petitioner demonstrates to the court that he or she has
8 not been arrested for any crime since release, the requested
9 relief complies with the provisions of the federal Jacob
10 Wetterling Act, as amended, and any other federal standards
11 applicable to the removal of the designation as a sexual
12 predator or required to be met as a condition for the receipt
13 of federal funds by the state, and the court is otherwise
14 satisfied that the petitioner is not a current or potential
15 threat to public safety. The state attorney in the circuit in
16 which the petition is filed must be given notice of the
17 petition at least 3 weeks before the hearing on the matter.
18 The state attorney may present evidence in opposition to the
19 requested relief or may otherwise demonstrate the reasons why
20 the petition should be denied. If the court denies the
21 petition, the court may set a future date at which the sexual
22 predator may again petition the court for relief, subject to
23 the standards for relief provided in this paragraph. Unless
24 specified in the order, a sexual predator who is granted
25 relief under this paragraph must comply with the requirements
26 for registration as a sexual offender and other requirements
27 provided under s. 943.0435 or s. 944.607. If a petitioner
28 obtains an order from the court that imposed the order
29 designating the petitioner as a sexual predator which removes
30 such designation, the petitioner shall forward a certified
31 copy of the written findings or order to the department in

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1 order to have the sexual predator designation removed from the
2 sexual predator registry.

3 (7) COMMUNITY AND PUBLIC NOTIFICATION.--

4 (a) Law enforcement agencies must inform members of
5 the community and the public of a sexual predator's presence.
6 Upon notification of the presence of a sexual predator, the
7 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. Within 48 hours after receiving
13 notification of the presence of a sexual predator, the sheriff
14 of the county or the chief of police of the municipality where
15 the sexual predator temporarily or permanently resides shall
16 notify each licensed day care center, elementary school,
17 middle school, and high school within a 1-mile radius of the
18 temporary or permanent residence of the sexual predator of the
19 presence of the sexual predator. Information provided to
20 members of the community and the public regarding a sexual
21 predator must include:

- 22 1. The name of the sexual predator;
- 23 2. A description of the sexual predator, including a
24 photograph;
- 25 3. The sexual predator's current address, including
26 the name of the county or municipality if known;
- 27 4. The circumstances of the sexual predator's offense
28 or offenses; and
- 29 5. Whether the victim of the sexual predator's offense
30 or offenses was, at the time of the offense, a minor or an
31 adult.

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1
2 This paragraph does not authorize the release of the name of
3 any victim of the sexual predator.

4 (b) The sheriff or the police chief may coordinate the
5 community and public notification efforts with the department.
6 Statewide notification to the public is authorized, as deemed
7 appropriate by local law enforcement personnel and the
8 department.

9 (c) The department shall notify the public of all
10 designated sexual predators through the Internet. The
11 Internet notice shall include the information required by
12 paragraph (a).

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

16 (8) VERIFICATION.--The department and the Department
17 of Corrections shall implement a system for verifying the
18 addresses of sexual predators. The system must be consistent
19 with the provisions of the federal Jacob Wetterling Act, as
20 amended, and any other federal standards applicable to such
21 verification or required to be met as a condition for the
22 receipt of federal funds by the state ~~requirements that apply~~
23 ~~to the laws of this state governing sexual predators.~~ The
24 Department of Corrections shall verify the addresses of sexual
25 predators who are not incarcerated but who reside in the
26 community under the supervision of the Department of
27 Corrections. County and local law enforcement agencies, in
28 conjunction with the department, shall verify the addresses of
29 sexual predators who are not under the care, custody, control,
30 or supervision of the Department of Corrections.

31 (9) IMMUNITY.--The department, the Department of

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1 Highway Safety and Motor Vehicles, the Department of
2 Corrections, any law enforcement agency in this state, and the
3 personnel of those departments;~~when the court has made a~~
4 ~~written finding that an offender is a sexual predator, an~~
5 ~~elected or appointed official, public employee, or school~~
6 ~~administrator; or an employee, agency, or any individual or~~
7 ~~entity acting at the request or upon the direction of any law~~
8 ~~enforcement agency is immune from civil liability for damages~~
9 ~~for good-faith compliance with the requirements of this~~
10 ~~section or for resulting from the release of information under~~
11 ~~this section, and shall be presumed to have acted in good~~
12 ~~faith in compiling, recording, reporting, or releasing the~~
13 ~~information. The presumption of good faith is not overcome if~~
14 ~~a technical or clerical error is made by the department, the~~
15 ~~Department of Highway Safety and Motor Vehicles, the~~
16 ~~Department of Corrections, the personnel of those departments,~~
17 ~~or any individual or entity acting at the request or upon the~~
18 ~~direction of any of those departments in compiling or~~
19 ~~providing information, or if information is incomplete or~~
20 ~~incorrect because a sexual predator fails to report or falsely~~
21 ~~reports his or her current place of permanent or temporary~~
22 ~~residence.~~

