

## CHAMBER ACTION

1 The Committee on Public Safety & Crime Prevention recommends the  
2 following:

3  
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the designation and registration of  
8 sexual predators and sexual offenders; amending s. 775.21,  
9 F.S.; amending the definition of the term "conviction";  
10 providing that an offender who has been designated as a  
11 sexually violent predator under the civil commitment  
12 proceedings provided in ch. 394, F.S., meets the criteria  
13 for designation as a sexual predator under the Florida  
14 Sexual Predators Act; providing that such offender shall  
15 be subject to the registration and notification  
16 requirements of the act; providing that such offender  
17 shall be designated a sexual predator pursuant to an order  
18 of the committing court; requiring the committing court of  
19 such offender to make a written finding that the offender  
20 is a sexual predator for purposes of the act; requiring  
21 the clerk to transmit a copy of the committing court's  
22 order to the Department of Law Enforcement within a time  
23 certain; specifying circumstances in which the state

24 attorney shall seek a hearing to determine whether the  
25 offender's record of civil commitment or criminal record  
26 from another jurisdiction meets the criteria for  
27 designation as a sexual predator; clarifying circumstances  
28 related to the registration requirements applicable to  
29 sexual predators; clarifying that registration  
30 requirements apply each time the driver's license or  
31 identification card of a sexual predator is subject to  
32 renewal and also apply after each change in specified  
33 information; specifying registration and reporting  
34 requirements for sexual predators in circumstances where  
35 the predator has vacated or intends to vacate a permanent  
36 residence; specifying reporting requirements in  
37 circumstances where the sexual predator remains at or  
38 returns to a permanent residence; revising and clarifying  
39 the circumstances in which criminal penalties apply to  
40 sexual predators for acts or omissions related to  
41 registration; specifying venue for the prosecution of a  
42 sexual predator in circumstances involving acts or  
43 omissions concerning the failure to register as required;  
44 providing that an arrest, information, complaint, or  
45 arraignment related to charges of failure to register  
46 constitutes actual notice of the duty to register in  
47 certain circumstances; providing that the failure of a  
48 sexual predator to immediately register following such  
49 notice constitutes grounds for a subsequent charge;  
50 requiring any sexual predator who asserts, or intends to  
51 assert, a lack of notice of the duty to register as a

52 | defense to a charge of failure to register to immediately  
53 | register as required; providing that a sexual predator who  
54 | is charged with a subsequent failure to register may not  
55 | assert the defense of a lack of notice of the duty to  
56 | register; providing that registration following arrest,  
57 | service, or arraignment related to a charge of failure to  
58 | register is not a defense and does not relieve the sexual  
59 | predator of criminal liability for the failure to  
60 | register; conforming a cross reference; amending s.  
61 | 943.0435, F.S.; amending the definition of the term  
62 | "convicted"; clarifying that registration requirements  
63 | apply each time the driver's license or identification  
64 | card of a sexual offender is subject to renewal and also  
65 | apply after each change in specified information;  
66 | specifying registration and reporting requirements for  
67 | sexual offenders in circumstances where the offender has  
68 | vacated or intends to vacate a permanent residence;  
69 | specifying reporting requirements in circumstances where  
70 | the sexual offender remains at or returns to a permanent  
71 | residence; revising and clarifying the circumstances in  
72 | which criminal penalties apply to sexual offenders for  
73 | acts or omissions related to registration; specifying  
74 | venue for the prosecution of a sexual offender in  
75 | circumstances involving acts or omissions concerning the  
76 | failure to register as required; providing that an arrest,  
77 | information, complaint, or arraignment related to charges  
78 | of failure to register constitutes actual notice of the  
79 | duty to register in certain circumstances; providing that

80 | the failure of a sexual offender to immediately register  
81 | following such notice constitutes grounds for a subsequent  
82 | charge; requiring any sexual offender who asserts, or  
83 | intends to assert, a lack of notice of the duty to  
84 | register as a defense to a charge of failure to register  
85 | to immediately register as required; providing that a  
86 | sexual offender who is charged with a subsequent failure  
87 | to register may not assert the defense of a lack of notice  
88 | of the duty to register; providing that registration  
89 | following arrest, service, or arraignment related to a  
90 | charge of failure to register is not a defense and does  
91 | not relieve the sexual offender of criminal liability for  
92 | the failure to register; revising a cross reference;  
93 | amending s. 944.606, F.S.; amending the definition of the  
94 | term "convicted"; amending s. 944.607, F.S.; amending the  
95 | definition of the term "conviction"; clarifying  
96 | circumstances relating to the registration requirements  
97 | applicable to sexual offenders; revising and clarifying  
98 | the circumstances in which criminal penalties apply to  
99 | sexual offenders for acts or omissions related to  
100 | registration; specifying venue for the prosecution of a  
101 | sexual offender in circumstances involving acts or  
102 | omissions concerning the failure to register as required;  
103 | providing that an arrest, information, complaint, or  
104 | arraignment related to charges of failure to register  
105 | constitutes actual notice of the duty to register in  
106 | certain circumstances; providing that the failure of a  
107 | sexual offender to immediately register following such

108 | notice constitutes grounds for a subsequent charge;  
 109 | requiring any sexual offender who asserts, or intends to  
 110 | assert, a lack of notice of the duty to register as a  
 111 | defense to a charge of failure to register to immediately  
 112 | register as required; providing that a sexual offender who  
 113 | is charged with a subsequent failure to register may not  
 114 | assert the defense of a lack of notice of the duty to  
 115 | register; providing that registration following arrest,  
 116 | service, or arraignment related to a charge of failure to  
 117 | register is not a defense and does not relieve the sexual  
 118 | offender of criminal liability for the failure to  
 119 | register; reenacting s. 775.21(5)(d) and (6)(1), F.S.,  
 120 | relating to the Florida Sexual Predators Act, for the  
 121 | purpose of incorporating the amendments to ss. 943.0435  
 122 | and 944.607, F.S., in references thereto; reenacting s.  
 123 | 943.0435(5), F.S., relating to sexual offender  
 124 | registration requirements, for the purpose of  
 125 | incorporating the amendment to s. 775.21, F.S., in  
 126 | references thereto; reenacting s. 944.607(9), F.S.,  
 127 | relating to notification concerning sexual offenders to  
 128 | the Department of Law Enforcement, for the purpose of  
 129 | incorporating the amendments to ss. 775.21 and 943.0435,  
 130 | F.S., in references thereto; reenacting ss. 775.24(2) and  
 131 | 943.0436(2), F.S., relating to the duty of the court to  
 132 | uphold laws governing sexual predators and sexual  
 133 | offenders, for the purpose of incorporating the amendments  
 134 | to ss. 943.0435, 944.606, and 944.607, F.S., in references  
 135 | thereto; reenacting s. 775.25, F.S., relating to the venue

136 for prosecutions of sexual predators for acts or omissions  
137 relating to registration requirements, for the purpose of  
138 incorporating the amendments to ss. 775.21, 943.0435,  
139 944.606, and 944.607, F.S., in references thereto;  
140 reenacting ss. 775.13(5) and 775.261(3)(b), F.S., relating  
141 to the registration of convicted sexual predators and  
142 sexual offenders and criteria for registration under the  
143 Florida Career Offender Registration Act, respectively,  
144 for the purpose of incorporating the amendments to ss.  
145 775.21, 943.0435, and 944.607, F.S., in references  
146 thereto; reenacting s. 921.0022(3)(f), F.S., relating to  
147 the ranking of criminal offenses related to the failure of  
148 a sexual offender or sexual predator to register in the  
149 offense severity ranking chart of the Criminal Punishment  
150 Code, for the purpose of incorporating the amendments to  
151 ss. 775.21 and 943.0435, F.S., in references thereto;  
152 reenacting s. 944.608(7), F.S., relating to notification  
153 to the Department of Law Enforcement of information on  
154 career offenders, for the purpose of incorporating the  
155 amendments to ss. 775.21 and 944.607, F.S., in references  
156 thereto; reenacting ss. 39.806(1)(d), 63.089(4)(b),  
157 63.092(3), 944.609(4), 947.1405(2)(c), and 948.12(3),  
158 F.S., relating to grounds for termination of parental  
159 rights, findings of abandonment in proceedings to  
160 terminate parental rights pending adoption, preliminary  
161 studies of the homes of prospective adoptive parents,  
162 career offender notification, the conditional release  
163 program, and intensive supervision for postprison release

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164 | of violent offenders, respectively, for the purpose of  
 165 | incorporating the amendment to s. 775.21, F.S., in  
 166 | references thereto; providing an effective date.

