

1
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; expanding scope of persons required
11 to register as sexual predators; revising
12 criteria for exemption from registration
13 requirements; expanding the information
14 required to be provided for registration
15 purposes; requiring that the Department of
16 Corrections or custodian of a local jail notify
17 the Department of Law Enforcement if a sexual
18 predator escapes from custody, absconds from
19 supervision, or dies; requiring a sexual
20 predator to report a legal name change;
21 deleting a current exemption from registration
22 for sexual predators whose civil rights are
23 restored; requiring that a sexual predator
24 report in person to the sheriff or the
25 Department of Law Enforcement prior to changing
26 a place of residence; revising criteria under
27 which a court may remove an offender's
28 designation as a sexual predator; revising
29 verification procedures; revising provisions
30 granting certain agencies and personnel
31 immunity from civil liability for the release

1 of information concerning sexual predators;
2 revising penalties; providing legislative
3 findings with respect to the designation of
4 sexual offenders; amending s. 943.0435, F.S.;
5 revising the definitions of the terms "sexual
6 offender" and "conviction"; revising criteria
7 under which an offender is required to register
8 as a sexual offender; revising reporting
9 requirements for sexual offenders; expanding
10 the information to be provided for registration
11 purposes; revising verification procedures;
12 deleting current exemption from lifetime
13 registration if sexual offender has civil
14 rights restored; revising provisions granting
15 certain agencies and personnel immunity from
16 civil liability for the release of information
17 concerning sexual offenders; amending s.
18 944.606, F.S., relating to reporting
19 requirements for sexual offenders upon release;
20 revising definitions of the terms "convicted"
21 and "sexual offender"; expanding the
22 information required to be provided for
23 notification purposes; requiring that the
24 Department of Corrections notify the Department
25 of Law Enforcement if a sexual offender
26 escapes, absconds, or dies; amending s.
27 944.607, F.S., relating to notification to the
28 Department of Law Enforcement of information on
29 sexual offenders; revising the definitions of
30 the terms "sexual offender" and "convicted";
31 correcting a reference to refer to the

1 Department of Law Enforcement; clarifying
2 requirements that a sexual offender report his
3 or her temporary residence; expanding the
4 information required to be provided for
5 notification purposes; providing an effective
6 date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9

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

12 775.21 The Florida Sexual Predators Act; definitions;
13 legislative findings, purpose, and intent; criteria;
14 designation; registration; community and public notification;
15 immunity; penalties.--

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

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

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

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

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

1 (d) "Department" means the Department of Law
2 Enforcement.

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

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

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

22 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE
23 INTENT.--

24 (a) Repeat sexual offenders, sexual offenders who use
25 physical violence, and sexual offenders who prey on children
26 are sexual predators who present an extreme threat to the
27 public safety. Sexual offenders are extremely likely to use
28 physical violence and to repeat their offenses, and most
29 sexual offenders commit many offenses, have many more victims
30 than are ever reported, and are prosecuted for only a fraction
31 of their crimes. This makes the cost of sexual offender

1 victimization to society at large, while incalculable, clearly
2 exorbitant.

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

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

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

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

24 4. Providing for community and public notification
25 concerning the presence of sexual predators.

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

28 (c) The state has a compelling interest in protecting
29 the public from sexual predators and in protecting children
30 from predatory sexual activity, and there is sufficient
31 justification for requiring sexual predators to register and

1 for requiring community and public notification of the
2 presence of sexual predators.

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

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

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

17 2. Requiring sexual predators to register with the
18 Florida Department of Law Enforcement, as provided in this
19 section; and

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

22 (4) SEXUAL PREDATOR CRITERIA.--

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

25 ~~1. An offender who was found by the court under former~~
26 ~~s. 775.22 or former s. 775.23 to be a sexual predator is a~~
27 ~~"sexual predator" if the court made a written finding that the~~
28 ~~offender was a sexual predator at the time of sentencing, as~~
29 ~~required by former s. 775.23. Such sexual predator must~~
30 ~~register or be registered as a sexual predator with the~~
31 ~~department as provided in subsection (6), and is subject to~~

