

By Senators Bronson and Brown-Waite

18-515A-00

1 A bill to be entitled
2 An act relating to sexual predators and sexual
3 offenders; amending s. 775.21, F.S.; revising
4 the definition of the term "conviction" to
5 include a conviction in another jurisdiction;
6 clarifying the definition of the term
7 "temporary residence" to include an
8 out-of-state address; revising criteria under
9 which an offender may be designated as a sexual
10 predator; requiring that the Department of
11 Corrections or custodian of a local jail notify
12 the Department of Law Enforcement if a sexual
13 predator escapes from custody, absconds from
14 supervision, or dies; deleting a current
15 exemption from registration for sexual
16 predators whose civil rights are restored;
17 requiring that a sexual predator report in
18 person to the sheriff or the Department of Law
19 Enforcement prior to changing a place of
20 residence; revising criteria under which a
21 court may remove an offender's designation as a
22 sexual predator; revising provisions granting
23 certain agencies and personnel immunity from
24 civil liability for the release of information
25 concerning sexual predators; providing
26 legislative findings with respect to the
27 designation of sexual offenders; amending s.
28 943.0435, F.S.; revising criteria under which
29 an offender is required to register as a sexual
30 offender; revising reporting requirements for
31 sexual offenders; deleting current exemption

1 from lifetime registration if sexual offender
2 has civil rights restored; revising provisions
3 granting certain agencies and personnel
4 immunity from civil liability for the release
5 of information concerning sexual offenders;
6 amending s. 944.606, F.S., relating to
7 reporting requirements for sexual offenders
8 upon release; revising criteria under which an
9 offender is convicted as a sexual offender to
10 conform to other changes made by the act;
11 requiring that the Department of Corrections
12 notify the Department of Law Enforcement if a
13 sexual offender escapes, absconds, or dies;
14 amending s. 944.607, F.S., relating to
15 notification to the Department of Law
16 Enforcement of information on sexual offenders;
17 revising criteria under which an offender is
18 convicted as a sexual offender to conform to
19 other changes made by the act; correcting a
20 reference to refer to the Department of Law
21 Enforcement; clarifying requirements that a
22 sexual offender report his or her temporary
23 residence; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 775.21, Florida Statutes, is
28 amended to read:

29 775.21 The Florida Sexual Predators Act; definitions;
30 legislative findings, purpose, and intent; criteria;

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1 designation; registration; community and public notification;
2 immunity; penalties.--

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

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

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

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

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

19 (d) "Department" means the Department of Law
20 Enforcement.

21 (e) "Entering the county" includes being discharged
22 from a correctional facility or jail or secure treatment
23 facility within the county or being under supervision within
24 the county for the commission of a violation enumerated in
25 subsection (4).

26 (f) "Permanent residence" means a place where the
27 person abides, lodges, or resides for 14 or more consecutive
28 days.

29 (g) "Temporary residence" means a place where the
30 person abides, lodges, or resides for a period of 14 or more
31 days in the aggregate during any calendar year and which is

1 not the person's permanent address; for a person whose
2 permanent residence is not in this state, a place where the
3 person is employed, practices a vocation, or is enrolled as a
4 student for any period of time in this state; or a place where
5 the person routinely abides, lodges, or resides for a period
6 of 4 or more consecutive or nonconsecutive days in any month
7 and which is not the person's permanent residence, including
8 any out-of-state address.

9 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE
10 INTENT.--

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

21 (b) The high level of threat that a sexual predator
22 presents to the public safety, and the long-term effects
23 suffered by victims of sex offenses, provide the state with
24 sufficient justification to implement a strategy that
25 includes:

26 1. Incarcerating sexual predators and maintaining
27 adequate facilities to ensure that decisions to release sexual
28 predators into the community are not made on the basis of
29 inadequate space.

30 2. Providing for specialized supervision of sexual
31 predators who are in the community by specially trained

1 probation officers with low caseloads, as described in ss.
2 947.1405(7) and 948.03(5). The sexual predator is subject to
3 specified terms and conditions implemented at sentencing or at
4 the time of release from incarceration, with a requirement
5 that those who are financially able must pay all or part of
6 the costs of supervision.

7 3. Requiring the registration of sexual predators,
8 with a requirement that complete and accurate information be
9 maintained and accessible for use by law enforcement
10 authorities, communities, and the public.

11 4. Providing for community and public notification
12 concerning the presence of sexual predators.