167 |  
 168 | WHEREAS, the Legislature finds that in order to protect the  
 169 | public, a system of registration is required for sexual  
 170 | predators and sexual offenders so that the public and law  
 171 | enforcement agencies can keep track of the residences of  
 172 | predators and offenders and possibly prevent future sex crimes  
 173 | from being perpetrated, and

174 | WHEREAS, the Legislature intends to clarify that sexual  
 175 | predators and sexual offenders are, and have been, required to  
 176 | register a change of residency when the driver's licenses of  
 177 | such persons are subject to renewal and also when such persons  
 178 | have changed places of residence, and

179 | WHEREAS, the Legislature finds that gaps in time between  
 180 | changes in the registered information concerning a sexual  
 181 | predator or sexual offender weaken the effectiveness of the  
 182 | registration system and pose a threat to public safety by making  
 183 | it more difficult to quickly locate sexual predators and sexual  
 184 | offenders residing in Florida, and

185 | WHEREAS, the Legislature finds that persons who commit  
 186 | sexually based offenses, especially those who have committed  
 187 | offenses against minors, often pose a high risk of engaging in  
 188 | sexually based offenses even after being released from  
 189 | incarceration or commitment, and

190 | WHEREAS, the Legislature finds that a small but extremely  
 191 | dangerous number of sexually violent predators exist who

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192 | generally have antisocial personality features that are  
 193 | unamenable to existing mental illness treatment modalities, and  
 194 | those features render them likely to engage in criminal,  
 195 | sexually violent behavior, and

196 |         WHEREAS, the Legislature finds that the likelihood that  
 197 | sexually violent predators will engage in repeat acts of  
 198 | predatory sexual violence is high, and

199 |         WHEREAS, the Legislature finds that the protection of the  
 200 | public from persons who commit sexually based offenses,  
 201 | especially those who are sexually violent predators, is a  
 202 | paramount government interest, and

203 |         WHEREAS, the Legislature finds that persons who commit  
 204 | sexually based offenses have a reduced expectation of privacy  
 205 | because of the public's interest in public safety and in the  
 206 | effective operation of government, and

207 |         WHEREAS, the Legislature finds that releasing information  
 208 | concerning persons who commit sexually based offenses to law  
 209 | enforcement agencies and to persons who request such  
 210 | information, and the release of such information to the public  
 211 | by a law enforcement agency or public agency, will further the  
 212 | governmental interests of public safety, and

213 |         WHEREAS, the Legislature finds that the designation of a  
 214 | person as a sexual offender or sexual predator is not a sentence  
 215 | or a punishment but is simply a status that reflects the past  
 216 | behavior of a person, NOW, THEREFORE,

217 |

218 | Be It Enacted by the Legislature of the State of Florida:

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220 Section 1. Paragraph (c) of subsection (2), paragraphs (a)  
 221 and (c) of subsection (5), paragraph (g) of subsection (6), and  
 222 subsection (10) of section 775.21, Florida Statutes, are  
 223 amended, paragraph (d) is added to subsection (4) of said  
 224 section, and paragraph (d) of subsection (5) and paragraph (1)  
 225 of subsection (6) of said section are reenacted for the purpose  
 226 of incorporating the amendments to sections 943.0435 and  
 227 944.607, Florida Statutes, in references thereto, to read:

228 775.21 The Florida Sexual Predators Act; definitions;  
 229 legislative findings, purpose, and intent; criteria;  
 230 designation; registration; community and public notification;  
 231 immunity; penalties.--

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

233 (c) "Conviction" means a determination of guilt which is  
 234 the result of a trial or the entry of a plea of guilty or nolo  
 235 contendere, regardless of whether adjudication is withheld. A  
 236 conviction for a similar offense includes, but is not limited  
 237 to, a conviction by a federal or military tribunal, including  
 238 courts-martial conducted by the Armed Forces of the United  
 239 States, and includes a conviction or entry of a plea of guilty  
 240 or nolo contendere resulting in a sanction in any state of the  
 241 United States or other jurisdiction. A sanction includes, but is  
 242 not limited to, a fine, probation, community control, parole,  
 243 conditional release, control release, or incarceration in a  
 244 state prison, federal prison, private correctional facility, or  
 245 local detention facility.

246 (4) SEXUAL PREDATOR CRITERIA.--

247        (d) An offender who has been determined to be a sexually  
 248 violent predator pursuant to a civil commitment proceeding under  
 249 chapter 394 shall be designated as a "sexual predator" under  
 250 subsection (5) and subject to registration under subsection (6)  
 251 and community and public notification under subsection (7).

252        (5) SEXUAL PREDATOR DESIGNATION.--An offender is  
 253 designated as a sexual predator as follows:

254        (a)1. An offender who meets the sexual predator criteria  
 255 described in paragraph (4)(d) is a sexual predator, and the  
 256 court must make a written finding at the time such offender is  
 257 determined to be a sexually violent predator under chapter 394  
 258 that such person meets the criteria for designation as a sexual  
 259 predator for purposes of this section. The clerk shall transmit  
 260 a copy of the order containing the written finding to the  
 261 department within 48 hours after the entry of the order;

262        2. An offender who meets the sexual predator criteria  
 263 described in paragraph (4)(a) who is before the court for  
 264 sentencing for a current offense committed on or after October  
 265 1, 1993, is a sexual predator, and the sentencing court must  
 266 make a written finding at the time of sentencing that the  
 267 offender is a sexual predator, and the clerk of the court shall  
 268 transmit a copy of the order containing the written finding to  
 269 the department within 48 hours after the entry of the order; or

270        ~~3.2.~~ If the Department of Corrections, the department, or  
 271 any other law enforcement agency obtains information which  
 272 indicates that an offender who establishes or maintains a  
 273 permanent or temporary residence in this state meets the sexual  
 274 predator criteria described in paragraph (4)(a) or (4)(d)

275 | because the offender was civilly committed or, committed a  
 276 | similar violation in another jurisdiction on or after October 1,  
 277 | 1993, the Department of Corrections, the department, or the law  
 278 | enforcement agency shall notify the state attorney of the county  
 279 | where the offender establishes or maintains a permanent or  
 280 | temporary residence of the offender's presence in the community.  
 281 | The state attorney shall file a petition with the criminal  
 282 | division of the circuit court for the purpose of holding a  
 283 | hearing to determine if the offender's record of civil  
 284 | commitment or criminal record from another jurisdiction meets  
 285 | the sexual predator criteria. If the court finds that the  
 286 | offender meets the sexual predator criteria because the offender  
 287 | has violated a similar law or similar laws in another  
 288 | jurisdiction, the court shall make a written finding that the  
 289 | offender is a sexual predator.

