

By the Committee on Criminal Justice; and Senator Campbell

307-2444-04

1 A bill to be entitled
2 An act relating to the designation and
3 registration of sexual predators and sexual
4 offenders; amending s. 775.21, F.S.; amending
5 the definition of the term "conviction";
6 providing that an offender who has been
7 designated as a sexually violent predator under
8 the civil commitment proceedings provided in
9 ch. 394, F.S., meets the criteria for
10 designation as a sexual predator under the
11 Florida Sexual Predators Act; providing that
12 such offender shall be subject to the
13 registration and notification requirements of
14 the act; requiring the committing court of such
15 offender to make a written finding that the
16 offender is a sexual predator for purposes of
17 the act; requiring the clerk to transmit a copy
18 of the committing court's order to the
19 Department of Law Enforcement within a time
20 certain; clarifying circumstances related to
21 the registration requirements applicable to
22 sexual predators; clarifying that registration
23 requirements apply each time the driver's
24 license or identification card of a sexual
25 predator is subject to renewal and also apply
26 after each change in specified information;
27 specifying registration and reporting
28 requirements for sexual predators in
29 circumstances where the predator has vacated or
30 intends to vacate a permanent residence;
31 specifying reporting requirements in

1 circumstances where the sexual predator remains
2 at or returns to a permanent residence;
3 revising and clarifying the circumstances in
4 which criminal penalties apply to sexual
5 predators for acts or omissions related to
6 registration; specifying venue for the
7 prosecution of a sexual predator in
8 circumstances involving acts or omissions
9 concerning the failure to register as required;
10 providing that an arrest, information,
11 complaint, or arraignment related to charges of
12 failure to register constitutes actual notice
13 of the duty to register in certain
14 circumstances; providing that the failure of a
15 sexual predator to immediately register
16 following such notice constitutes grounds for a
17 subsequent charge; requiring any sexual
18 predator who asserts, or intends to assert, a
19 lack of notice of the duty to register as a
20 defense to a charge of failure to immediately
21 register as required; providing that a sexual
22 predator who is charged with a subsequent
23 failure to register may not assert the defense
24 of a lack of notice of the duty to register;
25 providing that registration following arrest,
26 service, or arraignment related to a charge of
27 failure to register is not a defense and does
28 not relieve the sexual predator of criminal
29 liability for the failure to register;
30 conforming a cross-reference; amending s.
31 943.0435, F.S.; amending the definition of the

1 term "convicted"; clarifying that registration
2 requirements apply each time the driver's
3 license or identification card of a sexual
4 offender is subject to renewal and also apply
5 after each change in specified information;
6 specifying registration and reporting
7 requirements for sexual offenders in
8 circumstances where the offender has vacated or
9 intends to vacate a permanent residence;
10 specifying reporting requirements in
11 circumstances where the sexual offender remains
12 at or returns to a permanent residence;
13 revising and clarifying the circumstances in
14 which criminal penalties apply to sexual
15 offenders for acts or omissions related to
16 registration; specifying venue for the
17 prosecution of a sexual offender in
18 circumstances involving acts or omissions
19 concerning the failure to register as required;
20 providing that an arrest, information,
21 complaint, or arraignment related to charges of
22 failure to register constitutes actual notice
23 of the duty to register in certain
24 circumstances; providing that the failure of a
25 sexual offender to immediately register
26 following such notice constitutes grounds for a
27 subsequent charge; requiring any sexual
28 offender who asserts, or intends to assert, a
29 lack of notice of the duty to register as a
30 defense to a charge of failure to immediately
31 register as required; providing that a sexual

1 offender who is charged with a subsequent
2 failure to register may not assert the defense
3 of a lack of notice of the duty to register;
4 providing that registration following arrest,
5 service, or arraignment related to a charge of
6 failure to register is not a defense and does
7 not relieve the sexual offender of criminal
8 liability for the failure to register; revising
9 a cross-reference; amending s. 944.606, F.S.;
10 amending the definition of the term
11 "convicted"; amending s. 944.607, F.S.;
12 amending the definition of the term
13 "conviction"; clarifying circumstances relating
14 to the registration requirements applicable to
15 sexual offenders; revising and clarifying the
16 circumstances in which criminal penalties apply
17 to sexual offenders for acts or omissions
18 related to registration; specifying venue for
19 the prosecution of a sexual offender in
20 circumstances involving acts or omissions
21 concerning the failure to register as required;
22 providing that an arrest, information,
23 complaint, or arraignment related to charges of
24 failure to register constitutes actual notice
25 of the duty to register in certain
26 circumstances; providing that the failure of a
27 sexual offender to immediately register
28 following such notice constitutes grounds for a
29 subsequent charge; requiring any sexual
30 offender who asserts, or intends to assert, a
31 lack of notice of the duty to register as a