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

15 (c) The state has a compelling interest in protecting
16 the public from sexual predators and in protecting children
17 from predatory sexual activity, and there is sufficient
18 justification for requiring sexual predators to register and
19 for requiring community and public notification of the
20 presence of sexual predators.

21 (d) It is the purpose of the Legislature that, upon
22 the court's written finding that an offender is a sexual
23 predator, in order to protect the public, it is necessary that
24 the sexual predator be registered with the department and that
25 members of the community and the public be notified of the
26 sexual predator's presence. The designation of a person as a
27 sexual predator is neither a sentence nor a punishment but
28 simply a status resulting from the conviction of certain
29 crimes.

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

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

4 2. Requiring sexual predators to register with the
5 Florida Department of Law Enforcement, as provided in this
6 section; and

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

9 (4) SEXUAL PREDATOR CRITERIA.--

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

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

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

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31

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

4 ~~b. The offender was administratively registered as a~~
5 ~~sexual predator because the Department of Corrections, the~~
6 ~~department, or any other law enforcement agency obtained~~
7 ~~information which indicated that the offender met the sexual~~
8 ~~predator criteria based on a violation of a similar law in~~
9 ~~another jurisdiction,~~

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

31

1 ~~not subject to the requirements for community and public~~
2 ~~notification as a sexual predator.~~

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

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

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

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

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

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

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

26 1. ~~The felony meets the criteria of former ss.~~
27 ~~775.22(2) and 775.23(2), specifically,~~The felony is:

28 a. A capital, life, or first-degree felony violation,
29 or any attempt thereof, of s. 787.01 or s. 787.02, where the
30 victim is a minor and the defendant is not the victim's
31

1 parent, or of chapter 794, s. 800.04, or s. 847.0145, or a
2 violation of a similar law of another jurisdiction; or
3 ~~b. An attempt to commit a capital, life, or~~
4 ~~first-degree felony violation of chapter 794, where the victim~~
5 ~~is a minor, or a violation of a similar law of another~~
6 ~~jurisdiction; or~~
7 b.c. Any second-degree or greater felony violation, or
8 any attempt thereof, of s. 787.01, or s. 787.02, or s.
9 787.025, where the victim is a minor and the defendant is not
10 the victim's parent; chapter 794, excluding ss. 794.011(10)
11 and 794.0235; s. 796.03; s. 800.04; s. 825.1025(2)(b); s.
12 827.071; or s. 847.0145; or a violation of a similar law of
13 another jurisdiction, and the offender has previously been
14 convicted of or found to have committed, or has pled nolo
15 contendere or guilty to, regardless of adjudication, any
16 violation of s. 787.01, or s. 787.02, or s. 787.025, where the
17 victim is a minor and the defendant is not the victim's
18 parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05 ~~s.~~
19 ~~794.023;~~ s. 796.03; s. 800.04; s. 825.1025; s. 827.071; s.
20 847.0133; s. 847.0135; or s. 847.0145, or a violation of a
21 similar law of another jurisdiction;
22 2. The offender has not received a pardon for any
23 felony or similar law of another jurisdiction that is
24 necessary for the operation of this paragraph; and
25 3. A conviction of a felony or similar law of another
26 jurisdiction necessary to the operation of this paragraph has
27 not been set aside in any postconviction proceeding.
28 (b)(d) In order to be counted as a prior felony for
29 purposes of this subsection, the felony must have resulted in
30 a conviction sentenced separately, or an adjudication of
31 delinquency entered separately, prior to the current offense

1 and sentenced or adjudicated separately from any other felony
2 conviction that is to be counted as a prior felony. If the
3 offender's prior enumerated felony was committed more than 10
4 years before the primary offense, it shall not be considered a
5 prior felony under this subsection if the offender has not
6 been convicted of any other crime for a period of 10
7 consecutive years from the most recent date of release from
8 confinement, supervision, or sanction, whichever is later.