290 |  
 291 | When the court makes a written finding that an offender is a  
 292 | sexual predator, the court shall inform the sexual predator of  
 293 | the registration and community and public notification  
 294 | requirements described in this section. Within 48 hours after ~~of~~  
 295 | the court designating an offender as a sexual predator, the  
 296 | clerk of the circuit court shall transmit a copy of the court's  
 297 | written sexual predator finding to the department. If the  
 298 | offender is sentenced to a term of imprisonment or supervision,  
 299 | a copy of the court's written sexual predator finding must be  
 300 | submitted to the Department of Corrections.

301 | (c) If the Department of Corrections, the department, or  
 302 | any other law enforcement agency obtains information which

303 indicates that an offender meets the sexual predator criteria  
 304 but the court did not make a written finding that the offender  
 305 is a sexual predator as required in paragraph (a), the  
 306 Department of Corrections, the department, or the law  
 307 enforcement agency shall notify the state attorney who  
 308 prosecuted the offense for offenders described in subparagraph  
 309 (a)1., or the state attorney of the county where the offender  
 310 establishes or maintains a residence upon first entering the  
 311 state for offenders described in subparagraph (a)3.2. The state  
 312 attorney shall bring the matter to the court's attention in  
 313 order to establish that the offender meets the sexual predator  
 314 criteria. If the state attorney fails to establish that an  
 315 offender meets the sexual predator criteria and the court does  
 316 not make a written finding that an offender is a sexual  
 317 predator, the offender is not required to register with the  
 318 department as a sexual predator. The Department of Corrections,  
 319 the department, or any other law enforcement agency shall not  
 320 administratively designate an offender as a sexual predator  
 321 without a written finding from the court that the offender is a  
 322 sexual predator.

323 (d) A person who establishes or maintains a residence in  
 324 this state and who has not been designated as a sexual predator  
 325 by a court of this state but who has been designated as a sexual  
 326 predator, as a sexually violent predator, or by another sexual  
 327 offender designation in another state or jurisdiction and was,  
 328 as a result of such designation, subjected to registration or  
 329 community or public notification, or both, or would be if the  
 330 person was a resident of that state or jurisdiction, shall

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331 register in the manner provided in s. 943.0435 or s. 944.607 and  
 332 shall be subject to community and public notification as  
 333 provided in s. 943.0435 or s. 944.607. A person who meets the  
 334 criteria of this section is subject to the requirements and  
 335 penalty provisions of s. 943.0435 or s. 944.607 until the person  
 336 provides the department with an order issued by the court that  
 337 designated the person as a sexual predator, as a sexually  
 338 violent predator, or by another sexual offender designation in  
 339 the state or jurisdiction in which the order was issued which  
 340 states that such designation has been removed or demonstrates to  
 341 the department that such designation, if not imposed by a court,  
 342 has been removed by operation of law or court order in the state  
 343 or jurisdiction in which the designation was made, and provided  
 344 such person no longer meets the criteria for registration as a  
 345 sexual offender under the laws of this state.

346 (6) REGISTRATION.--

347 (g)1. Each time a sexual predator's driver's license or  
 348 identification card is subject to renewal, and, without regard  
 349 to the status of the predator's driver's license or  
 350 identification card, within 48 hours after any change of the  
 351 predator's residence or change in the predator's name by reason  
 352 of marriage or other legal process, the predator shall report in  
 353 person to a driver's license office, and shall be subject to the  
 354 requirements specified in paragraph (f). The Department of  
 355 Highway Safety and Motor Vehicles shall forward to the  
 356 department and to the Department of Corrections all photographs  
 357 and information provided by sexual predators. Notwithstanding  
 358 the restrictions set forth in s. 322.142, the Department of

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359 Highway Safety and Motor Vehicles is authorized to release a  
360 reproduction of a color-photograph or digital-image license to  
361 the Department of Law Enforcement for purposes of public  
362 notification of sexual predators as provided in this section.

363 2. A sexual predator who vacates a permanent residence and  
364 fails to establish or maintain another permanent or temporary  
365 residence shall, within 48 hours after vacating the permanent  
366 residence, report in person to the department or the sheriff's  
367 office of the county in which he or she is located. The sexual  
368 predator shall specify the date upon which he or she intends to  
369 or did vacate such residence. The sexual predator must provide  
370 or update all of the registration information required under  
371 paragraph (a). The sexual predator must provide an address for  
372 the residence or other location that he or she is or will be  
373 occupying during the time in which he or she fails to establish  
374 or maintain a permanent or temporary residence.

375 3. A sexual predator who remains at a permanent residence  
376 after reporting his or her intent to vacate such residence  
377 shall, within 48 hours after the date upon which the predator  
378 indicated he or she would or did vacate such residence, report  
379 in person to the agency to which he or she reported pursuant to  
380 subparagraph 2. for the purpose of reporting his or her address  
381 at such residence. If the sheriff receives the report, the  
382 sheriff shall promptly convey the information to the department.  
383 An offender who makes a report as required under subparagraph 2.  
384 but fails to make a report as required under this subparagraph  
385 commits a felony of the second degree, punishable as provided in  
386 s. 775.082, s. 775.083, or s. 775.084.

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387 (1) A sexual predator must maintain registration with the  
388 department for the duration of his or her life, unless the  
389 sexual predator has received a full pardon or has had a  
390 conviction set aside in a postconviction proceeding for any  
391 offense that met the criteria for the sexual predator  
392 designation. However, a sexual predator who was designated as a  
393 sexual predator by a court before October 1, 1998, and who has  
394 been lawfully released from confinement, supervision, or  
395 sanction, whichever is later, for at least 10 years and has not  
396 been arrested for any felony or misdemeanor offense since  
397 release, may petition the criminal division of the circuit court  
398 in the circuit in which the sexual predator resides for the  
399 purpose of removing the sexual predator designation. A sexual  
400 predator who was designated a sexual predator by a court on or  
401 after October 1, 1998, who has been lawfully released from  
402 confinement, supervision, or sanction, whichever is later, for  
403 at least 20 years, and who has not been arrested for any felony  
404 or misdemeanor offense since release may petition the criminal  
405 division of the circuit court in the circuit in which the sexual  
406 predator resides for the purpose of removing the sexual predator  
407 designation. The court may grant or deny such relief if the  
408 petitioner demonstrates to the court that he or she has not been  
409 arrested for any crime since release, the requested relief  
410 complies with the provisions of the federal Jacob Wetterling  
411 Act, as amended, and any other federal standards applicable to  
412 the removal of the designation as a sexual predator or required  
413 to be met as a condition for the receipt of federal funds by the  
414 state, and the court is otherwise satisfied that the petitioner

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415 is not a current or potential threat to public safety. The state  
416 attorney in the circuit in which the petition is filed must be  
417 given notice of the petition at least 3 weeks before the hearing  
418 on the matter. The state attorney may present evidence in  
419 opposition to the requested relief or may otherwise demonstrate  
420 the reasons why the petition should be denied. If the court  
421 denies the petition, the court may set a future date at which  
422 the sexual predator may again petition the court for relief,  
423 subject to the standards for relief provided in this paragraph.  
424 Unless specified in the order, a sexual predator who is granted  
425 relief under this paragraph must comply with the requirements  
426 for registration as a sexual offender and other requirements  
427 provided under s. 943.0435 or s. 944.607. If a petitioner  
428 obtains an order from the court that imposed the order  
429 designating the petitioner as a sexual predator which removes  
430 such designation, the petitioner shall forward a certified copy  
431 of the written findings or order to the department in order to  
432 have the sexual predator designation removed from the sexual  
433 predator registry.

