

By Senator Campbell

32-1065-04

1 A bill to be entitled
2 An act relating to sexual offenders and
3 predators; amending ss. 775.21, 943.0435, and
4 944.607, F.S.; redefining the term "temporary
5 residence" for purposes of the Florida Sexual
6 Predators Act; revising the requirements for
7 registering as a sexual offender or predator
8 with the Department of Corrections or the
9 sheriff's office if the offender has more than
10 one residence, lacks a temporary or permanent
11 residence, or lists a homeless shelter as his
12 or her residence; requiring the sexual offender
13 or predator to register annually; providing a
14 penalty for failing to register; providing that
15 a defendant's confession or admission is
16 admissible during trial without the prosecution
17 proving the corpus delicti of the crime under
18 certain circumstances; requiring the
19 prosecution to prove by a preponderance of the
20 evidence that there is sufficient evidence to
21 establish the trustworthiness of the
22 defendant's confession or admission; providing
23 for venue; providing an effective date.

24

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

26

27 Section 1. Paragraph (g) of subsection (2) and
28 subsections (4), (5), (6), and (10) of section 775.21, Florida
29 Statutes, are amended to read:

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

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

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

4 (g) "Temporary residence" means a place where the
5 person abides, lodges, or resides for a period of 14 or more
6 days in the aggregate during any calendar year and which is
7 not the person's permanent address; for a person whose
8 permanent residence is not in this state, a place where the
9 person is employed, practices a vocation, or is enrolled as a
10 student for any period of time in this state; or a place where
11 the person routinely abides, lodges, or resides for a period
12 of 48 ~~4~~ or more consecutive or nonconsecutive hours ~~days~~ in
13 any month and which is not the person's permanent residence,
14 including any out-of-state address.

15 (4) SEXUAL PREDATOR CRITERIA.--

16 (a) The offender shall be designated as a "sexual
17 predator" under subsection (5) and subject to registration
18 under subsection (6) and community and public notification
19 under subsection (7) if the offender has been designated by a
20 civil court to be a sexually violent predator under chapter
21 394 or a similar proceeding in another state.

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

27 1. The felony is:

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

1 | been convicted of any other crime for a period of 10
2 | consecutive years from the most recent date of release from
3 | confinement, supervision, or sanction, whichever is later.

4 | (d)~~(c)~~ If an offender has been registered as a sexual
5 | predator by the Department of Corrections, the department, or
6 | any other law enforcement agency and if:

7 | 1. The court did not, for whatever reason, make a
8 | written finding at the time of sentencing that the offender
9 | was a sexual predator; or

10 | 2. The offender was administratively registered as a
11 | sexual predator because the Department of Corrections, the
12 | department, or any other law enforcement agency obtained
13 | information that indicated that the offender met the criteria
14 | for designation as a sexual predator based on a violation of a
15 | similar law in another jurisdiction,

16 |
17 | the department shall remove that offender from the
18 | department's list of sexual predators and, for an offender
19 | described under subparagraph 1., shall notify the state
20 | attorney who prosecuted the offense that met the criteria for
21 | administrative designation as a sexual predator, and, for an
22 | offender described under this subparagraph, shall notify the
23 | state attorney of the county where the offender establishes or
24 | maintains a permanent or temporary residence. The state
25 | attorney shall bring the matter to the court's attention in
26 | order to establish that the offender meets the criteria for
27 | designation as a sexual predator. If the court makes a written
28 | finding that the offender is a sexual predator, the offender
29 | must be designated as a sexual predator, must register or be
30 | registered as a sexual predator with the department as
31 | provided in subsection (6), and is subject to the community

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

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

9 (a)1. An offender who meets the sexual predator
10 criteria described in paragraph (4)(a) or (b) who is before
11 the court for sentencing for a current offense committed on or
12 after October 1, 1993, is a sexual predator, and the
13 sentencing court must make a written finding at the time of
14 sentencing that the offender is a sexual predator, and the
15 clerk of the court shall transmit a copy of the order
16 containing the written finding to the department within 48
17 hours after the entry of the order; or