1 defense to a charge of failure to register to
2 immediately register as required; providing
3 that a sexual offender who is charged with a
4 subsequent failure to register may not assert
5 the defense of a lack of notice of the duty to
6 register; providing that registration following
7 arrest, service, or arraignment related to a
8 charge of failure to register is not a defense
9 and does not relieve the sexual offender of
10 criminal liability for the failure to register;
11 reenacting s. 775.13(5), F.S., relating to
12 registration of convicted felons, to
13 incorporate the amendment to ss. 775.21,
14 943.0435, and 944.607, F.S., in references
15 thereto; reenacting s. 943.0436(2), F.S.,
16 relating to laws governing sexual predators and
17 sexual offenders, to incorporate the amendments
18 to ss. 943.0435, 944.606, and 944.607, F.S., in
19 references thereto; reenacting s. 775.24(2),
20 F.S., relating to laws governing sexual
21 predators and sexual offenders, to incorporate
22 the amendments to ss. 943.0435, 944.606, and
23 944.607, F.S., in references thereto;
24 reenacting s. 775.25, F.S., relating to
25 prosecutions for acts or omissions, to
26 incorporate the amendments to ss. 775.21,
27 943.0435, 944.606, and 944.607, F.S., in
28 references thereto; reenacting s.
29 775.261(3)(b), F.S., relating to the Florida
30 Career Offender Registration Act, to
31 incorporate the amendments to ss. 775.21,

1 943.0435, and 944.607, F.S., in references
2 thereto; reenacting s. 921.0022(3)(f), F.S.,
3 relating to the Criminal Punishment Code, to
4 incorporate the amendments to ss. 775.21 and
5 943.0435, F.S., in references thereto;
6 reenacting s. 944.608(7), F.S., relating to
7 notification to the Department of Law
8 Enforcement of information on career offenders,
9 to incorporate the amendments to ss. 775.21 and
10 944.607, F.S., in references thereto;
11 reenacting s. 39.806(1)(d), F.S., relating to
12 grounds for termination of parental rights, to
13 incorporate the amendment to s. 775.21, F.S.,
14 in references thereto; reenacting s.
15 63.089(4)(b), F.S., relating to proceeding to
16 termination of parental rights pending
17 adoption, to incorporate the amendment to s.
18 775.21, F.S., in references thereto; reenacting
19 s. 63.092(3), F.S., relating to reporting to
20 the court of intended placement by an adoption
21 entity, to incorporate the amendment to s.
22 775.21, F.S., in references thereto; reenacting
23 s. 944.609(4), F.S., relating to notification
24 of career offenders upon release to incorporate
25 the amendment to s. 775.21, F.S., in references
26 thereto; reenacting s. 947.1405(2)(c), F.S.,
27 relating to the conditional release program, to
28 incorporate the amendment to s. 775.21, F.S.,
29 in references thereto; reenacting s. 948.12,
30 F.S., relating to supervision of postprison
31 release of violent offenders, to incorporate

1 the amendments to s. 775.21, F.S., in
2 references thereto; providing an effective
3 date.

4
5 Be It Enacted by the Legislature of the State of Florida:

6
7 Section 1. Subsections (2), (4), (5), (6), and (10) of
8 section 775.21, Florida Statutes, are amended to read:

9 775.21 The Florida Sexual Predators Act; definitions;
10 legislative findings, purpose, and intent; criteria;
11 designation; registration; community and public notification;
12 immunity; penalties.--

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

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

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

19 (c) "Conviction" means a determination of guilt which
20 is the result of a trial or the entry of a plea of guilty or
21 nolo contendere, regardless of whether adjudication is
22 withheld. A conviction for a similar offense includes, but is
23 not limited to, a conviction by a federal or military
24 tribunal, including courts-martial conducted by the Armed
25 Forces of the United States, and includes a conviction or
26 entry of a plea of guilty or nolo contendere resulting in a
27 sanction in any state of the United States or other
28 jurisdiction. A sanction includes, but is not limited to, a
29 fine, probation, community control, parole, conditional
30 release, control release, or incarceration in a state prison,
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1 federal prison, private correctional facility, or local
2 detention facility.

3 (d) "Department" means the Department of Law
4 Enforcement.

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

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

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

24 (h) "Institution of higher education" means a
25 community college, college, state university, or independent
26 postsecondary institution.

27 (i) "Change in enrollment or employment status" means
28 the commencement or termination of enrollment or employment or
29 a change in location of enrollment or employment.