434  
435 The sheriff shall promptly provide to the department the  
436 information received from the sexual predator.

437 (10) PENALTIES.--

438 (a) Except as otherwise specifically provided, a sexual  
439 predator who fails to register; who fails, after registration,  
440 to maintain, acquire, or renew a driver's license or  
441 identification card; who fails to provide required location  
442 information or change-of-name information; who fails to make a



443 | required report in connection with vacating a permanent  
 444 | residence; or who otherwise fails, by act or omission, to comply  
 445 | with the requirements of this section~~,~~ commits a felony of the  
 446 | third degree, punishable as provided in s. 775.082, s. 775.083,  
 447 | or s. 775.084.

448 | (b) A sexual predator who has been convicted of or found  
 449 | to have committed, or has pled nolo contendere or guilty to,  
 450 | regardless of adjudication, any violation, or attempted  
 451 | violation, of s. 787.01, s. 787.02, or s. 787.025, where the  
 452 | victim is a minor and the defendant is not the victim's parent;  
 453 | s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s. 796.03; s.  
 454 | 800.04; s. 827.071; s. 847.0133; or s. 847.0145, or a violation  
 455 | of a similar law of another jurisdiction, when the victim of the  
 456 | offense was a minor, and who works, whether for compensation or  
 457 | as a volunteer, at any business, school, day care center, park,  
 458 | playground, or other place where children regularly congregate,  
 459 | commits a felony of the third degree, punishable as provided in  
 460 | s. 775.082, s. 775.083, or s. 775.084.

461 | (c) Any person who misuses public records information  
 462 | relating to a sexual predator, as defined in this section, or a  
 463 | sexual offender, as defined in s. 943.0435 or s. 944.607, to  
 464 | secure a payment from such a predator or offender; who knowingly  
 465 | distributes or publishes false information relating to such a  
 466 | predator or offender which the person misrepresents as being  
 467 | public records information; or who materially alters public  
 468 | records information with the intent to misrepresent the  
 469 | information, including documents, summaries of public records  
 470 | information provided by law enforcement agencies, or public

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471 records information displayed by law enforcement agencies on  
472 websites or provided through other means of communication,  
473 commits a misdemeanor of the first degree, punishable as  
474 provided in s. 775.082 or s. 775.083.

475 (d) A sexual predator who commits any act or omission in  
476 violation of this section may be prosecuted for the act or  
477 omission in the county in which the act or omission was  
478 committed, the county of the last registered address of the  
479 sexual predator, the county in which he or she was designated a  
480 sexual predator, or the county in which the conviction occurred  
481 for the offense or offenses that meet the criteria for  
482 designating a person as a sexual predator.

483 (e) An arrest on charges of failure to register, the  
484 service of an information or a complaint for a violation of this  
485 section, or an arraignment on charges for a violation of this  
486 section constitutes actual notice of the duty to register when  
487 the predator has been advised and provided with a copy of his or  
488 her statutory obligation to register pursuant to subsection (6).  
489 A sexual predator's failure to immediately register as required  
490 by this section following such arrest, service, or arraignment  
491 constitutes grounds for a subsequent charge of failure to  
492 register. A sexual predator charged with the crime of failure to  
493 register who asserts, or intends to assert, a lack of notice of  
494 the duty to register as a defense to a charge of failure to  
495 register shall immediately register as required by this section.  
496 A sexual predator who is charged with a subsequent failure to  
497 register may not assert the defense of a lack of notice of the  
498 duty to register.

499       (f) Registration following such arrest, service, or  
 500 arraignment is not a defense and does not relieve the sexual  
 501 predator of criminal liability for the failure to register.

502       Section 2. Paragraph (b) of subsection (1) and subsections  
 503 (3), (4), and (9) of section 943.0435, Florida Statutes, are  
 504 amended, and subsection (5) of said section is reenacted for the  
 505 purpose of incorporating the amendment to section 775.21,  
 506 Florida Statutes, in references thereto, to read:

507       943.0435 Sexual offenders required to register with the  
 508 department; penalty.--

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

510       (b) "Convicted" means that there has been a determination  
 511 of guilt as a result of a trial or the entry of a plea of guilty  
 512 or nolo contendere, regardless of whether adjudication is  
 513 withheld. Conviction of a similar offense includes, but is not  
 514 limited to, a conviction by a federal or military tribunal,  
 515 including courts-martial conducted by the Armed Forces of the  
 516 United States, and includes a conviction or entry of a plea of  
 517 guilty or nolo contendere resulting in a sanction in any state  
 518 of the United States or other jurisdiction. A sanction includes,  
 519 but is not limited to, a fine, probation, community control,  
 520 parole, conditional release, control release, or incarceration  
 521 in a state prison, federal prison, private correctional  
 522 facility, or local detention facility.

523       (3) Within 48 hours after the report required under  
 524 subsection (2), a sexual offender shall report in person at a  
 525 driver's license office of the Department of Highway Safety and  
 526 Motor Vehicles, unless a driver's license or identification card

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527 | was previously secured or updated under s. 944.607~~(9)~~. At the  
528 | driver's license office the sexual offender shall:

529 |       (a) If otherwise qualified, secure a Florida driver's  
530 | license, renew a Florida driver's license, or secure an  
531 | identification card. The sexual offender shall identify himself  
532 | or herself as a sexual offender who is required to comply with  
533 | this section and shall provide proof that the sexual offender  
534 | reported as required in subsection (2). The sexual offender  
535 | shall provide any of the information specified in subsection  
536 | (2), if requested. The sexual offender shall submit to the  
537 | taking of a photograph for use in issuing a driver's license,  
538 | renewed license, or identification card, and for use by the  
539 | department in maintaining current records of sexual offenders.

540 |       (b) Pay the costs assessed by the Department of Highway  
541 | Safety and Motor Vehicles for issuing or renewing a driver's  
542 | license or identification card as required by this section.

543 |       (c) Provide, upon request, any additional information  
544 | necessary to confirm the identity of the sexual offender,  
545 | including a set of fingerprints.

546 |       (4)(a) Each time a sexual offender's driver's license or  
547 | identification card is subject to renewal, and, without regard  
548 | to the status of the offender's driver's license or  
549 | identification card, within 48 hours after any change in the  
550 | offender's permanent or temporary residence or change in the  
551 | offender's name by reason of marriage or other legal process,  
552 | the offender shall report in person to a driver's license  
553 | office, and shall be subject to the requirements specified in  
554 | subsection (3). The Department of Highway Safety and Motor

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555 Vehicles shall forward to the department all photographs and  
556 information provided by sexual offenders. Notwithstanding the  
557 restrictions set forth in s. 322.142, the Department of Highway  
558 Safety and Motor Vehicles is authorized to release a  
559 reproduction of a color-photograph or digital-image license to  
560 the Department of Law Enforcement for purposes of public  
561 notification of sexual offenders as provided in ss. 943.043,  
562 943.0435, and 944.606.