18 2. If the Department of Corrections, the department,
19 or any other law enforcement agency obtains information that
20 ~~which~~ indicates that an offender who establishes or maintains
21 a permanent or temporary residence in this state meets the
22 sexual predator criteria described in paragraph (4)(a) or (b)
23 because the offender was civilly committed, or committed a
24 similar violation in another jurisdiction on or after October
25 1, 1993, the Department of Corrections, the department, or the
26 law enforcement agency shall notify the state attorney of the
27 county where the offender establishes or maintains a permanent
28 or temporary residence of the offender's presence in the
29 community. The state attorney shall file a petition with the
30 criminal division of the circuit court for the purpose of
31 holding a hearing to determine if the offender's criminal

1 record from another jurisdiction meets the sexual predator
2 criteria. If the court finds that the offender meets the
3 sexual predator criteria because the offender has violated a
4 similar law or similar laws in another jurisdiction, the court
5 shall make a written finding that the offender is a sexual
6 predator.

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

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

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

23 (d) A person who establishes or maintains a residence
24 in this state and who has not been designated as a sexual
25 predator by a court of this state but who has been designated
26 as a sexual predator, as a sexually violent predator, or by
27 another sexual offender designation in another state or
28 jurisdiction and was, as a result of such designation,
29 subjected to registration or community or public notification,
30 or both, or would be if the person was a resident of that
31 state or jurisdiction, shall register in the manner provided

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

17 (6) REGISTRATION.--

18 (a) A sexual predator must register with the
19 department by providing the following information to the
20 department:

21 1. Name, social security number, age, race, sex, date
22 of birth, height, weight, hair and eye color, photograph,
23 address of legal residence and address of any current
24 temporary residence, within the state or out of state,
25 including a rural route address and a post office box, date
26 and place of any employment, date and place of each
27 conviction, fingerprints, and a brief description of the crime
28 or crimes committed by the offender. A post office box shall
29 not be provided in lieu of a physical residential address.

30 a. If the sexual predator's place of residence is a
31 motor vehicle, trailer, mobile home, or manufactured home, as

1 defined in chapter 320, the sexual predator shall also provide
2 to the department written notice of the vehicle identification
3 number; the license tag number; the registration number; and a
4 description, including color scheme, of the motor vehicle,
5 trailer, mobile home, or manufactured home. If a sexual
6 predator's place of residence is a vessel, live-aboard vessel,
7 or houseboat, as defined in chapter 327, the sexual predator
8 shall also provide to the department written notice of the
9 hull identification number; the manufacturer's serial number;
10 the name of the vessel, live-aboard vessel, or houseboat; the
11 registration number; and a description, including color
12 scheme, of the vessel, live-aboard vessel, or houseboat.

13 b. If the sexual predator is enrolled, employed, or
14 carrying on a vocation at an institution of higher education
15 in this state, the sexual predator shall also provide to the
16 department the name, address, and county of each institution,
17 including each campus attended, and the sexual predator's
18 enrollment or employment status. Each change in enrollment or
19 employment status shall be reported in person at the sheriff's
20 office, or the Department of Corrections if the sexual
21 predator is in the custody or control of or under the
22 supervision of the Department of Corrections, within 48 hours
23 after any change in status. The sheriff or the Department of
24 Corrections shall promptly notify each institution of the
25 sexual predator's presence and any change in the sexual
26 predator's enrollment or employment status.

27 c. If the sexual predator has more than one place of
28 residence, the sexual predator shall register in each of the
29 jurisdictions in which he or she has a place of residence. If
30 all of the addresses are within the same jurisdiction, the
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1 sexual predator shall provide the registering authority with
2 all of his or her addresses.

3 d. Any sexual predator who lacks a temporary or
4 permanent residence and leaves the county in which he or she
5 is registered and enters and remains within a new county for
6 24 hours or more shall register with the county sheriff not
7 more than 24 hours after entering the county and provide the
8 information required in this section.

9 e. A sexual predator who lacks a temporary or
10 permanent residence or who lists a homeless shelter as a
11 residence must report weekly, in person, to the sheriff of the
12 county where he or she is registered. The weekly report shall
13 be on a day specified by the county sheriff's office and shall
14 occur during normal business hours. The county sheriff's
15 office may require the sexual predator to list the locations
16 where he or she has stayed during the last 7 days.