23 (10) PENALTIES.--

24 (a) Except as otherwise specifically provided, a
25 sexual predator who fails to register; ~~or~~ who fails, after
26 registration, to maintain, acquire, or renew a driver's
27 license or identification card; who fails to ~~or~~ provide
28 required location information or change-of-name information;~~;~~
29 or who otherwise fails, by act or omission, to comply with the
30 requirements of this section, commits a felony of the third
31 degree, punishable as provided in s. 775.082, s. 775.083, or

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1 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, or attempted
5 violation, of s. 787.01, s. 787.02, or s. 787.025, where the
6 victim is a minor and the defendant is not the victim's
7 parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s.
8 796.03; ~~s. 794.023~~; s. 800.04; s. 827.071; s. 847.0133; or s.
9 847.0145, or a violation of a similar law of another
10 jurisdiction, when the victim of the offense was a minor, and
11 who works, whether for compensation or as a volunteer, at any
12 business, school, day care center, park, playground, or other
13 place where children regularly congregate, commits a felony of
14 the third degree, punishable as provided in s. 775.082, s.
15 775.083, or s. 775.084.

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

30 Section 2. Legislative findings.--The Legislature
31 finds that sexual offenders, especially those who have

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1 committed their offenses against minors, often pose a high
2 risk of engaging in sexual offenses, even after being released
3 from incarceration or commitment, and that protection of the
4 public from sexual offenders is a paramount government
5 interest. Sexual offenders have a reduced expectation of
6 privacy because of the public's interest in public safety and
7 in the effective operation of government. Releasing
8 information concerning sexual offenders to law enforcement
9 agencies and to persons who request such information, and the
10 release of such information to the public by a law enforcement
11 agency or public agency, will further the governmental
12 interests of public safety. The designation of a person as a
13 sexual offender is not a sentence or a punishment, but is
14 simply the status of the offender which is the result of a
15 conviction for having committed certain crimes.

16 Section 3. Section 943.0435, Florida Statutes, is
17 amended to read:

18 943.0435 Sexual offenders required to register with
19 the department; penalty.--

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

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

22 1. Convicted of committing, or attempting, soliciting,
23 or conspiring to commit, any of the criminal offenses
24 proscribed in the following statutes in this state or similar
25 offenses in another jurisdiction: s. 787.01, ~~or~~ s. 787.02, or
26 s. 787.025, where the victim is a minor and the defendant is
27 not the victim's parent; ~~s. 787.025~~; chapter 794, excluding
28 ss. 794.011(10) and 794.0235; s. 796.03; s. 800.04; s.
29 825.1025; s. 827.071; s. 847.0133; s. 847.0135; s. 847.0145;
30 or any similar offense committed in this state which has been
31 redesignated from a former statute number to one of those

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1 listed in this subparagraph.

2 2. Released on or after October 1, 1997, from the
3 sanction imposed for any conviction of an offense described in
4 subparagraph 1. For purposes of subparagraph 1., a sanction
5 imposed in this state or in any other jurisdiction includes,
6 but is not limited to, a fine, probation, community control,
7 parole, conditional release, control release, or incarceration
8 in a state prison, federal prison, private correctional
9 facility, or local detention facility.

10 (b) "Convicted" means that, ~~regarding the person's~~
11 ~~offense~~, there has been a determination of guilt as a result
12 of a trial or the entry of a plea of guilty or nolo
13 contendere, regardless of whether adjudication is withheld.
14 Conviction of a similar offense includes, but is not limited
15 to, a conviction by a federal or military tribunal, including
16 courts-martial conducted by the Armed Forces of the United
17 States, and includes a conviction in any state of the United
18 States or other jurisdiction.