1 ~~community and public notification as provided in subsection~~
2 ~~(7). Upon notification of the presence of a sexual predator,~~
3 ~~the sheriff of the county or the chief of police of the~~
4 ~~municipality where the sexual predator establishes or~~
5 ~~maintains a permanent or temporary residence shall notify~~
6 ~~members of the community and the public of the presence of the~~
7 ~~sexual predator in a manner deemed appropriate by the sheriff~~
8 ~~or the chief of police.~~

9 ~~2. 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:~~

12 ~~a. 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 ~~b. 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 which indicated that the offender met the sexual~~
19 ~~predator criteria based on a violation of a similar law in~~
20 ~~another jurisdiction,~~

21

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

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

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

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

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

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 may bring~~
19 ~~the matter to the court's attention in order to establish that~~
20 ~~the offender meets the sexual predator criteria. If the court~~
21 ~~makes a written finding that the offender is a sexual~~
22 ~~predator, the offender is designated as a sexual predator,~~
23 ~~must register or be registered as a sexual predator with the~~
24 ~~department as provided in subsection (6), and is subject to~~
25 ~~the community and public notification as provided in~~
26 ~~subsection (7). If the court does not make a written finding~~
27 ~~that the offender is a sexual predator, the offender is not~~
28 ~~designated as a sexual predator with respect to that offense~~
29 ~~and is not required to register or be registered as a sexual~~
30 ~~predator with the department.~~

31

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

6 1. ~~The felony meets the criteria of former ss.~~
7 ~~775.22(2) and 775.23(2), specifically,~~The felony is:
8 a. A capital, life, or first-degree felony violation,
9 or any attempt thereof, of s. 787.01 or s. 787.02, where the
10 victim is a minor and the defendant is not the victim's
11 parent, or of chapter 794, s. 800.04, or s. 847.0145, or a
12 violation of a similar law of another jurisdiction; or
13 b. ~~An attempt to commit a capital, life, or~~
14 ~~first-degree felony violation of chapter 794, where the victim~~
15 ~~is a minor, or a violation of a similar law of another~~
16 ~~jurisdiction; or~~
17 b.c. Any ~~second-degree or greater~~ felony violation, or
18 any attempt thereof, of s. 787.01, or s. 787.02, or s.
19 787.025, where the victim is a minor and the defendant is not
20 the victim's parent; chapter 794, excluding ss. 794.011(10)
21 and 794.0235; s. 796.03; s. 800.04; s. 825.1025(2)(b); s.
22 827.071; or s. 847.0145; or a violation of a similar law of
23 another jurisdiction, and the offender has previously been
24 convicted of or found to have committed, or has pled nolo
25 contendere or guilty to, regardless of adjudication, any
26 violation of s. 787.01, or s. 787.02, or s. 787.025, where the
27 victim is a minor and the defendant is not the victim's
28 parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05 ~~s.~~
29 ~~794.023~~; s. 796.03; s. 800.04; s. 825.1025; s. 827.071; s.
30 847.0133; s. 847.0135; or s. 847.0145, or a violation of a
31 similar law of another jurisdiction;

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

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

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

19 **(c)** 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 if:

22 1. 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 2. 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 that indicated that the offender met the criteria
29 for designation as a sexual predator based on a violation of a
30 similar law in another jurisdiction,

31

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

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

25 (a)1. An offender who meets the sexual predator
26 criteria described in paragraph(4)(a)(~~4~~)(c)who is before
27 the court for sentencing for a current offense committed on or
28 after October 1, 1993 ~~1996~~, is a sexual predator, and the
29 sentencing court must make a written finding at the time of
30 sentencing that the offender is a sexual predator, and the
31 clerk of the court shall transmit a copy of the order