30 (4) SEXUAL PREDATOR CRITERIA.--

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

6 1. The felony is:

7 a. A capital, life, or first-degree felony violation,
8 or any attempt thereof, of s. 787.01 or s. 787.02, where the
9 victim is a minor and the defendant is not the victim's
10 parent, or of chapter 794, s. 800.04, or s. 847.0145, or a
11 violation of a similar law of another jurisdiction; or

12 b. Any felony violation, or any attempt thereof, of s.
13 787.01, s. 787.02, or s. 787.025, where the victim is a minor
14 and the defendant is not the victim's parent; chapter 794,
15 excluding ss. 794.011(10) and 794.0235; s. 796.03; s. 800.04;
16 s. 825.1025(2)(b); s. 827.071; or s. 847.0145; or a violation
17 of a similar law of another jurisdiction, and the offender has
18 previously been convicted of or found to have committed, or
19 has pled nolo contendere or guilty to, regardless of
20 adjudication, any violation of s. 787.01, s. 787.02, or s.
21 787.025, where the victim is a minor and the defendant is not
22 the victim's parent; s. 794.011(2), (3), (4), (5), or (8); s.
23 794.05; s. 796.03; s. 800.04; s. 825.1025; s. 827.071; s.
24 847.0133; s. 847.0135; or s. 847.0145, or a violation of a
25 similar law of another jurisdiction;

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

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

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

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

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

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

25
26 the department shall remove that offender from the
27 department's list of sexual predators and, for an offender
28 described under subparagraph 1., shall notify the state
29 attorney who prosecuted the offense that met the criteria for
30 administrative designation as a sexual predator, and, for an
31 offender described under this subparagraph, shall notify the

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

16 (d) An offender who has been determined to be a
17 sexually violent predator pursuant to a civil commitment
18 proceeding under chapter 394 shall be designated as a "sexual
19 predator" under subsection (5) and subject to registration
20 under subsection (6) and community and public notification
21 under subsection (7).

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

24 (a)1. An offender who meets the sexual predator
25 criteria described in paragraph (4)(d) is a sexual predator,
26 and the court shall make a written finding at the time such
27 offender is determined to be a sexually violent predator under
28 chapter 394 that such person meets the criteria for
29 designation as a sexual predator for purposes of this section.
30 The clerk shall transmit a copy of the order containing the
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1 written finding to the department within 48 hours after the
2 entry of the order;

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

12 3.2. If the Department of Corrections, the department,
13 or any other law enforcement agency obtains information which
14 indicates that an offender who establishes or maintains a
15 permanent or temporary residence in this state meets the
16 sexual predator criteria described in paragraph (4)(a) or
17 paragraph (4)(d) because the offender was civilly committed or
18 committed a similar violation in another jurisdiction on or
19 after October 1, 1993, the Department of Corrections, the
20 department, or the law enforcement agency shall notify the
21 state attorney of the county where the offender establishes or
22 maintains a permanent or temporary residence of the offender's
23 presence in the community. The state attorney shall file a
24 petition with the criminal division of the circuit court for
25 the purpose of holding a hearing to determine if the
26 offender's criminal record or record of civil commitment from
27 another jurisdiction meets the sexual predator criteria. If
28 the court finds that the offender meets the sexual predator
29 criteria because the offender has violated a similar law or
30 similar laws in another jurisdiction, the court shall make a
31 written finding that the offender is a sexual predator.

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

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

25 (c) If the Department of Corrections, the department,
26 or any other law enforcement agency obtains information which
27 indicates that an offender meets the sexual predator criteria
28 but the court did not make a written finding that the offender
29 is a sexual predator as required in paragraph (a), the
30 Department of Corrections, the department, or the law
31 enforcement agency shall notify the state attorney who

1 prosecuted the offense for offenders described in subparagraph
2 (a)1., or the state attorney of the county where the offender
3 establishes or maintains a residence upon first entering the
4 state for offenders described in subparagraph (a)3.
5 ~~subparagraph (a)2.~~The state attorney shall bring the matter
6 to the court's attention in order to establish that the
7 offender meets the sexual predator criteria. If the state
8 attorney fails to establish that an offender meets the sexual
9 predator criteria and the court does not make a written
10 finding that an offender is a sexual predator, the offender is
11 not required to register with the department as a sexual
12 predator. The Department of Corrections, the department, or
13 any other law enforcement agency shall not administratively
14 designate an offender as a sexual predator without a written
15 finding from the court that the offender is a sexual predator.
16 (d) A person who establishes or maintains a residence
17 in this state and who has not been designated as a sexual
18 predator by a court of this state but who has been designated
19 as a sexual predator, as a sexually violent predator, or by
20 another sexual offender designation in another state or
21 jurisdiction and was, as a result of such designation,
22 subjected to registration or community or public notification,
23 or both, or would be if the person was a resident of that
24 state or jurisdiction, shall register in the manner provided
25 in s. 943.0435 or s. 944.607 and shall be subject to community
26 and public notification as provided in s. 943.0435 or s.
27 944.607. A person who meets the criteria of this section is
28 subject to the requirements and penalty provisions of s.
29 943.0435 or s. 944.607 until the person provides the
30 department with an order issued by the court that designated
31 the person as a sexual predator, as a sexually violent

1 predator, or by another sexual offender designation in the
2 state or jurisdiction in which the order was issued which
3 states that such designation has been removed or demonstrates
4 to the department that such designation, if not imposed by a
5 court, has been removed by operation of law or court order in
6 the state or jurisdiction in which the designation was made,
7 and provided such person no longer meets the criteria for
8 registration as a sexual offender under the laws of this
9 state.