17 f. Beginning on his or her first birthday following
18 registration or a change of address, the sexual predator shall
19 register annually, within 48 hours after his or her birthday,
20 to update his or her registration with the agencies described
21 under this section. At the annual update, the sexual predator
22 shall provide current information as outlined under this
23 section.

24 2. Any other information determined necessary by the
25 department, including criminal and corrections records;
26 nonprivileged personnel and treatment records; and evidentiary
27 genetic markers when available.

28 (b) If the sexual predator is in the custody or
29 control of, or under the supervision of, the Department of
30 Corrections, or is in the custody of a private correctional
31 facility, the sexual predator must register with the

1 Department of Corrections. The Department of Corrections shall
2 provide to the department registration information and the
3 location of, and local telephone number for, any Department of
4 Corrections office that is responsible for supervising the
5 sexual predator. In addition, the Department of Corrections
6 shall notify the department if the sexual predator escapes or
7 absconds from custody or supervision or if the sexual predator
8 dies.

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

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

27 (e) If the sexual predator is not in the custody or
28 control of, or under the supervision of, the Department of
29 Corrections, or is not in the custody of a private
30 correctional facility, and establishes or maintains a
31 residence in the state, the sexual predator shall register in

1 person at an office of the department, or at the sheriff's
2 office in the county in which the predator establishes or
3 maintains a residence, within 48 hours after establishing
4 permanent or temporary residence in this state. Any change in
5 the sexual predator's permanent or temporary residence or
6 name, after the sexual predator registers in person at an
7 office of the department or at the sheriff's office, shall be
8 accomplished in the manner provided in paragraphs (g), (i),
9 and (j). If a sexual predator registers with the sheriff's
10 office, the sheriff shall take a photograph and a set of
11 fingerprints of the predator and forward the photographs and
12 fingerprints to the department, along with the information
13 that the predator is required to provide pursuant to this
14 section.

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

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

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

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

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

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

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

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

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

30 (j) A sexual predator 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 predator indicated he or she would leave
3 this state, report in person to the sheriff or the department,
4 whichever agency is the agency to which the sexual predator
5 reported the intended change of residence, of his or her
6 intent to remain in this state. If the sheriff is notified by
7 the sexual predator that he or she intends to remain in this
8 state, the sheriff shall promptly report this information to
9 the department. A sexual predator 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 paragraph, commits a
13 felony of the second degree, punishable as provided in s.
14 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

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

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28 The sheriff shall promptly provide to the department the
29 information received from the sexual predator.

30 (10) PENALTIES.--

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1 (a) Except as otherwise specifically provided, a
2 sexual predator who fails to register; who fails, after
3 registration, to maintain, acquire, or renew a driver's
4 license or identification card; who fails to provide required
5 location information or change-of-name information; or who
6 otherwise fails, by act or omission, to comply with the
7 requirements of this section, commits a felony of the third
8 degree, punishable as provided in s. 775.082, s. 775.083, or
9 s. 775.084.

10 (b) An arrest on charges of failure to register,
11 service of an information or a complaint for a violation of
12 this section, or an arraignment on charges for a violation of
13 this section constitutes actual notice of the duty to
14 register. Any person charged with the crime of failure to
15 register under this section who asserts as a defense the lack
16 of notice of the duty to register shall register immediately
17 following actual notice of the duty through arrest, service,
18 or arraignment. Failure to register as required under this
19 subsection constitutes grounds for filing another charge of
20 failing to register. Registering following arrest, service, or
21 arraignment on charges does not relieve the offender from
22 criminal liability for failure to register prior to the filing
23 of the original charge.

24 (c) The fact that a sexual predator fails to establish
25 or maintain a temporary or permanent residence is not a
26 defense to prosecution under this section.

27 (d) In any criminal prosecution under this section:

28 1. The defendant's memorialized confession or
29 admission is admissible during trial without the state having
30 to prove the corpus delicti of the crime if the court finds in
31 a hearing conducted outside the presence of the jury that the

1 state is unable to show the existence of each element of the
2 crime, and having so found, further finds that the defendant's
3 confession or admission is trustworthy.

4 2. Before the court admits the defendant's confession
5 or admission, the state must prove by a preponderance of the
6 evidence that there is sufficient corroborating evidence that
7 tends to establish the trustworthiness of the statement by the
8 defendant. Hearsay evidence is admissible during the
9 presentation of evidence at the hearing. In making the
10 determination, the court may consider all relevant
11 corroborating evidence, including the defendant's statements.