1 containing the written finding to the department within 48
2 hours after the entry of the order; or
3 2. If the Department of Corrections, the department,
4 or any other law enforcement agency obtains information which
5 indicates that an offender who establishes or maintains a
6 permanent or temporary residence in this state meets the
7 sexual predator criteria described in paragraph(4)(a)~~(4)(c)~~
8 because the offender committed a similar violation in another
9 jurisdiction on or after October 1, 1993 ~~1996~~, the Department
10 of Corrections, the department, or the law enforcement agency
11 shall notify the state attorney of the county where the
12 offender establishes or maintains a permanent or temporary
13 residence of the offender's presence in the community. The
14 state attorney shall file a petition with the criminal
15 division of the circuit court for the purpose of holding a
16 hearing to determine if the offender's criminal record from
17 another jurisdiction meets the sexual predator criteria. If
18 the court finds that the offender meets the sexual predator
19 criteria because the offender has violated a similar law or
20 similar laws in another jurisdiction, the court shall make a
21 written finding that the offender is a sexual predator.
22
23 When the court makes a written finding that an offender is a
24 sexual predator, the court shall inform the sexual predator of
25 the registration and community and public notification
26 requirements described in this section. Within 48 hours of the
27 court designating an offender as a sexual predator, the clerk
28 of the circuit court shall transmit a copy of the court's
29 written sexual predator finding to the department. If the
30 offender is sentenced to a term of imprisonment or
31

1 supervision, a copy of the court's written sexual predator
2 finding must be submitted to the Department of Corrections.

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

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

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

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

1 (6) REGISTRATION.--

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

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

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

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

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

31

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

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

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

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

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

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

26 (g) Each time a sexual predator's driver's license or
27 identification card is subject to renewal, and within 48 hours
28 after any change of the predator's residence or change in the
29 predator's name by reason of marriage or other legal process,
30 the predator shall report in person to a driver's license
31 office, and shall be subject to the requirements specified in

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

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

16 (i) A sexual predator who intends to establish
17 residence in another state or jurisdiction shall report in
18 person to ~~notify~~ the sheriff of the county of current
19 residence or the department within 48 hours before the date he
20 or she intends to leave this state to establish residence in
21 another state or jurisdiction. The sexual predator
22 ~~notification~~ must provide to the sheriff or department ~~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 predator.
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 predator's intended
29 residence. The failure of a sexual predator to provide his or
30 her intended place of residence is punishable as provided in
31 subsection (10).

1 (j) A sexual predator 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 predator indicated he or she would leave
5 this state, report in person to ~~notify~~ the sheriff or the
6 department, whichever agency is the agency to which the sexual
7 predator 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 predator that he or she intends to remain in
10 this state, the sheriff shall promptly report this information
11 to the department. A sexual predator 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 paragraph, commits a
15 felony of the second degree, punishable as provided in s.
16 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

1 sexual predator resides for the purpose of removing the sexual
2 predator designation. The court may grant or deny such relief
3 if the petitioner demonstrates to the court that he or she has
4 not been arrested for any crime since release, the requested
5 relief complies with the provisions of the federal Jacob
6 Wetterling Act, as amended, and any other federal standards
7 applicable to the removal of the designation as a sexual
8 predator or required to be met as a condition for the receipt
9 of federal funds by the state, and the court is otherwise
10 satisfied that the petitioner 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 predator may again petition the court for relief, subject to
19 the standards for relief provided in this paragraph. Unless
20 specified in the order, a sexual predator who is granted
21 relief under this paragraph must comply with the requirements
22 for registration as a sexual offender and other requirements
23 provided under s. 943.0435 or s. 944.607. If a petitioner
24 obtains an order from the court that imposed the order
25 designating the petitioner as a sexual predator which removes
26 such designation, the petitioner shall forward a certified
27 copy of the written findings or order to the department in
28 order to have the sexual predator designation removed from the
29 sexual predator registry.

30 (7) COMMUNITY AND PUBLIC NOTIFICATION.--

31

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

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

29
30 This paragraph does not authorize the release of the name of
31 any victim of the sexual predator.

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

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

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

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

28 (9) IMMUNITY.--The department, the Department of
29 Highway Safety and Motor Vehicles, the Department of
30 Corrections, any law enforcement agency in this state, and the
31 personnel of those departments; ~~when the court has made a~~

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

20 (10) PENALTIES.--

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

30 (b) A sexual predator who has been convicted of or
31 found to have committed, or has pled nolo contendere or guilty

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

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

27 Section 2. Legislative findings.--The Legislature
28 finds that sexual offenders, especially those who have
29 committed their offenses against minors, often pose a high
30 risk of engaging in sexual offenses, even after being released
31 from incarceration or commitment, and that protection of the

1 public from sexual offenders is a paramount government
2 interest. Sexual offenders have a reduced expectation of
3 privacy because of the public's interest in public safety and
4 in the effective operation of government. Releasing
5 information concerning sexual offenders to law enforcement
6 agencies and to persons who request such information, and the
7 release of such information to the public by a law enforcement
8 agency or public agency, will further the governmental
9 interests of public safety. The designation of a person as a
10 sexual offender is not a sentence or a punishment, but is
11 simply the status of the offender which is the result of a
12 conviction for having committed certain crimes.