10 (6) REGISTRATION.--

11 (a) A sexual predator must register with the
12 department by providing the following information to the
13 department:

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

23 a. If the sexual predator's place of residence is a
24 motor vehicle, trailer, mobile home, or manufactured home, as
25 defined in chapter 320, the sexual predator shall also provide
26 to the department written notice of the vehicle identification
27 number; the license tag number; the registration number; and a
28 description, including color scheme, of the motor vehicle,
29 trailer, mobile home, or manufactured home. If a sexual
30 predator's place of residence is a vessel, live-aboard vessel,
31 or houseboat, as defined in chapter 327, the sexual predator

1 shall also provide to the department written notice of the
2 hull identification number; the manufacturer's serial number;
3 the name of the vessel, live-aboard vessel, or houseboat; the
4 registration number; and a description, including color
5 scheme, of the vessel, live-aboard vessel, or houseboat.

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

20 2. Any other information determined necessary by the
21 department, including criminal and corrections records;
22 nonprivileged personnel and treatment records; and evidentiary
23 genetic markers when available.

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

1 sexual predator. In addition, the Department of Corrections
2 shall notify the department if the sexual predator escapes or
3 absconds from custody or supervision or if the sexual predator
4 dies.

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

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

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

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

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

19 1. If otherwise qualified, secure a Florida driver's
20 license, renew a Florida driver's license, or secure an
21 identification card. The sexual predator shall identify
22 himself or herself as a sexual predator who is required to
23 comply with this section, provide his or her place of
24 permanent or temporary residence, including a rural route
25 address and a post office box, and submit to the taking of a
26 photograph for use in issuing a driver's license, renewed
27 license, or identification card, and for use by the department
28 in maintaining current records of sexual predators. A post
29 office box shall not be provided in lieu of a physical
30 residential address. If the sexual predator's place of
31 residence is a motor vehicle, trailer, mobile home, or

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

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

18 3. Provide, upon request, any additional information
19 necessary to confirm the identity of the sexual predator,
20 including a set of fingerprints.

21 (g)1. Each time a sexual predator's driver's license
22 or identification card is subject to renewal, and, without
23 regard to the status of the predator's driver's license or
24 identification card, within 48 hours after any change of the
25 predator's residence or change in the predator's name by
26 reason of marriage or other legal process, the predator shall
27 report in person to a driver's license office, and shall be
28 subject to the requirements specified in paragraph (f). The
29 Department of Highway Safety and Motor Vehicles shall forward
30 to the department and to the Department of Corrections all
31 photographs and information provided by sexual predators.

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

7 2. A sexual predator who vacates a permanent residence
8 and fails to establish or maintain another permanent or
9 temporary residence shall, within 48 hours after vacating the
10 permanent residence, report in person to the department or the
11 sheriff's office of the county in which he or she is located.
12 The sexual predator shall specify the date upon which he or
13 she intends to or did vacate such residence. The sexual
14 predator must provide or update all of the registration
15 information required under paragraph (a). The sexual predator
16 must provide an address for the residence or other location
17 that he or she is or will be occupying during the time in
18 which he or she fails to establish or maintain a permanent or
19 temporary residence.

20 3. A sexual predator who remains at a permanent
21 residence after reporting his or her intent to vacate such
22 residence shall, within 48 hours after the date upon which the
23 predator indicated he or she would or did vacate such
24 residence, report in person to the agency to which he or she
25 reported pursuant to subparagraph 2. for the purpose of
26 reporting his or her address at such residence. If the sheriff
27 receives the report, the sheriff shall promptly convey the
28 information to the department. An offender who makes a report
29 as required under subparagraph 2. but fails to make a report
30 as required under this subparagraph commits a felony of the
31

1 second degree, punishable as provided in s. 775.082, s.
2 775.083, or s. 775.084.

3 (h) If the sexual predator registers at an office of
4 the department, the department must notify the sheriff and the
5 state attorney of the county and, if applicable, the police
6 chief of the municipality, where the sexual predator maintains
7 a residence within 48 hours after the sexual predator
8 registers with the department.

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

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

1 the sexual predator that he or she intends to remain in this
2 state, the sheriff shall promptly report this information to
3 the department. A sexual predator who reports his or her
4 intent to reside in another state or jurisdiction, but who
5 remains in this state without reporting to the sheriff or the
6 department in the manner required by this paragraph, commits a
7 felony of the second degree, punishable as provided in s.
8 775.082, s. 775.083, or s. 775.084.

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

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

31

1 3. The department shall adopt guidelines as necessary
2 regarding the registration of sexual predators and the
3 dissemination of information regarding sexual predators as
4 required by this section.

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

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

22

23 The sheriff shall promptly provide to the department the
24 information received from the sexual predator.

25 (10) PENALTIES.--

26 (a) Except as otherwise specifically provided, a
27 sexual predator who fails to register; who fails, after
28 registration, to maintain, acquire, or renew a driver's
29 license or identification card; who fails to provide required
30 location information or change-of-name information; who fails
31 to make a required report in connection with vacating a

1 permanent residence; or who otherwise fails, by act or
2 omission, to comply with the requirements of this section,
3 commits a felony of the third degree, punishable as provided
4 in s. 775.082, s. 775.083, or s. 775.084.