12 3. The court shall make specific findings of fact on
13 the record for the basis of its ruling.

14 (e) Venue for any prosecution under this section may
15 be in the county where the defendant previously registered or
16 any county where the defendant established a temporary or
17 permanent residence.

18 (f)~~(b)~~ A sexual predator who has been convicted of or
19 found to have committed, or has pled nolo contendere or guilty
20 to, regardless of adjudication, any violation, or attempted
21 violation, of s. 787.01, s. 787.02, or s. 787.025, where the
22 victim is a minor and the defendant is not the victim's
23 parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s.
24 796.03; s. 800.04; s. 827.071; s. 847.0133; or s. 847.0145, or
25 a violation of a similar law of another jurisdiction, when the
26 victim of the offense was a minor, and who works, whether for
27 compensation or as a volunteer, at any business, school, day
28 care center, park, playground, or other place where children
29 regularly congregate, commits a felony of the third degree,
30 punishable as provided in s. 775.082, s. 775.083, or s.
31 775.084.

1 (g)~~(e)~~ Any person who misuses public records
2 information relating to a sexual predator, as defined in this
3 section, or a sexual offender, as defined in s. 943.0435 or s.
4 944.607, to secure a payment from such a predator or offender;
5 who knowingly distributes or publishes false information
6 relating to such a predator or offender which the person
7 misrepresents as being public records information; or who
8 materially alters public records information with the intent
9 to misrepresent the information, including documents,
10 summaries of public records information provided by law
11 enforcement agencies, or public records information displayed
12 by law enforcement agencies on websites or provided through
13 other means of communication, commits a misdemeanor of the
14 first degree, punishable as provided in s. 775.082 or s.
15 775.083.

16 Section 2. Subsections (2), (4), and (9) of section
17 943.0435, Florida Statutes, are amended to read:

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

20 (2) A sexual offender shall:

21 (a) Report in person at an office of the department,
22 or at the sheriff's office in the county in which the offender
23 establishes or maintains a permanent or temporary residence,
24 within 48 hours after establishing permanent or temporary
25 residence in this state or within 48 hours after being
26 released from the custody, control, or supervision of the
27 Department of Corrections or from the custody of a private
28 correctional facility. Any change in the sexual offender's
29 permanent or temporary residence or name, after the sexual
30 offender reports in person at an office of the department or
31

1 at the sheriff's office, shall be accomplished in the manner
2 provided in subsections (4), (7), and (8).

3 (b) Provide his or her name, date of birth, social
4 security number, race, sex, height, weight, hair and eye
5 color, tattoos or other identifying marks, occupation and
6 place of employment, address of permanent or legal residence
7 or address of any current temporary residence, within the
8 state and out of state, including a rural route address and a
9 post office box, date and place of each conviction, and a
10 brief description of the crime or crimes committed by the
11 offender. A post office box shall not be provided in lieu of a
12 physical residential address.

13 1. If the sexual offender's place of residence is a
14 motor vehicle, trailer, mobile home, or manufactured home, as
15 defined in chapter 320, the sexual offender shall also provide
16 to the department written notice of the vehicle identification
17 number; the license tag number; the registration number; and a
18 description, including color scheme, of the motor vehicle,
19 trailer, mobile home, or manufactured home. If the sexual
20 offender's place of residence is a vessel, live-aboard vessel,
21 or houseboat, as defined in chapter 327, the sexual offender
22 shall also provide to the department written notice of the
23 hull identification number; the manufacturer's serial number;
24 the name of the vessel, live-aboard vessel, or houseboat; the
25 registration number; and a description, including color
26 scheme, of the vessel, live-aboard vessel, or houseboat.

27 2. If the sexual offender is enrolled, employed, or
28 carrying on a vocation at an institution of higher education
29 in this state, the sexual offender shall also provide to the
30 department the name, address, and county of each institution,
31 including each campus attended, and the sexual offender's

1 enrollment or employment status. Each change in enrollment or
2 employment status shall be reported in person at an office of
3 the department, or at the sheriff's office, within 48 hours
4 after any change in status. The sheriff shall promptly notify
5 each institution of the sexual offender's presence and any
6 change in the sexual offender's enrollment or employment
7 status.