563 (b) A sexual offender who vacates a permanent residence  
564 and fails to establish or maintain another permanent or  
565 temporary residence shall, within 48 hours after vacating the  
566 permanent residence, report in person to the department or the  
567 sheriff's office of the county in which he or she is located.  
568 The sexual offender shall specify the date upon which he or she  
569 intends to or did vacate such residence. The sexual offender  
570 must provide or update all of the registration information  
571 required under paragraph (2)(b). The sexual offender must  
572 provide an address for the residence or other location that he  
573 or she is or will be occupying during the time in which he or  
574 she fails to establish or maintain a permanent or temporary  
575 residence.

576 (c) A sexual offender who remains at a permanent residence  
577 after reporting his or her intent to vacate such residence  
578 shall, within 48 hours after the date upon which the offender  
579 indicated he or she would or did vacate such residence, report  
580 in person to the agency to which he or she reported pursuant to  
581 paragraph (b) for the purpose of reporting his or her address at  
582 such residence. If the sheriff receives the report, the sheriff

583 shall promptly convey the information to the department. An  
 584 offender who makes a report as required under paragraph (b) but  
 585 fails to make a report as required under this paragraph commits  
 586 a felony of the second degree, punishable as provided in s.  
 587 775.082, s. 775.083, or s. 775.084.

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

591 (9)(a) A sexual offender who does not comply with the  
 592 requirements of this section commits a felony of the third  
 593 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 594 775.084.

595 (b) A sexual offender who commits any act or omission in  
 596 violation of this section may be prosecuted for the act or  
 597 omission in the county in which the act or omission was  
 598 committed, the county of the last registered address of the  
 599 sexual offender, the county in which he or she was designated a  
 600 sexual offender, or the county in which the conviction occurred  
 601 for the offense or offenses that meet the criteria for  
 602 designating a person as a sexual offender.

603 (c) An arrest on charges of failure to register, the  
 604 service of an information or a complaint for a violation of this  
 605 section, or an arraignment on charges for a violation of this  
 606 section constitutes actual notice of the duty to register when  
 607 the offender has been advised and provided with a copy of his or  
 608 her statutory obligation to register pursuant to subsection (2).  
 609 A sexual offender's failure to immediately register as required  
 610 by this section following such arrest, service, or arraignment

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611 constitutes grounds for a subsequent charge of failure to  
 612 register. A sexual offender charged with the crime of failure to  
 613 register who asserts, or intends to assert, a lack of notice of  
 614 the duty to register as a defense to a charge of failure to  
 615 register shall immediately register as required by this section.  
 616 A sexual offender who is charged with a subsequent failure to  
 617 register may not assert the defense of a lack of notice of the  
 618 duty to register.

619 (d) Registration following such arrest, service, or  
 620 arraignment is not a defense and does not relieve the sexual  
 621 offender of criminal liability for the failure to register.

622 Section 3. Paragraph (a) of subsection (1) of section  
 623 944.606, Florida Statutes, is amended to read:

624 944.606 Sexual offenders; notification upon release.--

625 (1) As used in this section:

626 (a) "Convicted" means there has been a determination of  
 627 guilt as a result of a trial or the entry of a plea of guilty or  
 628 nolo contendere, regardless of whether adjudication is withheld.  
 629 A conviction for a similar offense includes, but is not limited  
 630 to, a conviction by a federal or military tribunal, including  
 631 courts-martial conducted by the Armed Forces of the United  
 632 States, and includes a conviction or entry of a plea of guilty  
 633 or nolo contendere resulting in a sanction in any state of the  
 634 United States or other jurisdiction. A sanction includes, but is  
 635 not limited to, a fine, probation, community control, parole,  
 636 conditional release, control release, or incarceration in a  
 637 state prison, federal prison, private correctional facility, or  
 638 local detention facility.

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639 Section 4. Paragraph (b) of subsection (1) and subsections  
 640 (4) and (10) of section 944.607, Florida Statutes, are amended,  
 641 and subsection (9) of said section is reenacted for the purpose  
 642 of incorporating the amendments to sections 775.21 and 943.0435,  
 643 Florida Statutes, in references thereto, to read:

644 944.607 Notification to Department of Law Enforcement of  
 645 information on sexual offenders.--

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

647 (b) "Conviction" means a determination of guilt which is  
 648 the result of a trial or the entry of a plea of guilty or nolo  
 649 contendere, regardless of whether adjudication is withheld.  
 650 Conviction of a similar offense includes, but is not limited to,  
 651 a conviction by a federal or military tribunal, including  
 652 courts-martial conducted by the Armed Forces of the United  
 653 States, and includes a conviction or entry of a plea of guilty  
 654 or nolo contendere resulting in a sanction in any state of the  
 655 United States or other jurisdiction. A sanction includes, but is  
 656 not limited to, a fine, probation, community control, parole,  
 657 conditional release, control release, or incarceration in a  
 658 state prison, federal prison, private correctional facility, or  
 659 local detention facility.

660 (4) A sexual offender, as described in this section, who  
 661 is under the supervision of the Department of Corrections but is  
 662 not incarcerated must register with the Department of  
 663 Corrections and provide ~~the following~~ information as required by  
 664 this subsection.÷

665 (a) The sexual offender must provide his or her name; date  
 666 of birth; social security number; race; sex; height; weight;



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667 hair and eye color; tattoos or other identifying marks; and  
668 permanent or legal residence and address of temporary residence  
669 within the state or out of state while the sexual offender is  
670 under supervision in this state, including any rural route  
671 address or post office box. The Department of Corrections shall  
672 verify the address of each sexual offender in the manner  
673 described in ss. 775.21 and 943.0435.

674 (b) If the sexual offender is enrolled, employed, or  
675 carrying on a vocation at an institution of higher education in  
676 this state, the sexual offender must provide the name, address,  
677 and county of each institution, including each campus attended,  
678 and the sexual offender's enrollment or employment status. Each  
679 change in enrollment or employment status shall be reported to  
680 the department within 48 hours after the change in status. The  
681 Department of Corrections shall promptly notify each institution  
682 of the sexual offender's presence and any change in the sexual  
683 offender's enrollment or employment status.

684 (9) A sexual offender, as described in this section, who  
685 is under the supervision of the Department of Corrections but  
686 who is not incarcerated shall, in addition to the registration  
687 requirements provided in subsection (4), register in the manner  
688 provided in s. 943.0435(3), (4), and (5), unless the sexual  
689 offender is a sexual predator, in which case he or she shall  
690 register as required under s. 775.21. A sexual offender who  
691 fails to comply with the requirements of s. 943.0435 is subject  
692 to the penalties provided in s. 943.0435(9).

693 (10)(a) The failure of a sexual offender to submit to the  
694 taking of a digitized photograph, or to otherwise comply with

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695 the requirements of this section, is a felony of the third  
696 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
697 775.084.

698 (b) A sexual offender who commits any act or omission in  
699 violation of this section may be prosecuted for the act or  
700 omission in the county in which the act or omission was  
701 committed, the county of the last registered address of the  
702 sexual offender, the county in which he or she was designated a  
703 sexual offender, or the county in which the conviction occurred  
704 for the offense or offenses that meet the criteria for  
705 designating a person as a sexual offender.

706 (c) An arrest on charges of failure to register, the  
707 service of an information or a complaint for a violation of this  
708 section, or an arraignment on charges for a violation of this  
709 section constitutes actual notice of the duty to register when  
710 the offender has been advised and provided with a copy of his or  
711 her statutory obligation to register pursuant to subsection (4).  
712 A sexual offender's failure to immediately register as required  
713 by this section following such arrest, service, or arraignment  
714 constitutes grounds for a subsequent charge of failure to  
715 register. A sexual offender charged with the crime of failure to  
716 register who asserts, or intends to assert, a lack of notice of  
717 the duty to register as a defense to a charge of failure to  
718 register shall immediately register as required by this section.  
719 A sexual offender who is charged with a subsequent failure to  
720 register may not assert the defense of a lack of notice of the  
721 duty to register.