5 (b) A sexual predator who has been convicted of or
6 found to have committed, or has pled nolo contendere or guilty
7 to, regardless of adjudication, any violation, or attempted
8 violation, of s. 787.01, s. 787.02, or s. 787.025, where the
9 victim is a minor and the defendant is not the victim's
10 parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s.
11 796.03; s. 800.04; s. 827.071; s. 847.0133; or s. 847.0145, or
12 a violation of a similar law of another jurisdiction, when the
13 victim of the offense was a minor, and who works, whether for
14 compensation or as a volunteer, at any business, school, day
15 care center, park, playground, or other place where children
16 regularly congregate, commits a felony of the third degree,
17 punishable as provided in s. 775.082, s. 775.083, or s.
18 775.084.

19 (c) Any person who misuses public records information
20 relating to a sexual predator, as defined in this section, or
21 a sexual offender, as defined in s. 943.0435 or s. 944.607, to
22 secure a payment from such a predator or offender; who
23 knowingly distributes or publishes false information relating
24 to such a predator or offender which the person misrepresents
25 as being public records information; or who materially alters
26 public records information with the intent to misrepresent the
27 information, including documents, summaries of public records
28 information provided by law enforcement agencies, or public
29 records information displayed by law enforcement agencies on
30 websites or provided through other means of communication,
31

1 commits a misdemeanor of the first degree, punishable as
2 provided in s. 775.082 or s. 775.083.

3 (d) A sexual predator who commits any act or omission
4 in violation of this section may be prosecuted for the act or
5 omission in the county in which the act or omission was
6 committed, the county of the last registered address of the
7 sexual predator, or the county in which the conviction
8 occurred for the offense or offenses that meet the criteria
9 for designating a person as a sexual predator. In addition, a
10 sexual predator may be prosecuted for any such act or omission
11 in the county in which he or she was designated a sexual
12 predator.

13 (e) An arrest on charges of failure to register, the
14 service of an information or a complaint for a violation of
15 this section, or an arraignment on charges for a violation of
16 this section constitutes actual notice of the duty to register
17 when the predator has been provided and advised of his or her
18 statutory obligation to register under subsection (6). A
19 sexual predator's failure to immediately register as required
20 by this section following such arrest, service, or arraignment
21 constitutes grounds for a subsequent charge of failure to
22 register. A sexual predator charged with the crime of failure
23 to register who asserts, or intends to assert, a lack of
24 notice of the duty to register as a defense to a charge of
25 failure to register shall immediately register as required by
26 this section. A sexual predator who is charged with a
27 subsequent failure to register may not assert the defense of a
28 lack of notice of the duty to register.

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

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

7 943.0435 Sexual offenders required to register with
8 the department; penalty.--

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

10 (b) "Convicted" means that there has been a
11 determination of guilt as a result of a trial or the entry of
12 a plea of guilty or nolo contendere, regardless of whether
13 adjudication is withheld. Conviction of a similar offense
14 includes, but is not limited to, a conviction by a federal or
15 military tribunal, including courts-martial conducted by the
16 Armed Forces of the United States, and includes a conviction
17 or entry of a plea of guilty or nolo contendere resulting in a
18 sanction in any state of the United States or other
19 jurisdiction. A sanction includes, but is not limited to, a
20 fine, probation, community control, parole, conditional
21 release, control release, or incarceration in a state prison,
22 federal prison, private correctional facility, or local
23 detention facility.

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

31

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

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

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

20 (4)(a) Each time a sexual offender's driver's license
21 or identification card is subject to renewal, and, without
22 regard to the status of the predator's driver's license or
23 identification card, within 48 hours after any change in the
24 offender's permanent or temporary residence or change in the
25 offender's name by reason of marriage or other legal process,
26 the offender shall report in person to a driver's license
27 office, and shall be subject to the requirements specified in
28 subsection (3). The Department of Highway Safety and Motor
29 Vehicles shall forward to the department all photographs and
30 information provided by sexual offenders. Notwithstanding the
31 restrictions set forth in s. 322.142, the Department of

1 Highway Safety and Motor Vehicles is authorized to release a
2 reproduction of a color-photograph or digital-image license to
3 the Department of Law Enforcement for purposes of public
4 notification of sexual offenders as provided in ss. 943.043,
5 943.0435, and 944.606.

6 (b) A sexual offender who vacates a permanent
7 residence and fails to establish or maintain another permanent
8 or temporary residence shall, within 48 hours after vacating
9 the permanent residence, report in person to the department or
10 the sheriff's office of the county in which he or she is
11 located. The sexual offender shall specify the date upon which
12 he or she intends to or did vacate such residence. The sexual
13 offender must provide or update all of the registration
14 information required under paragraph (2)(b). The sexual
15 offender must provide an address for the residence or other
16 location that he or she is or will be occupying during the
17 time in which he or she fails to establish or maintain a
18 permanent or temporary residence.