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

21 (2) A sexual offender shall ~~initially~~ report in person
22 at an office of the department, or at the sheriff's office in
23 the county in which the offender establishes or maintains a
24 permanent or temporary residence, within 48 hours after
25 establishing permanent or temporary residence in this state or
26 within 48 hours after being released from the custody,
27 control, or supervision of the Department of Corrections or
28 from the custody of a private correctional facility. The
29 sexual offender shall provide his or her name, date of birth,
30 social security number, race, sex, height, weight, hair and
31 eye color, tattoos or other identifying marks, occupation and

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

26 (3) Within 48 hours after the ~~initial~~ report required
27 under subsection (2), a sexual offender shall report in person
28 at a driver's license office of the Department of Highway
29 Safety and Motor Vehicles, unless a driver's license or
30 identification card was previously secured or updated under s.
31 944.607(9). At the driver's license office the sexual offender

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1 shall:

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

14 (b) Pay the costs assessed by the Department of
15 Highway Safety and Motor Vehicles for issuing or renewing a
16 driver's license or identification card as required by this
17 section.

18 (c) Provide, upon request, any additional information
19 necessary to confirm the identity of the sexual offender,
20 including a set of fingerprints.

21 (4) Each time a sexual offender's driver's license or
22 identification card is subject to renewal, and within 48 hours
23 after any change in the offender's permanent or temporary
24 residence or change in the offender's name by reason of
25 marriage or other legal process, the offender shall report in
26 person to a driver's license office, and shall be subject to
27 the requirements specified in subsection (3). The Department
28 of Highway Safety and Motor Vehicles shall forward to the
29 department all photographs and information provided by sexual
30 offenders. Notwithstanding the restrictions set forth in s.
31 322.142, the Department of Highway Safety and Motor Vehicles

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1 is authorized to release a reproduction of a color-photograph
2 or digital-image license to the Department of Law Enforcement
3 for purposes of public notification of sexual offenders as
4 provided in ss. 943.043, 943.0435, and 944.606.

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

8 (6) County and local law enforcement agencies, in
9 conjunction with the department, shall verify the addresses of
10 sexual offenders who are not under the care, custody, control,
11 or supervision of the Department of Corrections in a manner
12 that is consistent with the provisions of the federal Jacob
13 Wetterling Act, as amended, and any other federal standards
14 applicable to such verification or required to be met as a
15 condition for the receipt of federal funds by the state
16 requirements.

17 (7) A sexual offender who intends to establish
18 residence in another state or jurisdiction shall report in
19 person to ~~notify~~ the sheriff of the county of current
20 residence or the department within 48 hours before the date he
21 or she intends to leave this state to establish residence in
22 another state or jurisdiction. The notification must include
23 the address, municipality, county, and state of intended
24 residence. The sheriff shall promptly provide to the
25 department the information received from the sexual offender.
26 The department shall notify the statewide law enforcement
27 agency, or a comparable agency, in the intended state or
28 jurisdiction of residence of the sexual offender's intended
29 residence. The failure of a sexual offender to provide his or
30 her intended place of residence is punishable as provided in
31 subsection (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, report in person to ~~notify~~ the sheriff or
6 department, whichever agency is the agency to which the sexual
7 offender reported the intended change of residence, of his or
8 her intent to remain in this state. If the sheriff is notified
9 by the sexual offender that he or she intends to remain in
10 this state, the sheriff shall promptly report this information
11 to the department. A sexual offender who reports his or her
12 intent to reside in another state or jurisdiction but who
13 remains in this state without reporting to the sheriff or the
14 department in the manner required by this subsection commits a
15 felony of the second degree, punishable as provided in s.
16 775.082, s. 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, any law
23 enforcement agency in this state, and the personnel of those
24 departments; an elected or appointed official, public
25 employee, or school administrator; an employee, agency, or,
26 ~~and~~ any individual or entity acting at the request or upon the
27 direction of any law enforcement agency is ~~of those~~
28 ~~departments are~~ immune from civil liability for damages for
29 good faith compliance with the requirements of this section or
30 for the release of information under this section, and shall
31 be presumed to have acted in good faith in compiling,

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

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

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

24 (b) Who was 18 years of age or under at the time the
25 offense was committed and adjudication was withheld for that
26 offense, who has had 10 years elapse since having been placed
27 on probation, and who 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

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

26 Section 4. Subsections (1) and (3) of section 944.606,
27 Florida Statutes, are amended to read:

28 944.606 Sexual offenders; notification upon release.--

29 (1) As used in this section:

30 (a) "Convicted"~~"Conviction"~~ means there has been a
31 determination of guilt as a ~~which is the~~ result of a trial or

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1 the entry of a plea of guilty or nolo contendere, regardless
2 of whether adjudication is withheld. A conviction for a
3 ~~violation of a similar offense law of another jurisdiction~~
4 includes, but is not limited to, a conviction by a federal or
5 military tribunal, including courts-martial conducted by the
6 Armed Forces of the United States, and includes a conviction
7 in any state of the United States or other jurisdiction.