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

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

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

21
22 the department shall remove that offender from the
23 department's list of sexual predators and, for an offender
24 described under subparagraph 1., shall notify the state
25 attorney who prosecuted the offense that met the criteria for
26 administrative designation as a sexual predator, and, for an
27 offender described under subparagraph 2., shall notify the
28 state attorney of the county where the offender establishes or
29 maintains a permanent or temporary residence. The state
30 attorney shall bring the matter to the court's attention in
31 order to establish that the offender meets the criteria for

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

12 (5) SEXUAL PREDATOR DESIGNATION.--~~For a current~~
13 ~~offense committed on or after October 1, 1996,~~An offender is
14 designated as a sexual predator as follows:

15 (a)1. An offender who meets the sexual predator
16 criteria described in paragraph(4)(a)~~(4)(c)~~who is before
17 the court for sentencing for a current offense committed on or
18 after October 1, 1993 ~~1996~~, is a sexual predator, and the
19 sentencing court must make a written finding at the time of
20 sentencing that the offender is a sexual predator, and the
21 clerk of the court shall transmit a copy of the order
22 containing the written finding to the department within 48
23 hours after the entry of the order; or

24 2. If the Department of Corrections, the department,
25 or any other law enforcement agency obtains information which
26 indicates that an offender who establishes or maintains a
27 permanent or temporary residence in this state meets the
28 sexual predator criteria described in paragraph(4)(a)~~(4)(c)~~
29 because the offender committed a similar violation in another
30 jurisdiction on or after October 1, 1993 ~~1996~~, the Department
31 of Corrections, the department, or the law enforcement agency

1 shall notify the state attorney of the county where the
2 offender establishes or maintains a permanent or temporary
3 residence of the offender's presence in the community. The
4 state attorney shall file a petition with the criminal
5 division of the circuit court for the purpose of holding a
6 hearing to determine if the offender's criminal record from
7 another jurisdiction meets the sexual predator criteria. If
8 the court finds that the offender meets the sexual predator
9 criteria because the offender has violated a similar law or
10 similar laws in another jurisdiction, the court shall make a
11 written finding that the offender is a sexual predator.

12
13 When the court makes a written finding that an offender is a
14 sexual predator, the court shall inform the sexual predator of
15 the registration and community and public notification
16 requirements described in this section. Within 48 hours of the
17 court designating an offender as a sexual predator, the clerk
18 of the circuit court shall transmit a copy of the court's
19 written sexual predator finding to the department. If the
20 offender is sentenced to a term of imprisonment or
21 supervision, a copy of the court's written sexual predator
22 finding must be submitted to the Department of Corrections.

23 (b) If a sexual predator is not sentenced to a term of
24 imprisonment, the clerk of the court shall ensure that the
25 sexual predator's fingerprints are taken and forwarded to the
26 department within 48 hours after the court renders its written
27 sexual predator finding. The fingerprint card shall be clearly
28 marked, "Sexual Predator Registration Card." The clerk of the
29 court that convicts and sentences the sexual predator for the
30 offense or offenses described in subsection (4) shall forward
31 to the department and to the Department of Corrections a

1 certified copy of any order entered by the court imposing any
2 special condition or restriction on the sexual predator which
3 restricts or prohibits access to the victim, if the victim is
4 a minor, or to other minors.

5 (c) If the Department of Corrections, the department,
6 or any other law enforcement agency obtains information which
7 indicates that an offender meets the sexual predator criteria
8 but the court did not make a written finding that the offender
9 is a sexual predator as required in paragraph (a), the
10 Department of Corrections, the department, or the law
11 enforcement agency shall notify the state attorney who
12 prosecuted the offense for offenders described in subparagraph
13 (a)1., or the state attorney of the county where the offender
14 establishes or maintains a residence upon first entering the
15 state for offenders described in subparagraph (a)2. The state
16 attorney shall bring the matter to the court's attention in
17 order to establish that the offender meets the sexual predator
18 criteria. If the state attorney fails to establish that an
19 offender meets the sexual predator criteria and the court does
20 not make a written finding that an offender is a sexual
21 predator, the offender is not required to register with the
22 department as a sexual predator. The Department of
23 Corrections, the department, or any other law enforcement
24 agency shall not administratively designate an offender as a
25 sexual predator without a written finding from the court that
26 the offender is a sexual predator.