722           (d) Registration following such arrest, service, or  
 723 arraignment is not a defense and does not relieve the sexual  
 724 offender of criminal liability for the failure to register.

725           Section 5. For the purpose of incorporating the amendments  
 726 to sections 775.21, 943.0435, and 944.607, Florida Statutes, in  
 727 references thereto, subsection (5) of section 775.13, Florida  
 728 Statutes, is reenacted to read:

729           775.13 Registration of convicted felons, exemptions;  
 730 penalties.--

731           (5) This section does not apply to an offender:

732           (a) Who has had his or her civil rights restored;

733           (b) Who has received a full pardon for the offense for  
 734 which convicted;

735           (c) Who has been lawfully released from incarceration or  
 736 other sentence or supervision for a felony conviction for more  
 737 than 5 years prior to such time for registration, unless the  
 738 offender is a fugitive from justice on a felony charge or has  
 739 been convicted of any offense since release from such  
 740 incarceration or other sentence or supervision;

741           (d) Who is a parolee or probationer under the supervision  
 742 of the United States Parole Commission if the commission knows  
 743 of and consents to the presence of the offender in Florida or is  
 744 a probationer under the supervision of any federal probation  
 745 officer in the state or who has been lawfully discharged from  
 746 such parole or probation;

747           (e) Who is a sexual predator and has registered as  
 748 required under s. 775.21;

749 (f) Who is a sexual offender and has registered as  
750 required in s. 943.0435 or s. 944.607; or

751 (g) Who is a career offender who has registered as  
752 required in s. 775.261 or s. 944.609.

753 Section 6. For the purpose of incorporating the amendments  
754 to sections 943.0435, 944.606, and 944.607, Florida Statutes, in  
755 references thereto, subsection (2) of section 943.0436, Florida  
756 Statutes, is reenacted to read:

757 943.0436 Duty of the court to uphold laws governing sexual  
758 predators and sexual offenders.--

759 (2) If a person meets the criteria in chapter 775 for  
760 designation as a sexual predator or meets the criteria in s.  
761 943.0435, s. 944.606, s. 944.607, or any other law for  
762 classification as a sexual offender, the court may not enter an  
763 order, for the purpose of approving a plea agreement or for any  
764 other reason, which:

765 (a) Exempts a person who meets the criteria for  
766 designation as a sexual predator or classification as a sexual  
767 offender from such designation or classification, or exempts  
768 such person from the requirements for registration or community  
769 and public notification imposed upon sexual predators and sexual  
770 offenders;

771 (b) Restricts the compiling, reporting, or release of  
772 public records information that relates to sexual predators or  
773 sexual offenders; or

774 (c) Prevents any person or entity from performing its  
775 duties or operating within its statutorily conferred authority

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776 as such duty or authority relates to sexual predators or sexual  
777 offenders.

778 Section 7. For the purpose of incorporating the amendments  
779 to sections 943.0435, 944.606, and 944.607, Florida Statutes, in  
780 references thereto, subsection (2) of section 775.24, Florida  
781 Statutes, is reenacted to read:

782 775.24 Duty of the court to uphold laws governing sexual  
783 predators and sexual offenders.--

784 (2) If a person meets the criteria in this chapter for  
785 designation as a sexual predator or meets the criteria in s.  
786 943.0435, s. 944.606, s. 944.607, or any other law for  
787 classification as a sexual offender, the court may not enter an  
788 order, for the purpose of approving a plea agreement or for any  
789 other reason, which:

790 (a) Exempts a person who meets the criteria for  
791 designation as a sexual predator or classification as a sexual  
792 offender from such designation or classification, or exempts  
793 such person from the requirements for registration or community  
794 and public notification imposed upon sexual predators and sexual  
795 offenders;

796 (b) Restricts the compiling, reporting, or release of  
797 public records information that relates to sexual predators or  
798 sexual offenders; or

799 (c) Prevents any person or entity from performing its  
800 duties or operating within its statutorily conferred authority  
801 as such duty or authority relates to sexual predators or sexual  
802 offenders.

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803 Section 8. For the purpose of incorporating the amendments  
804 to sections 775.21, 943.0435, 944.606, and 944.607, Florida  
805 Statutes, in references thereto, section 775.25, Florida  
806 Statutes, is reenacted to read:

807 775.25 Prosecutions for acts or omissions.--A sexual  
808 predator or sexual offender who commits any act or omission in  
809 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.  
810 944.607, or s. 947.177 may be prosecuted for the act or omission  
811 in the county in which the act or omission was committed, the  
812 county of the last registered address of the sexual predator or  
813 sexual offender, or the county in which the conviction occurred  
814 for the offense or offenses that meet the criteria for  
815 designating a person as a sexual predator or sexual offender. In  
816 addition, a sexual predator may be prosecuted for any such act  
817 or omission in the county in which he or she was designated a  
818 sexual predator.

819 Section 9. For the purpose of incorporating the amendments  
820 to sections 775.21, 943.0435, and 944.607, Florida Statutes, in  
821 references thereto, paragraph (b) of subsection (3) of section  
822 775.261, Florida Statutes, is reenacted to read:

823 775.261 The Florida Career Offender Registration Act;  
824 definitions; criteria; designation; registration; community  
825 notification; immunity; penalties.--

826 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.--

827 (b) This section does not apply to any person who has been  
828 designated as a sexual predator and required to register under  
829 s. 775.21 or who is required to register as a sexual offender  
830 under s. 943.0435 or s. 944.607. However, if a person is no

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831 longer required to register as a sexual predator under s. 775.21  
 832 or as a sexual offender under s. 943.0435 or s. 944.607, the  
 833 person must register as a career offender under this section if  
 834 the person is otherwise designated as a career offender as  
 835 provided in this section.

836 Section 10. For the purpose of incorporating the  
 837 amendments to sections 775.21 and 943.0435, Florida Statutes, in  
 838 references thereto, paragraph (f) of subsection (3) of section  
 839 921.0022, Florida Statutes, is reenacted to read:

840 921.0022 Criminal Punishment Code; offense severity  
 841 ranking chart.--

842 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(f) LEVEL 6
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Forgery of pedigree papers.
499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
499.0051(5)	2nd	Sale of legend drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.

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849	775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
850	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
851	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
852	784.041	3rd	Felony battery.
853	784.048(3)	3rd	Aggravated stalking; credible threat.
854	784.048(5)	3rd	Aggravated stalking of person under 16.
855	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
856	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
857	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
858	784.081(2)	2nd	Aggravated assault on specified official or employee.
859	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.

860



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861	784.083(2)	2nd	Aggravated assault on code inspector.
862	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
863	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
864	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
865	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
866	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
867	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
868	794.05(1)	2nd	Unlawful sexual activity with specified minor.
869	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.

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870	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
871	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
872	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
873	812.014(2)(b)2.	2nd	Property stolen; cargo valued at less than \$50,000, grand theft in 2nd degree.
874	812.015(9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
875	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
876	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
877	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
878	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
879			

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880	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
881	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
882	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
883	827.03(1)	3rd	Abuse of a child.
884	827.03(3)(c)	3rd	Neglect of a child.
885	827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
886	836.05	2nd	Threats; extortion.
887	836.10	2nd	Written threats to kill or do bodily injury.
888	843.12	3rd	Aids or assists person to escape.
889	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
890	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
	943.0435(9)	3rd	Sex offenders; failure to comply with

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reporting requirements.