19 (c) A sexual offender who remains at a permanent
20 residence after reporting his or her intent to vacate such
21 residence shall, within 48 hours after the date upon which the
22 offender indicated he or she would or did vacate such
23 residence, report in person to the agency to which he or she
24 reported pursuant to paragraph (b) for the purpose of
25 reporting his or her address at such residence. If the sheriff
26 receives the report, the sheriff shall promptly convey the
27 information to the department. An offender who makes a report
28 as required under paragraph (b) but fails to make a report as
29 required under this paragraph commits a felony of the second
30 degree, punishable as provided in s. 775.082, s. 775.083, or
31 s. 775.084.

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

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

8 **(b) A sexual offender who commits any act or omission**
9 **in violation of this section may be prosecuted for the act or**
10 **omission in the county in which the act or omission was**
11 **committed, the county of the last registered address of the**
12 **sexual offender, or the county in which the conviction**
13 **occurred for the offense or offenses that meet the criteria**
14 **for designating a person as a sexual offender.**

15 **(c) An arrest on charges of failure to register when**
16 **the offender has been provided and advised of his or her**
17 **statutory obligations to register under subsection (2), the**
18 **service of an information or a complaint for a violation of**
19 **this section, or an arraignment on charges for a violation of**
20 **this section constitutes actual notice of the duty to**
21 **register. A sexual offender's failure to immediately register**
22 **as required by this section following such arrest, service, or**
23 **arraignment constitutes grounds for a subsequent charge of**
24 **failure to register. A sexual offender charged with the crime**
25 **of failure to register who asserts, or intends to assert, a**
26 **lack of notice of the duty to register as a defense to a**
27 **charge of failure to register shall immediately register as**
28 **required by this section. A sexual offender who is charged**
29 **with a subsequent failure to register may not assert the**
30 **defense of a lack of notice of the duty to register.**

31

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

4 Section 3. Paragraph (a) of subsection (1) of section
5 944.606, Florida Statutes, is amended to read:

6 944.606 Sexual offenders; notification upon release.--

7 (1) As used in this section:

8 (a) "Convicted" means there has been a determination
9 of guilt as a result of a trial or the entry of a plea of
10 guilty or nolo contendere, regardless of whether adjudication
11 is withheld. A conviction for a similar offense includes, but
12 is not limited to, a conviction by a federal or military
13 tribunal, including courts-martial conducted by the Armed
14 Forces of the United States, and includes a conviction or
15 entry of a plea of guilty or nolo contendere resulting in a
16 sanction in any state of the United States or other
17 jurisdiction. A sanction includes, but is not limited to, a
18 fine, probation, community control, parole, conditional
19 release, control release, or incarceration in a state prison,
20 federal prison, private correctional facility, or local
21 detention facility.

22 Section 4. Paragraph (b) of subsection (1) and
23 subsections (4) and (10) of section 944.607, Florida Statutes,
24 are amended, and subsection (9) of that section is reenacted
25 for the purpose of incorporating the amendments to sections
26 775.21 and 943.0435, Florida Statutes, in references thereto,
27 to read:

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

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

31

1 (b) "Conviction" means a determination of guilt which
2 is the result of a trial or the entry of a plea of guilty or
3 nolo contendere, regardless of whether adjudication is
4 withheld. Conviction of a similar offense includes, but is not
5 limited to, a conviction by a federal or military tribunal,
6 including courts-martial conducted by the Armed Forces of the
7 United States, and includes a conviction or entry of a plea of
8 guilty or nolo contendere resulting in a sanction in any state
9 of the United States or other jurisdiction. A sanction
10 includes, but is not limited to, a fine, probation, community
11 control, parole, conditional release, control release, or
12 incarceration in a state prison, federal prison, private
13 correctional facility, or local detention facility.

14 (4) A sexual offender, as described in this section,
15 who is under the supervision of the Department of Corrections
16 but is not incarcerated must register with the Department of
17 Corrections and provide ~~the following~~ information as required
18 by this subsection.†

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

28 (b) If the sexual offender is enrolled, employed, or
29 carrying on a vocation at an institution of higher education
30 in this state, the sexual offender shall provide the name,
31 address, and county of each institution, including each campus

1 attended, and the sexual offender's enrollment or employment
2 status. Each change in enrollment or employment status shall
3 be reported to the department within 48 hours after the change
4 in status. The Department of Corrections 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 (9) A sexual offender, as described in this section,
9 who is under the supervision of the Department of Corrections
10 but who is not incarcerated shall, in addition to the
11 registration requirements provided in subsection (4), register
12 in the manner provided in s. 943.0435(3), (4), and (5), unless
13 the sexual offender is a sexual predator, in which case he or
14 she shall register as required under s. 775.21. A sexual
15 offender who fails to comply with the requirements of s.
16 943.0435 is subject to the penalties provided in s.
17 943.0435(9).