8 3. If the sexual offender has more than one place of
9 residence, the sexual offender shall register in each of the
10 jurisdictions in which he or she has a place of residence. If
11 all of the addresses are within the same jurisdiction, the
12 sexual offender shall provide the registering authority with
13 all of his or her addresses.

14 4. Any sexual offender who lacks a temporary or
15 permanent residence and leaves the county in which he or she
16 is registered and enters and remains within a new county for
17 24 hours or more shall register with the county sheriff not
18 more than 24 hours after entering the county and provide the
19 information required in this section.

20 5. A sexual offender who lacks a temporary or
21 permanent residence or who lists a homeless shelter as a
22 residence must report weekly, in person, to the sheriff of the
23 county where he or she is registered. The weekly report shall
24 be on a day specified by the county sheriff's office and shall
25 occur during normal business hours. The county sheriff's
26 office may require the sexual offender to list the locations
27 where he or she has stayed during the last 7 days.

28 6. Beginning on his or her first birthday following
29 registration or a change of address, the sex offender shall
30 register annually, within 48 hours after his or her birthday,
31 to update his or her registration with the agencies described

1 under this section. At the annual update, the sexual offender
2 shall provide current information as outlined under this
3 section.

4
5 If a sexual offender reports at the sheriff's office, the
6 sheriff shall take a photograph and a set of fingerprints of
7 the offender and forward the photographs and fingerprints to
8 the department, along with the information provided by the
9 sexual offender. The sheriff shall promptly provide to the
10 department the information received from the sexual offender.

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

26 (9) A sexual offender who does not 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 (a) An arrest on charges of failure to register,
31 service of an information or a complaint for a violation of

1 this section, or an arraignment on charges for a violation of
2 this section constitutes actual notice of the duty to
3 register. Any person charged with the crime of failure to
4 register under this section who asserts as a defense the lack
5 of notice of the duty to register shall register immediately
6 following actual notice of the duty through arrest, service,
7 or arraignment. Failure to register as required under this
8 subsection constitutes grounds for filing another charge of
9 failing to register. Registering following arrest, service, or
10 arraignment on charges does not relieve the offender from
11 criminal liability for failure to register prior to the filing
12 of the original charge.

13 (b) The fact that a sexual offender fails to establish
14 or maintain a temporary or permanent residence is not a
15 defense to prosecution under this section.

16 (c) In any criminal prosecution under this section:

17 1. The defendant's memorialized confession or
18 admission is admissible during trial without the state having
19 to prove the corpus delicti of the crime if the court finds in
20 a hearing conducted outside the presence of the jury that the
21 state is unable to show the existence of each element of the
22 crime, and having so found, further finds that the defendant's
23 confession or admission is trustworthy.

24 2. Before the court admits the defendant's confession
25 or admission, the state must prove by a preponderance of the
26 evidence that there is sufficient corroborating evidence that
27 tends to establish the trustworthiness of the statement by the
28 defendant. Hearsay evidence is admissible during the
29 presentation of evidence at the hearing. In making the
30 determination, the court may consider all relevant
31 corroborating evidence, including the defendant's statements.

1 3. The court shall make specific findings of fact on
2 the record for the basis of its ruling.

3 (d) Venue for any prosecution under this section may
4 be in the county where the defendant previously registered or
5 any county where the defendant established a temporary or
6 permanent residence.

7 Section 3. Subsections (4) and (10) of section
8 944.607, Florida Statutes, are amended to read:

9 944.607 Notification to Department of Law Enforcement
10 of information on sexual offenders.--

11 (4) A sexual offender, as described in this section,
12 who is under the supervision of the Department of Corrections
13 but is not incarcerated must register with the Department of
14 Corrections and provide the following information:

15 (a) Name; date of birth; social security number; race;
16 sex; height; weight; hair and eye color; tattoos or other
17 identifying marks; and permanent or legal residence and
18 address of temporary residence within the state or out of
19 state while the sexual offender is under supervision in this
20 state, including any rural route address or post office box.
21 The Department of Corrections shall verify the address of each
22 sexual offender in the manner described in ss. 775.21 and
23 943.0435.