8 (b) "Sexual offender" means a person who has been
9 convicted of committing, or attempting, soliciting, or
10 conspiring to commit, any of the criminal offenses proscribed
11 in the following statutes in this state or similar offenses in
12 another jurisdiction: s. 787.01, or s. 787.02, or s. 787.025,
13 where the victim is a minor and the defendant is not the
14 victim's parent; ~~s. 787.025~~ chapter 794, excluding ss.
15 794.011(10) and 794.0235; s. 796.03; s. 800.04; s. 825.1025;
16 s. 827.071; s. 847.0133; s. 847.0135; s. 847.0145; or any
17 similar offense committed in this state which has been
18 redesignated from a former statute number to one of those
19 listed in this subsection, when the department has received
20 verified information regarding such conviction; an offender's
21 computerized criminal history record is not, in and of itself,
22 verified information.

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

26 1. The department must provide: the sexual offender's
27 name, any change in the offender's name by reason of marriage
28 or other legal process, and any alias, if known; the
29 correctional facility from which the sexual offender is
30 released; the sexual offender's social security number, race,
31 sex, date of birth, height, weight, and hair and eye color;

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1 date and county of sentence and each crime for which the
2 offender was sentenced; a copy of the offender's fingerprints
3 and a digitized photograph taken within 60 days before
4 release; the date of release of the sexual offender; and the
5 offender's intended residence address, if known. The
6 department shall notify the Department of Law Enforcement if
7 the sexual offender escapes, absconds, or dies. If the sexual
8 offender is in the custody of a private correctional facility,
9 the facility shall take the digitized photograph of the sexual
10 offender within 60 days before the sexual offender's release
11 and provide this photograph to the Department of Corrections
12 and also place it in the sexual offender's file. If the sexual
13 offender is in the custody of a local jail, the custodian of
14 the local jail shall notify the Department of Law Enforcement
15 of the sexual offender's release and provide to the Department
16 of Law Enforcement the information specified in this paragraph
17 and any information specified in subparagraph 2. that the
18 Department of Law Enforcement requests.

19 2. The department may provide any other information
20 deemed necessary, including criminal and corrections records,
21 nonprivileged personnel and treatment records, when available.

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

24 1. The sheriff of the county from where the sexual
25 offender was sentenced;

26 2. The sheriff of the county and, if applicable, the
27 police chief of the municipality, where the sexual offender
28 plans to reside;

29 3. The Florida Department of Law Enforcement; and

30 4. Any person who requests such information,
31

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1 either within 6 months prior to the anticipated release of a
2 sexual offender, or as soon as possible if an offender is
3 released earlier than anticipated. All such information
4 provided to the Department of Law Enforcement must be
5 available electronically as soon as the information is in the
6 agency's database and must be in a format that is compatible
7 with the requirements of the Florida Crime Information Center.

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

10 1. The sheriff of the county from where the sexual
11 offender was sentenced; and

12 2. The sheriff of the county and, if applicable, the
13 police chief of the municipality, where the sexual offender
14 plans to reside,

15
16 either within 6 months prior to the anticipated release of a
17 sexual offender, or as soon as possible if an offender is
18 released earlier than anticipated.

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

28 Section 5. Subsections (1), (3), (4), (6), and (9) of
29 section 944.607, Florida Statutes, are amended to read:

30 944.607 Notification to Department of Law Enforcement
31 of information on sexual offenders.--

Amendment No. 01 (for drafter's use only)

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

2 (a) "Sexual offender" means a person who is in the
3 custody or control of, or under the supervision of, the
4 department or is in the custody of a private correctional
5 facility on or after October 1, 1997, as a result of a
6 conviction for 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, or s. 787.025,
10 where the victim is a minor and the defendant is not the
11 victim's parent; ~~s. 787.025~~; chapter 794, excluding ss.
12 794.011(10) and 794.0235; s. 796.03; s. 800.04; s. 825.1025;
13 s. 827.071; s. 847.0133; s. 847.0135; s. 847.0145; or any
14 similar offense committed in this state which has been
15 redesignated from a former statute number to one of those
16 listed in this paragraph.