18 (10)(a) The failure of a sexual offender to submit to
19 the taking of a digitized photograph, or to otherwise comply
20 with the requirements of this section, is a felony of the
21 third degree, punishable as provided in s. 775.082, s.
22 775.083, or s. 775.084.

23 (b) A sexual offender who commits any act or omission
24 in violation of this section may be prosecuted for the act or
25 omission in the county in which the act or omission was
26 committed, the county of the last registered address of the
27 sexual offender, or the county in which the conviction
28 occurred for the offense or offenses that meet the criteria
29 for designating a person as a sexual offender.

30 (c) An arrest on charges of failure to register when
31 the offender has been provided and advised of his or her

1 statutory obligations to register under s. 943.0435(2), the
2 service of an information or a complaint for a violation of
3 this section, or an arraignment on charges for a violation of
4 this section constitutes actual notice of the duty to
5 register. A sexual offender's failure to immediately register
6 as required by this section following such arrest, service, or
7 arraignment constitutes grounds for a subsequent charge of
8 failure to register. A sexual offender charged with the crime
9 of failure to register who asserts, or intends to assert, a
10 lack of notice of the duty to register as a defense to a
11 charge of failure to register shall immediately register as
12 required by this section. A sexual offender who is charged
13 with a subsequent failure to register may not assert the
14 defense of a lack of notice of the duty to register.

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

18 Section 5. For the purpose of incorporating the
19 amendments to sections 775.21, 943.0435, and 944.607, Florida
20 Statutes, in references thereto, subsection (5) of section
21 775.13, Florida Statutes, is reenacted to read:

22 775.13 Registration of convicted felons, exemptions;
23 penalties.--

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

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

26 (b) Who has received a full pardon for the offense for
27 which convicted;

28 (c) Who has been lawfully released from incarceration
29 or other sentence or supervision for a felony conviction for
30 more than 5 years prior to such time for registration, unless
31 the offender is a fugitive from justice on a felony charge or

1 has been convicted of any offense since release from such
2 incarceration or other sentence or supervision;

3 (d) Who is a parolee or probationer under the
4 supervision of the United States Parole Commission if the
5 commission knows of and consents to the presence of the
6 offender in Florida or is a probationer under the supervision
7 of any federal probation officer in the state or who has been
8 lawfully discharged from such parole or probation;

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

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

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

15 Section 6. For the purpose of incorporating the
16 amendments to sections 943.0435, 944.606, and 944.607, Florida
17 Statutes, in references thereto, subsection (2) of section
18 943.0436, Florida Statutes, is reenacted to read:

19 943.0436 Duty of the court to uphold laws governing
20 sexual predators and sexual offenders.--

21 (2) If a person meets the criteria in chapter 775 for
22 designation as a sexual predator or meets the criteria in s.
23 943.0435, s. 944.606, s. 944.607, or any other law for
24 classification as a sexual offender, the court may not enter
25 an order, for the purpose of approving a plea agreement or for
26 any other reason, which:

27 (a) Exempts a person who meets the criteria for
28 designation as a sexual predator or classification as a sexual
29 offender from such designation or classification, or exempts
30 such person from the requirements for registration or
31

1 community and public notification imposed upon sexual
2 predators and sexual offenders;

3 (b) Restricts the compiling, reporting, or release of
4 public records information that relates to sexual predators or
5 sexual offenders; or

6 (c) Prevents any person or entity from performing its
7 duties or operating within its statutorily conferred authority
8 as such duty or authority relates to sexual predators or
9 sexual offenders.

10 Section 7. For the purpose of incorporating the
11 amendments to sections 943.0435, 944.606, and 944.607, Florida
12 Statutes, in references thereto, subsection (2) of section
13 775.24, Florida Statutes, is reenacted to read:

14 775.24 Duty of the court to uphold laws governing
15 sexual predators and sexual offenders.--

16 (2) If a person meets the criteria in this chapter for
17 designation as a sexual predator or meets the criteria in s.
18 943.0435, s. 944.606, s. 944.607, or any other law for
19 classification as a sexual offender, the court may not enter
20 an order, for the purpose of approving a plea agreement or for
21 any other reason, which:

22 (a) Exempts a person who meets the criteria for
23 designation as a sexual predator or classification as a sexual
24 offender from such designation or classification, or exempts
25 such person from the requirements for registration or
26 community and public notification imposed upon sexual
27 predators and sexual offenders;

28 (b) Restricts the compiling, reporting, or release of
29 public records information that relates to sexual predators or
30 sexual offenders; or

31

1 (c) Prevents any person or entity from performing its
2 duties or operating within its statutorily conferred authority
3 as such duty or authority relates to sexual predators or
4 sexual offenders.