27 (d) A person who establishes or maintains a residence
28 in this state and who has not been designated as a sexual
29 predator by a court of this state but who has been designated
30 as a sexual predator, as a sexually violent predator, or by
31 another sexual offender designation in another state or

1 jurisdiction and was, as a result of such designation,
2 subjected to registration or community or public notification,
3 or both, or would be if the person was a resident of that
4 state or jurisdiction, shall register in the manner provided
5 in s. 943.0435 or s. 944.607 and shall be subject to community
6 and public notification as provided in s. 943.0435 or s.
7 944.607. A person who meets the criteria of this section is
8 subject to the requirements and penalty provisions of s.
9 943.0435 or s. 944.607 until the person provides the
10 department with an order issued by the court that designated
11 the person as a sexual predator, as a sexually violent
12 predator, or by another sexual offender designation in the
13 ~~another~~ state or jurisdiction in which the order was issued
14 which states that such designation has been removed or
15 demonstrates to the department that such designation, if not
16 imposed by a court, has been removed by operation of law or
17 court order in the state or jurisdiction in which the
18 designation was made, and provided such person no longer meets
19 the criteria for registration as a sexual offender under the
20 laws of this state.

21 (6) REGISTRATION.--

22 (a) A sexual predator must register with the
23 department by providing the following information to the
24 department:

25 1. Name, social security number, age, race, sex, date
26 of birth, height, weight, hair and eye color, photograph,
27 address of legal residence and address of any current
28 temporary residence, within the state or out of state,
29 including a rural route address and a post office box, date
30 and place of any employment, date and place of each
31 conviction, fingerprints, and a brief description of the crime

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

17 2. Any other information determined necessary by the
18 department, including criminal and corrections records;
19 nonprivileged personnel, treatment, and abuse registry
20 records; and evidentiary genetic markers when available.

21 (b) If the sexual predator is in the custody or
22 control of, or under the supervision of, the Department of
23 Corrections, or is in the custody of a private correctional
24 facility, the sexual predator must register with the
25 Department of Corrections. The Department of Corrections shall
26 provide to the department registration information and the
27 location of, and local telephone number for, any Department of
28 Corrections office that is responsible for supervising the
29 sexual predator. In addition, the Department of Corrections
30 shall notify the department if the sexual predator escapes or
31

1 absconds from custody or supervision or if the sexual predator
2 dies.

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

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

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

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

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

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

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

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

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

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

29 (h) If the sexual predator ~~initially~~ registers at an
30 office of the department, the department must notify the
31 sheriff and the state attorney of the county and, if

1 applicable, the police chief of the municipality, where the
2 sexual predator maintains a residence within 48 hours after
3 the sexual predator registers with the department.

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

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

1 remains in this state without reporting to the sheriff or the
2 department in the manner required by this paragraph, commits a
3 felony of the second degree, punishable as provided in s.
4 775.082, s. 775.083, or s. 775.084.

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

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

27 3. The department shall adopt guidelines as necessary
28 regarding the registration of sexual predators and the
29 dissemination of information regarding sexual predators as
30 required by this section.

31

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

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

19 (7) COMMUNITY AND PUBLIC NOTIFICATION.--

20 (a) Law enforcement agencies must inform members of
21 the community and the public of a sexual predator's presence.
22 Upon notification of the presence of a sexual predator, the
23 sheriff of the county or the chief of police of the
24 municipality where the sexual predator establishes or
25 maintains a permanent or temporary residence shall notify
26 members of the community and the public of the presence of the
27 sexual predator in a manner deemed appropriate by the sheriff
28 or the chief of police. Within 48 hours after receiving
29 notification of the presence of a sexual predator, the sheriff
30 of the county or the chief of police of the municipality where
31 the sexual predator temporarily or permanently resides shall

1 notify each licensed day care center, elementary school,
2 middle school, and high school within a 1-mile radius of the
3 temporary or permanent residence of the sexual predator of the
4 presence of the sexual predator. Information provided to
5 members of the community and the public regarding a sexual
6 predator must include:

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

17

18 This paragraph does not authorize the release of the name of
19 any victim of the sexual predator.

20 (b) The sheriff or the police chief may coordinate the
21 community and public notification efforts with the department.
22 Statewide notification to the public is authorized, as deemed
23 appropriate by local law enforcement personnel and the
24 department.

25 (c) The department shall notify the public of all
26 designated sexual predators through the Internet. The
27 Internet notice shall include the information required by
28 paragraph (a).

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

1 (8) VERIFICATION.--The department and the Department
2 of Corrections shall implement a system for verifying the
3 addresses of sexual predators. The system must be consistent
4 with the provisions of the federal Jacob Wetterling Act, as
5 amended, and any other federal standards applicable to such
6 verification or required to be met as a condition for the
7 receipt of federal funds by the state requirements that apply
8 to the laws of this state governing sexual predators. The
9 Department of Corrections shall verify the addresses of sexual
10 predators who are not incarcerated but who reside in the
11 community under the supervision of the Department of
12 Corrections. County and local law enforcement agencies, in
13 conjunction with the department, shall verify the addresses of
14 sexual predators who are not under the care, custody, control,
15 or supervision of the Department of Corrections.