24 (b) If the sexual offender is enrolled, employed, or
25 carrying on a vocation at an institution of higher education
26 in this state, the name, address, and county of each
27 institution, including each campus attended, and the sexual
28 offender's enrollment or employment status. Each change in
29 enrollment or employment status shall be reported to the
30 department within 48 hours after the change in status. The
31 Department of Corrections shall promptly notify each

1 institution of the sexual offender's presence and any change
2 in the sexual offender's enrollment or employment status.

3 (c) If the sexual offender has more than one place of
4 residence, the sexual offender shall register in each of the
5 jurisdictions in which he or she has a place of residence. If
6 all of the addresses are within the same jurisdiction, the
7 sexual offender shall provide the registering authority with
8 all of his or her addresses.

9 (d) Any sexual offender who lacks a temporary or
10 permanent residence and leaves the county in which he or she
11 is registered and enters and remains within a new county for
12 24 hours or more shall register with the county sheriff not
13 more than 24 hours after entering the county and provide the
14 information required in this section.

15 (e) A sexual offender who lacks a temporary or
16 permanent residence or who lists a homeless shelter as a
17 residence must report weekly, in person, to the sheriff of the
18 county where he or she is registered. The weekly report shall
19 be on a day specified by the county sheriff's office and shall
20 occur during normal business hours. The county sheriff's
21 office may require the sexual offender to list the locations
22 where he or she has stayed during the last seven days.

23 (f) Beginning on his or her first birthday following
24 registration or a change of address, the sex offender shall
25 register annually, within 48 hours after his or her birthday,
26 to update his or her registration with the agencies described
27 under this section. At the annual update, the sexual offender
28 shall provide current information as outlined under subsection

29 (4).

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

1 the requirements of this section, is a felony of the third
2 degree, punishable as provided in s. 775.082, s. 775.083, or
3 s. 775.084.

4 (a) An arrest on charges of failure to register,
5 service of an information or a complaint for a violation of
6 this section, or arraignment on charges for a violation of
7 this section constitutes actual notice of the duty to
8 register. Any person charged with the crime of failure to
9 register under this section who asserts as a defense the lack
10 of notice of the duty to register shall register immediately
11 following actual notice of the duty through arrest, service,
12 or arraignment. Failure to register as required under this
13 subsection constitutes grounds for filing another charge of
14 failing to register. Registering following arrest, service, or
15 arraignment on charges does not relieve the offender from
16 criminal liability for failure to register prior to the filing
17 of the original charge.

18 (b) The fact that a sexual offender fails to establish
19 or maintain a temporary or permanent residence is not a
20 defense to prosecution under this section.

21 (c) In any criminal prosecution under this section:

22 1. The defendant's memorialized confession or
23 admission is admissible during trial without the state having
24 to prove the corpus delicti of the crime if the court finds in
25 a hearing conducted outside the presence of the jury that the
26 state is unable to show the existence of each element of the
27 crime, and having so found, further finds that the defendant's
28 confession or admission is trustworthy.

29 2. Before the court admits the defendant's confession
30 or admission, the state must prove by a preponderance of the
31 evidence that there is sufficient corroborating evidence that

1 tends to establish the trustworthiness of the statement by the
2 defendant. Hearsay evidence is admissible during the
3 presentation of evidence at the hearing. In making the
4 determination, the court may consider all relevant
5 corroborating evidence, including the defendant's statements.

6 3. The court shall make specific findings of fact on
7 the record for the basis of its ruling.

8 (d) Venue for any prosecution under this section may
9 be in the county where the defendant previously registered or
10 any county where the defendant established a temporary or
11 permanent residence.

12 Section 4. This act shall take effect July 1, 2004.

13
14 *****

15 SENATE SUMMARY

16 Redefines the term "temporary residence." Revises the
17 requirements for registering as a sexual offender or
18 predator with the Department of Corrections or the
19 sheriff's office. Requires the sexual offender or
20 predator to register annually. Provides a penalty for
21 failing to register. Provides that a defendant's
22 confession or admission is admissible during trial
23 without the prosecution proving the corpus delicti of the
24 crime under certain circumstances. Requires the
25 prosecution to prove by a preponderance of the evidence
26 that there is sufficient evidence to establish the
27 trustworthiness of the defendant's confession or
28 admission. Provides venue requirements. (See bill for
29 details.)
30
31