891

944.35(3)(a)2. 3rd Committing malicious battery upon or  
inflicting cruel or inhuman treatment  
on an inmate or offender on community  
supervision, resulting in great bodily  
harm.

892

944.40 2nd Escapes.

893

944.46 3rd Harboring, concealing, aiding escaped  
prisoners.

894

944.47(1)(a)5. 2nd Introduction of contraband (firearm,  
weapon, or explosive) into correctional  
facility.

895

951.22(1) 3rd Intoxicating drug, firearm, or weapon  
introduced into county facility.

896

897 Section 11. For the purpose of incorporating the  
898 amendments to sections 775.21 and 944.607, Florida Statutes, in  
899 references thereto, subsection (7) of section 944.608, Florida  
900 Statutes, is reenacted to read:

901 944.608 Notification to Department of Law Enforcement of  
902 information on career offenders.--

903 (7) A career offender who is under the supervision of the  
904 department but who is not incarcerated shall, in addition to the  
905 registration requirements provided in subsection (3), register  
906 in the manner provided in s. 775.261(4)(c), unless the career

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907 offender is a sexual predator, in which case he or she shall  
 908 register as required under s. 775.21, or is a sexual offender,  
 909 in which case he or she shall register as required in s.  
 910 944.607. A career offender who fails to comply with the  
 911 requirements of s. 775.261(4) is subject to the penalties  
 912 provided in s. 775.261(8).

913 Section 12. For the purpose of incorporating the amendment  
 914 to section 775.21, Florida Statutes, in a reference thereto,  
 915 paragraph (d) of subsection (1) of section 39.806, Florida  
 916 Statutes, is reenacted to read:

917 39.806 Grounds for termination of parental rights.--

918 (1) The department, the guardian ad litem, or any person  
 919 who has knowledge of the facts alleged or who is informed of  
 920 those facts and believes that they are true may petition for the  
 921 termination of parental rights under any of the following  
 922 circumstances:

923 (d) When the parent of a child is incarcerated in a state  
 924 or federal correctional institution and either:

925 1. The period of time for which the parent is expected to  
 926 be incarcerated will constitute a substantial portion of the  
 927 period of time before the child will attain the age of 18 years;

928 2. The incarcerated parent has been determined by the  
 929 court to be a violent career criminal as defined in s. 775.084,  
 930 a habitual violent felony offender as defined in s. 775.084, or  
 931 a sexual predator as defined in s. 775.21; has been convicted of  
 932 first degree or second degree murder in violation of s. 782.04  
 933 or a sexual battery that constitutes a capital, life, or first  
 934 degree felony violation of s. 794.011; or has been convicted of

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935 | an offense in another jurisdiction which is substantially  
 936 | similar to one of the offenses listed in this paragraph. As used  
 937 | in this section, the term "substantially similar offense" means  
 938 | any offense that is substantially similar in elements and  
 939 | penalties to one of those listed in this subparagraph, and that  
 940 | is in violation of a law of any other jurisdiction, whether that  
 941 | of another state, the District of Columbia, the United States or  
 942 | any possession or territory thereof, or any foreign  
 943 | jurisdiction; or

944 |         3. The court determines by clear and convincing evidence  
 945 | that continuing the parental relationship with the incarcerated  
 946 | parent would be harmful to the child and, for this reason, that  
 947 | termination of the parental rights of the incarcerated parent is  
 948 | in the best interest of the child.

949 |         Section 13. For the purpose of incorporating the amendment  
 950 | to section 775.21, Florida Statutes, in a reference thereto,  
 951 | paragraph (b) of subsection (4) of section 63.089, Florida  
 952 | Statutes, is reenacted to read:

953 |         63.089 Proceeding to terminate parental rights pending  
 954 | adoption; hearing; grounds; dismissal of petition; judgment.--

955 |         (4) FINDING OF ABANDONMENT.--A finding of abandonment  
 956 | resulting in a termination of parental rights must be based upon  
 957 | clear and convincing evidence that a parent or person having  
 958 | legal custody has abandoned the child in accordance with the  
 959 | definition contained in s. 63.032(1). A finding of abandonment  
 960 | may be based upon emotional abuse or a refusal to provide  
 961 | reasonable financial support, when able, to a birth mother  
 962 | during her pregnancy. If, in the opinion of the court, the

963 | efforts of a parent or person having legal custody of the child  
 964 | to support and communicate with the child are only marginal  
 965 | efforts that do not evince a settled purpose to assume all  
 966 | parental duties, the court may declare the child to be  
 967 | abandoned. In making this decision, the court may consider the  
 968 | conduct of a father toward the child's mother during her  
 969 | pregnancy.

970 |       (b) The child has been abandoned when the parent of a  
 971 | child is incarcerated on or after October 1, 2001, in a state or  
 972 | federal correctional institution and:

973 |       1. The period of time for which the parent is expected to  
 974 | be incarcerated will constitute a substantial portion of the  
 975 | period of time before the child will attain the age of 18 years;

976 |       2. The incarcerated parent has been determined by the  
 977 | court to be a violent career criminal as defined in s. 775.084,  
 978 | a habitual violent felony offender as defined in s. 775.084,  
 979 | convicted of child abuse as defined in s. 827.03, or a sexual  
 980 | predator as defined in s. 775.21; has been convicted of first  
 981 | degree or second degree murder in violation of s. 782.04 or a  
 982 | sexual battery that constitutes a capital, life, or first degree  
 983 | felony violation of s. 794.011; or has been convicted of an  
 984 | offense in another jurisdiction which is substantially similar  
 985 | to one of the offenses listed in this subparagraph. As used in  
 986 | this section, the term "substantially similar offense" means any  
 987 | offense that is substantially similar in elements and penalties  
 988 | to one of those listed in this subparagraph, and that is in  
 989 | violation of a law of any other jurisdiction, whether that of  
 990 | another state, the District of Columbia, the United States or

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991 any possession or territory thereof, or any foreign  
992 jurisdiction; or

993 3. The court determines by clear and convincing evidence  
994 that continuing the parental relationship with the incarcerated  
995 parent would be harmful to the child and, for this reason, that  
996 termination of the parental rights of the incarcerated parent is  
997 in the best interest of the child.

998 Section 14. For the purpose of incorporating the amendment  
999 to section 775.21, Florida Statutes, in a reference thereto,  
1000 subsection (3) of section 63.092, Florida Statutes, is reenacted  
1001 to read:

1002 63.092 Report to the court of intended placement by an  
1003 adoption entity; at-risk placement; preliminary study.--

1004 (3) PRELIMINARY HOME STUDY.--Before placing the minor in  
1005 the intended adoptive home, a preliminary home study must be  
1006 performed by a licensed child-placing agency, a child-caring  
1007 agency registered under s. 409.176, a licensed professional, or  
1008 agency described in s. 61.20(2), unless the adoptee is an adult  
1009 or the petitioner is a stepparent or a relative. If the adoptee  
1010 is an adult or the petitioner is a stepparent or a relative, a  
1011 preliminary home study may be required by the court for good  
1012 cause shown. The department is required to perform the  
1013 preliminary home study only if there is no licensed child-  
1014 placing agency, child-caring agency registered under s. 409.176,  
1015 licensed professional, or agency described in s. 61.20(2), in  
1016 the county where the prospective adoptive parents reside. The  
1017 preliminary home study must be made to determine the suitability  
1018 of the intended adoptive parents and may be completed prior to