16 (9) IMMUNITY.--The department, the Department of
17 Highway Safety and Motor Vehicles, the Department of
18 Corrections, any law enforcement agency in this state, and the
19 personnel of those departments;~~when the court has made a~~
20 ~~written finding that an offender is a sexual predator,~~an
21 elected or appointed official, public employee, or school
22 administrator;or an employee, agency, or any individual or
23 entity acting at the request or upon the direction of any law
24 enforcement agency is immune from civil liability for damages
25 for good-faith compliance with the requirements of this
26 section or for resulting from the release of information under
27 this section, and shall be presumed to have acted in good
28 faith in compiling, recording, reporting, or releasing the
29 information. The presumption of good faith is not overcome if
30 a technical or clerical error is made by the department, the
31 Department of Highway Safety and Motor Vehicles, the

1 Department of Corrections, the personnel of those departments,
2 or any 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 predator fails to report or falsely
6 reports his or her current place of permanent or temporary
7 residence.

8 (10) PENALTIES.--

9 (a) Except as otherwise specifically provided, a
10 sexual predator who fails to register or who fails, after
11 registration, to maintain, acquire, or renew a driver's
12 license or identification card or provide required location
13 information, or who otherwise fails, by act or omission, to
14 comply with the requirements of this section, commits a felony
15 of the third degree, punishable as provided in s. 775.082, s.
16 775.083, or s. 775.084.

17 (b) A sexual predator who has been convicted of or
18 found to have committed, or has pled nolo contendere or guilty
19 to, regardless of adjudication, any violation, or attempted
20 violation, of s. 787.01, s. 787.02, or s. 787.025, where the
21 victim is a minor and the defendant is not the victim's
22 parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s.
23 796.03; ~~s. 794.023~~; s. 800.04; s. 827.071; s. 847.0133; or s.
24 847.0145, or a violation of a similar law of another
25 jurisdiction, when the victim of the offense was a minor, and
26 who works, whether for compensation or as a volunteer, at any
27 business, school, day care center, park, playground, or other
28 place where children regularly congregate, commits a felony of
29 the third degree, punishable as provided in s. 775.082, s.
30 775.083, or s. 775.084.

31

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

15 Section 2. Legislative findings.--The Legislature
16 finds that sexual offenders, especially those who have
17 committed their offenses against minors, often pose a high
18 risk of engaging in sexual offenses, even after being released
19 from incarceration or commitment, and that protection of the
20 public from sexual offenders is a paramount government
21 interest. Sexual offenders have a reduced expectation of
22 privacy because of the public's interest in public safety and
23 in the effective operation of government. Releasing
24 information concerning sexual offenders to law enforcement
25 agencies and to persons who request such information, and the
26 release of such information to the public by a law enforcement
27 agency or public agency, will further the governmental
28 interests of public safety. The designation of a person as a
29 sexual offender is not a sentence or a punishment, but is
30 simply the status of the offender which is the result of a
31 conviction for having committed certain crimes.

1 Section 3. Section 943.0435, Florida Statutes, is
2 amended to read:

3 943.0435 Sexual offenders required to register with
4 the department; penalty.--

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

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

7 1. Convicted of committing, or attempting, soliciting,
8 or conspiring to commit, any of the criminal offenses
9 proscribed in the following statutes in this state or similar
10 offenses in another jurisdiction: s. 787.01, or s. 787.02, or
11 s. 787.025, where the victim is a minor and the defendant is
12 not the victim's parent; ~~s. 787.025~~; chapter 794, excluding
13 ss. 794.011(10) and 794.0235; s. 796.03; s. 800.04; s.
14 825.1025; s. 827.071; s. 847.0133; s. 847.0135; s. 847.0145;
15 or any similar offense committed in this state which has been
16 redesignated from a former statute number to one of those
17 listed in this subparagraph.

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

26 (b) "Convicted" means that, ~~regarding the person's~~
27 ~~offense~~, there has been a determination of guilt as a result
28 of a trial or the entry of a plea of guilty or nolo
29 contendere, regardless of whether adjudication is withheld.
30 Conviction of a similar offense includes, but is not limited
31 to, a conviction by a federal or military tribunal, including

1 courts-martial conducted by the Armed Forces of the United
2 States, and includes a conviction in any state of the United
3 States or other jurisdiction.