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

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 within 48 hours after the court
29 sentences the offender. The fingerprint card shall be clearly
30 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 within the state or out of state while the sexual
8 offender is under supervision in this state, including any
9 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 within the state or
18 out of state while the sexual offender is under supervision in
19 this state, including the name of the county or municipality
20 in which the offender permanently or temporarily resides and,
21 if known, the intended place of permanent or temporary
22 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, including any change in the
22 offender's name by reason of marriage or other legal process,
23 the department shall, in a timely manner, update the
24 information and provide it to the Department of Law
25 Enforcement in the manner prescribed in subsection (2).

26 (9) A sexual offender, as described in this section,
27 who is under the supervision of the Department of Corrections
28 but who is not incarcerated shall, in addition to the
29 registration requirements provided in subsection (4), register
30 in the manner provided in s. 943.0435(3), (4), and (5), unless
31 the sexual offender is a sexual predator, in which case he or

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1 she shall register as required under s. 775.21. A sexual
2 offender who fails to comply with the requirements of s.
3 943.0435 is subject to the penalties provided in s.
4 943.0435(9)~~s. 943.0435(10)~~.

5 Section 6. This act shall take effect July 1, 2000.

6
7

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

9 And the title is amended as follows:

10 On page 1,

11 remove from the title of the bill: entire title

12

13 and insert in lieu thereof:

14 An act relating to sexual predators and sexual
15 offenders; amending s. 775.21, F.S.; revising
16 the definition of the term "conviction" to
17 include a conviction in another jurisdiction;
18 clarifying the definition of the term
19 "temporary residence" to include an
20 out-of-state address; revising criteria under
21 which an offender may be designated as a sexual
22 predator; expanding scope of persons required
23 to register as sexual predators; revising
24 criteria for exemption from registration
25 requirements; expanding the information
26 required to be provided for registration
27 purposes; requiring that the Department of
28 Corrections or custodian of a local jail notify
29 the Department of Law Enforcement if a sexual
30 predator escapes from custody, absconds from
31 supervision, or dies; requiring a sexual

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1 predator to report a legal name change;
2 deleting a current exemption from registration
3 for sexual predators whose civil rights are
4 restored; requiring that a sexual predator
5 report in person to the sheriff or the
6 Department of Law Enforcement prior to changing
7 a place of residence; revising criteria under
8 which a court may remove an offender's
9 designation as a sexual predator; revising
10 verification procedures; revising provisions
11 granting certain agencies and personnel
12 immunity from civil liability for the release
13 of information concerning sexual predators;
14 revising penalties; providing legislative
15 findings with respect to the designation of
16 sexual offenders; amending s. 943.0435, F.S.;
17 revising the definitions of the terms "sexual
18 offender" and "conviction"; revising criteria
19 under which an offender is required to register
20 as a sexual offender; revising reporting
21 requirements for sexual offenders; expanding
22 the information to be provided for registration
23 purposes; revising verification procedures;
24 deleting current exemption from lifetime
25 registration if sexual offender has civil
26 rights restored; revising provisions granting
27 certain agencies and personnel immunity from
28 civil liability for the release of information
29 concerning sexual offenders; amending s.
30 944.606, F.S., relating to reporting
31 requirements for sexual offenders upon release;

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1 revising definitions of the terms "convicted"
2 and "sexual offender"; expanding the
3 information required to be provided for
4 notification purposes; requiring that the
5 Department of Corrections notify the Department
6 of Law Enforcement if a sexual offender
7 escapes, absconds, or dies; amending s.
8 944.607, F.S., relating to notification to the
9 Department of Law Enforcement of information on
10 sexual offenders; revising the definitions of
11 the terms "sexual offender" and "convicted";
12 correcting a reference to refer to the
13 Department of Law Enforcement; clarifying
14 requirements that a sexual offender report his
15 or her temporary residence; expanding the
16 information required to be provided for
17 notification purposes; providing an effective
18 date.

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