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1019 identification of a prospective adoptive minor. A favorable  
 1020 preliminary home study is valid for 1 year after the date of its  
 1021 completion. Upon its completion, a copy of the home study must  
 1022 be provided to the intended adoptive parents who were the  
 1023 subject of the home study. A minor may not be placed in an  
 1024 intended adoptive home before a favorable preliminary home study  
 1025 is completed unless the adoptive home is also a licensed foster  
 1026 home under s. 409.175. The preliminary home study must include,  
 1027 at a minimum:

- 1028 (a) An interview with the intended adoptive parents;
- 1029 (b) Records checks of the department's central abuse  
 1030 registry and criminal records correspondence checks pursuant to  
 1031 s. 435.045 through the Department of Law Enforcement on the  
 1032 intended adoptive parents;
- 1033 (c) An assessment of the physical environment of the home;
- 1034 (d) A determination of the financial security of the  
 1035 intended adoptive parents;
- 1036 (e) Documentation of counseling and education of the  
 1037 intended adoptive parents on adoptive parenting;
- 1038 (f) Documentation that information on adoption and the  
 1039 adoption process has been provided to the intended adoptive  
 1040 parents;
- 1041 (g) Documentation that information on support services  
 1042 available in the community has been provided to the intended  
 1043 adoptive parents; and
- 1044 (h) A copy of each signed acknowledgment of receipt of  
 1045 disclosure required by s. 63.085.

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1047 If the preliminary home study is favorable, a minor may be  
 1048 placed in the home pending entry of the judgment of adoption. A  
 1049 minor may not be placed in the home if the preliminary home  
 1050 study is unfavorable. If the preliminary home study is  
 1051 unfavorable, the adoption entity may, within 20 days after  
 1052 receipt of a copy of the written recommendation, petition the  
 1053 court to determine the suitability of the intended adoptive  
 1054 home. A determination as to suitability under this subsection  
 1055 does not act as a presumption of suitability at the final  
 1056 hearing. In determining the suitability of the intended adoptive  
 1057 home, the court must consider the totality of the circumstances  
 1058 in the home. No minor may be placed in a home in which there  
 1059 resides any person determined by the court to be a sexual  
 1060 predator as defined in s. 775.21 or to have been convicted of an  
 1061 offense listed in s. 63.089(4)(b)2.

1062 Section 15. For the purpose of incorporating the amendment  
 1063 to section 775.21, Florida Statutes, in references thereto,  
 1064 subsection (4) of section 944.609, Florida Statutes, is  
 1065 reenacted to read:

1066 944.609 Career offenders; notification upon release.--

1067 (4) The department or any law enforcement agency may  
 1068 notify the community and the public of a career offender's  
 1069 presence in the community. However, with respect to a career  
 1070 offender who has been found to be a sexual predator under s.  
 1071 775.21, the Department of Law Enforcement or any other law  
 1072 enforcement agency must inform the community and the public of  
 1073 the career offender's presence in the community, as provided in  
 1074 s. 775.21.

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1075 Section 16. For the purpose of incorporating the amendment  
 1076 to section 775.21, Florida Statutes, in a reference thereto,  
 1077 paragraph (c) of subsection (2) of section 947.1405, Florida  
 1078 Statutes, is reenacted to read:

1079 947.1405 Conditional release program.--

1080 (2) Any inmate who:

1081 (c) Is found to be a sexual predator under s. 775.21 or  
 1082 former s. 775.23,

1083  
 1084 shall, upon reaching the tentative release date or provisional  
 1085 release date, whichever is earlier, as established by the  
 1086 Department of Corrections, be released under supervision subject  
 1087 to specified terms and conditions, including payment of the cost  
 1088 of supervision pursuant to s. 948.09. Such supervision shall be  
 1089 applicable to all sentences within the overall term of sentences  
 1090 if an inmate's overall term of sentences includes one or more  
 1091 sentences that are eligible for conditional release supervision  
 1092 as provided herein. Effective July 1, 1994, and applicable for  
 1093 offenses committed on or after that date, the commission may  
 1094 require, as a condition of conditional release, that the  
 1095 releasee make payment of the debt due and owing to a county or  
 1096 municipal detention facility under s. 951.032 for medical care,  
 1097 treatment, hospitalization, or transportation received by the  
 1098 releasee while in that detention facility. The commission, in  
 1099 determining whether to order such repayment and the amount of  
 1100 such repayment, shall consider the amount of the debt, whether  
 1101 there was any fault of the institution for the medical expenses  
 1102 incurred, the financial resources of the releasee, the present

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1103 and potential future financial needs and earning ability of the  
 1104 releasee, and dependents, and other appropriate factors. If any  
 1105 inmate placed on conditional release supervision is also subject  
 1106 to probation or community control, resulting from a probationary  
 1107 or community control split sentence within the overall term of  
 1108 sentences, the Department of Corrections shall supervise such  
 1109 person according to the conditions imposed by the court and the  
 1110 commission shall defer to such supervision. If the court revokes  
 1111 probation or community control and resentsences the offender to a  
 1112 term of incarceration, such revocation also constitutes a  
 1113 sufficient basis for the revocation of the conditional release  
 1114 supervision on any nonprobationary or noncommunity control  
 1115 sentence without further hearing by the commission. If any such  
 1116 supervision on any nonprobationary or noncommunity control  
 1117 sentence is revoked, such revocation may result in a forfeiture  
 1118 of all gain-time, and the commission may revoke the resulting  
 1119 deferred conditional release supervision or take other action it  
 1120 considers appropriate. If the term of conditional release  
 1121 supervision exceeds that of the probation or community control,  
 1122 then, upon expiration of the probation or community control,  
 1123 authority for the supervision shall revert to the commission and  
 1124 the supervision shall be subject to the conditions imposed by  
 1125 the commission. A panel of no fewer than two commissioners shall  
 1126 establish the terms and conditions of any such release. If the  
 1127 offense was a controlled substance violation, the conditions  
 1128 shall include a requirement that the offender submit to random  
 1129 substance abuse testing intermittently throughout the term of  
 1130 conditional release supervision, upon the direction of the

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1131 | correctional probation officer as defined in s. 943.10(3). The  
 1132 | commission shall also determine whether the terms and conditions  
 1133 | of such release have been violated and whether such violation  
 1134 | warrants revocation of the conditional release.

1135 |         Section 17. For the purpose of incorporating the amendment  
 1136 | to section 775.21, Florida Statutes, in a reference thereto,  
 1137 | subsection (3) of section 948.12, Florida Statutes, is reenacted  
 1138 | to read:

1139 |             948.12 Intensive supervision for postprison release of  
 1140 | violent offenders.--It is the finding of the Legislature that  
 1141 | the population of violent offenders released from state prison  
 1142 | into the community poses the greatest threat to the public  
 1143 | safety of the groups of offenders under community supervision.  
 1144 | Therefore, for the purpose of enhanced public safety, any  
 1145 | offender released from state prison who:

1146 |             (3) Has been found to be a sexual predator pursuant to s.  
 1147 | 775.21,

1148 |  
 1149 | and who has a term of probation to follow the period of  
 1150 | incarceration shall be provided intensive supervision by  
 1151 | experienced correctional probation officers. Subject to specific  
 1152 | appropriation by the Legislature, caseloads may be restricted to  
 1153 | a maximum of 40 offenders per officer to provide for enhanced  
 1154 | public safety as well as to effectively monitor conditions of  
 1155 | electronic monitoring or curfews, if such was ordered by the  
 1156 | court.

1157 |         Section 18. This act shall take effect July 1, 2004.