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

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

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

11 (3) Within 48 hours after the ~~initial~~ report required
12 under subsection (2), a sexual offender shall report in person
13 at a driver's license office of the Department of Highway
14 Safety and Motor Vehicles, unless a driver's license or
15 identification card was previously secured or updated under s.
16 944.607(9). At the driver's license office the sexual offender
17 shall:

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

30 (b) Pay the costs assessed by the Department of
31 Highway Safety and Motor Vehicles for issuing or renewing a

1 driver's license or identification card as required by this
2 section.

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

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

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

23 (6) County and local law enforcement agencies, in
24 conjunction with the department, shall verify the addresses of
25 sexual offenders who are not under the care, custody, control,
26 or supervision of the Department of Corrections in a manner
27 that is consistent with the provisions of the federal Jacob
28 Wetterling Act, as amended, and any other federal standards
29 applicable to such verification or required to be met as a
30 condition for the receipt of federal funds by the state
31 requirements.

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

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

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

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

27 (11) A sexual offender must maintain registration with
28 the department for the duration of his or her life, unless the
29 sexual offender ~~has had his or her civil rights restored or~~
30 has received a full pardon or has had a conviction set aside
31 in a postconviction proceeding for any ~~felony sex~~ offense that

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

1 indicates that the offender is no longer required to comply
2 with the requirements for registration as a sexual offender.

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

5 944.606 Sexual offenders; notification upon release.--

6 (1) As used in this section:

7 (a) "Convicted"~~"Conviction"~~ means there has been a
8 determination of guilt as a ~~which is the~~ result of a trial or
9 the entry of a plea of guilty or nolo contendere, regardless
10 of whether adjudication is withheld. A conviction for ~~a~~
11 ~~violation of a similar offense law of another jurisdiction~~
12 includes, but is not limited to, a conviction by a federal or
13 military tribunal, including courts-martial conducted by the
14 Armed Forces of the United States, and includes a conviction
15 in any state of the United States or other jurisdiction.

16 (b) "Sexual offender" means a person who has been
17 convicted of committing, or attempting, soliciting, or
18 conspiring to commit, any of the criminal offenses proscribed
19 in the following statutes in this state or similar offenses in
20 another jurisdiction: s. 787.01, or s. 787.02, or s. 787.025,
21 where the victim is a minor and the defendant is not the
22 victim's parent; ~~s. 787.025;~~ chapter 794, excluding ss.
23 794.011(10) and 794.0235; s. 796.03; s. 800.04; s. 825.1025;
24 s. 827.071; s. 847.0133; s. 847.0135; s. 847.0145; or any
25 similar offense committed in this state which has been
26 redesignated from a former statute number to one of those
27 listed in this subsection, when the department has received
28 verified information regarding such conviction; an offender's
29 computerized criminal history record is not, in and of itself,
30 verified information.

31

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

4 1. The department must provide: the sexual offender's
5 name, any legal name change, and any alias, if known; the
6 correctional facility from which the sexual offender is
7 released; the sexual offender's social security number, race,
8 sex, date of birth, height, weight, and hair and eye color;
9 date and county of sentence and each crime for which the
10 offender was sentenced; a copy of the offender's fingerprints
11 and a digitized photograph taken within 60 days before
12 release; the date of release of the sexual offender; and the
13 offender's intended residence address, if known. The
14 department shall notify the Department of Law Enforcement if
15 the sexual predator escapes, absconds, or dies. If the sexual
16 offender is in the custody of a private correctional facility,
17 the facility shall take the digitized photograph of the sexual
18 offender within 60 days before the sexual offender's release
19 and provide this photograph to the Department of Corrections
20 and also place it in the sexual offender's file. If the sexual
21 offender is in the custody of a local jail, the custodian of
22 the local jail shall notify the Department of Law Enforcement
23 of the sexual offender's release and provide to the Department
24 of Law Enforcement the information specified in this paragraph
25 and any information specified in subparagraph 2. that the
26 Department of Law Enforcement requests.

27 2. The department may provide any other information
28 deemed necessary, including criminal and corrections records,
29 nonprivileged personnel and treatment records, when available.