13 Section 3. Section 943.0435, Florida Statutes, is
14 amended to read:

15 943.0435 Sexual offenders required to register with
16 the department; penalty.--

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

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

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

30 2. Released on or after October 1, 1997, from the
31 sanction imposed for any conviction of an offense described in

1 subparagraph 1. For purposes of subparagraph 1., a sanction
2 imposed in this state or in any other jurisdiction includes,
3 but is not limited to, a fine, probation, community control,
4 parole, conditional release, control release, or incarceration
5 in a state prison, federal prison, private correctional
6 facility, or local detention facility.

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

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

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

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

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

30 (a) If otherwise qualified, secure a Florida driver's
31 license, renew a Florida driver's license, or secure an

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

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

15 (c) Provide, upon request, any additional information
16 necessary to confirm the identity of the sexual offender,
17 including a set of fingerprints.

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

1 for purposes of public notification of sexual offenders as
2 provided in ss. 943.043, 943.0435, and 944.606.

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

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

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

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

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

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

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

1 clerical error is made by the department, the Department of
2 Highway Safety and Motor Vehicles, the Department of
3 Corrections, the personnel of those departments, or any
4 individual or entity acting at the request or upon the
5 direction of any of those departments in compiling or
6 providing information, or if information is incomplete or
7 incorrect because a sexual offender fails to report or falsely
8 reports his or her current place of permanent or temporary
9 residence.

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

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

22 (b) Who was 18 years of age or under at the time the
23 offense was committed and adjudication was withheld for that
24 offense, who has had 10 years elapse since having been placed
25 on probation, and who has not been arrested for any felony or
26 misdemeanor offense since release

27
28 may petition the criminal division of the circuit court of the
29 circuit in which the sexual offender resides for the purpose
30 of removing the requirement for registration as a sexual
31 offender. The court may grant or deny such relief if the

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

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

26 944.606 Sexual offenders; notification upon release.--

27 (1) As used in this section:

28 (a) "Convicted"~~Conviction~~ means there has been a
29 determination of guilt as a ~~which is the~~ result of a trial or
30 the entry of a plea of guilty or nolo contendere, regardless
31 of whether adjudication is withheld. A conviction for a

1 ~~violation of a similar offense law of another jurisdiction~~
2 includes, but is not limited to, a conviction by a federal or
3 military tribunal, including courts-martial conducted by the
4 Armed Forces of the United States, and includes a conviction
5 in any state of the United States or other jurisdiction.

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

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

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

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

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

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

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

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

27 3. The Florida Department of Law Enforcement; and

28 4. Any person who requests such information,
29

30 either within 6 months prior to the anticipated release of a
31 sexual offender, or as soon as possible if an offender is

1 released earlier than anticipated. All such information
2 provided to the Department of Law Enforcement must be
3 available electronically as soon as the information is in the
4 agency's database and must be in a format that is compatible
5 with the requirements of the Florida Crime Information Center.

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

8 1. The sheriff of the county from where the sexual
9 offender was sentenced; and

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

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

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

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

28 944.607 Notification to Department of Law Enforcement
29 of information on sexual offenders.--

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

31

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

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

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

30 (4) A sexual offender, as described in this section,
31 who is under the supervision of the Department of Corrections

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

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

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

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

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

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

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

30
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1 (f) The offense or offenses at conviction which
2 resulted in the determination of the offender's status as a
3 sex offender; and

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

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

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

1 the sexual offender is a sexual predator, in which case he or
2 she shall register as required under s. 775.21. A sexual
3 offender who fails to comply with the requirements of s.
4 943.0435 is subject to the penalties provided in s.
5 943.0435(9)~~s. 943.0435(10)~~.

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

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