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

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

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

6 3. The Florida Department of Law Enforcement; and

7 4. Any person who requests such information,
8

9 either within 6 months prior to the anticipated release of a
10 sexual offender, or as soon as possible if an offender is
11 released earlier than anticipated. All such information
12 provided to the Department of Law Enforcement must be
13 available electronically as soon as the information is in the
14 agency's database and must be in a format that is compatible
15 with the requirements of the Florida Crime Information Center.

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

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

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

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.

27 (d) Upon receiving information regarding a sexual
28 offender from the department, the Department of Law
29 Enforcement, the sheriff or the chief of police shall provide
30 the information described in subparagraph (a)1. to any
31 individual who requests such information and may release the

1 information to the public in any manner deemed appropriate,
2 unless the information so received is confidential or exempt
3 from s. 119.07(1) and s. 24(a), Art. I of the State
4 Constitution.

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

7 944.607 Notification to Department of Law Enforcement
8 of information on sexual offenders.--

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

10 (a) "Sexual offender" means a person who is in the
11 custody or control of, or under the supervision of, the
12 department or is in the custody of a private correctional
13 facility on or after October 1, 1997, as a result of a
14 conviction for committing, or attempting, soliciting, or
15 conspiring to commit, any of the criminal offenses proscribed
16 in the following statutes in this state or similar offenses in
17 another jurisdiction: s. 787.01, or s. 787.02, or s. 787.025,
18 where the victim is a minor and the defendant is not the
19 victim's parent; ~~s. 787.025~~; chapter 794, excluding ss.
20 794.011(10) and 794.0235; s. 796.03; s. 800.04; s. 825.1025;
21 s. 827.071; s. 847.0133; s. 847.0135; s. 847.0145; or any
22 similar offense committed in this state which has been
23 redesignated from a former statute number to one of those
24 listed in this paragraph.

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

1 United States, and includes a conviction in any state of the
2 United States or other jurisdiction.

3 (3) If a sexual offender is not sentenced to a term of
4 imprisonment, the clerk of the court shall ensure that the
5 sexual offender's fingerprints are taken and forwarded to the
6 Department of Law Enforcement within 48 hours after the court
7 sentences the offender. The fingerprint card shall be clearly
8 marked "Sexual Offender Registration Card."

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

21 (6) The information provided to the Department of Law
22 Enforcement must include:

23 (a) The information obtained from the sexual offender
24 under subsection (4);

25 (b) The sexual offender's most current address and
26 place of permanent and temporary residence within the state or
27 out of state while the sexual offender is under supervision in
28 this state, including the name of the county or municipality
29 in which the offender permanently or temporarily resides and,
30 if known, the intended place of permanent or temporary
31 residence upon satisfaction of all sanctions;

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

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

6 (e) An indication of whether the victim of the offense
7 that resulted in the offender's status as a sexual offender
8 was a minor;

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

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

27
28 If any information provided by the department changes during
29 the time the sexual offender is under the department's
30 control, custody, or supervision, including a change in the
31 offender's legal name, the department shall, in a timely

1 manner, update the information and provide it to the
2 Department of Law Enforcement in the manner prescribed in
3 subsection (2).
4 (9) A sexual offender, as described in this section,
5 who is under the supervision of the Department of Corrections
6 but who is not incarcerated shall, in addition to the
7 registration requirements provided in subsection (4), register
8 in the manner provided in s. 943.0435(3), (4), and (5), unless
9 the sexual offender is a sexual predator, in which case he or
10 she shall register as required under s. 775.21. A sexual
11 offender who fails to comply with the requirements of s.
12 943.0435 is subject to the penalties provided in s.
13 943.0435(9)~~s. 943.0435(10)~~.

14 Section 6. This act shall take effect upon becoming a
15 law.

16 *****

17
18 SENATE SUMMARY

19 Revises various provisions of the Florida Sexual
20 Predators Act and laws requiring that sexual offenders
21 register with the Department of Law Enforcement. Revises
22 the criteria under which an offender may be designated as
23 a sexual predator. Requires that the Department of
24 Corrections or custodian of a local jail notify the
25 Department of Law Enforcement if a sexual predator or
26 sexual offender escapes from custody, absconds from
27 supervision, or dies. Deletes the exemption from
28 registration for a sexual predator whose civil rights are
29 restored. Requires that a sexual predator report in
30 person to the sheriff or the Department of Law
31 Enforcement prior to changing a place of residence.
Revises criteria under which an offender is required to
register as a sexual offender. Deletes the exemption from
lifetime registration for a sexual offender whose civil
rights are restored. (See bill for details.)