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

9 775.25 Prosecutions for acts or omissions.--A sexual
10 predator or sexual offender who commits any act or omission in
11 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606,
12 s. 944.607, or s. 947.177 may be prosecuted for the act or
13 omission in the county in which the act or omission was
14 committed, the county of the last registered address of the
15 sexual predator or sexual offender, or the county in which the
16 conviction occurred for the offense or offenses that meet the
17 criteria for designating a person as a sexual predator or
18 sexual offender. In addition, a sexual predator may be
19 prosecuted for any such act or omission in the county in which
20 he or she was designated a sexual predator.

21 Section 9. For the purpose of incorporating the
22 amendments to sections 775.21, 943.0435, and 944.607, Florida
23 Statutes, in references thereto, paragraph (b) of subsection
24 (3) of section 775.261, Florida Statutes, is reenacted to
25 read:

26 775.261 The Florida Career Offender Registration Act;
27 definitions; criteria; designation; registration; community
28 notification; immunity; penalties.--

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

30 (b) This section does not apply to any person who has
31 been designated as a sexual predator and required to register

1 under s. 775.21 or who is required to register as a sexual
2 offender under s. 943.0435 or s. 944.607. However, if a person
3 is no longer required to register as a sexual predator under
4 s. 775.21 or as a sexual offender under s. 943.0435 or s.
5 944.607, the person must register as a career offender under
6 this section if the person is otherwise designated as a career
7 offender as provided in this section.

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

12 921.0022 Criminal Punishment Code; offense severity
13 ranking chart.--

14 (3) OFFENSE SEVERITY RANKING CHART

15	16 Florida	17 Statute	18 Felony	19 Degree	20 Description
21					(f) LEVEL 6
22		316.193(2)(b)		3rd	Felony DUI, 4th or subsequent conviction.
23		499.0051(3)		2nd	Forgery of pedigree papers.
24		499.0051(4)		2nd	Purchase or receipt of legend drug from unauthorized person.
25					
26		499.0051(5)		2nd	Sale of legend drug to unauthorized person.
27					
28		775.0875(1)		3rd	Taking firearm from law enforcement officer.
29					
30					
31					

1	775.21(10)	3rd	Sexual predators; failure to
2			register; failure to renew
3			driver's license or
4			identification card.
5	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
6			without intent to kill.
7	784.021(1)(b)	3rd	Aggravated assault; intent to
8			commit felony.
9	784.041	3rd	Felony battery.
10	784.048(3)	3rd	Aggravated stalking; credible
11			threat.
12	784.048(5)	3rd	Aggravated stalking of person
13			under 16.
14	784.07(2)(c)	2nd	Aggravated assault on law
15			enforcement officer.
16	784.074(1)(b)	2nd	Aggravated assault on sexually
17			violent predators facility staff.
18	784.08(2)(b)	2nd	Aggravated assault on a person 65
19			years of age or older.
20	784.081(2)	2nd	Aggravated assault on specified
21			official or employee.
22	784.082(2)	2nd	Aggravated assault by detained
23			person on visitor or other
24			detainee.
25	784.083(2)	2nd	Aggravated assault on code
26			inspector.
27	787.02(2)	3rd	False imprisonment; restraining
28			with purpose other than those in
29			s. 787.01.
30	790.115(2)(d)	2nd	Discharging firearm or weapon on
31			school property.

1	790.161(2)	2nd	Make, possess, or throw
2			destructive device with intent to
3			do bodily harm or damage
4			property.
5	790.164(1)	2nd	False report of deadly explosive,
6			weapon of mass destruction, or
7			act of arson or violence to state
8			property.
9	790.19	2nd	Shooting or throwing deadly
10			missiles into dwellings, vessels,
11			or vehicles.
12	794.011(8)(a)	3rd	Solicitation of minor to
13			participate in sexual activity by
14			custodial adult.
15	794.05(1)	2nd	Unlawful sexual activity with
16			specified minor.
17	800.04(5)(d)	3rd	Lewd or lascivious molestation;
18			victim 12 years of age or older
19			but less than 16 years; offender
20			less than 18 years.
21	800.04(6)(b)	2nd	Lewd or lascivious conduct;
22			offender 18 years of age or
23			older.
24	806.031(2)	2nd	Arson resulting in great bodily
25			harm to firefighter or any other
26			person.
27	810.02(3)(c)	2nd	Burglary of occupied structure;
28			unarmed; no assault or battery.
29	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
30			but less than \$100,000, grand
31			theft in 2nd degree.

1	812.014(2)(b)2.	2nd	Property stolen; cargo valued at
2			less than \$50,000, grand theft in
3			2nd degree.
4	812.015(9)	2nd	Retail theft; property stolen
5			\$300 or more; second or
6			subsequent conviction.
7	812.13(2)(c)	2nd	Robbery, no firearm or other
8			weapon (strong-arm robbery).
9	817.034(4)(a)1.	1st	Communications fraud, value
10			greater than \$50,000.
11	817.4821(5)	2nd	Possess cloning paraphernalia
12			with intent to create cloned
13			cellular telephones.
14	825.102(1)	3rd	Abuse of an elderly person or
15			disabled adult.
16	825.102(3)(c)	3rd	Neglect of an elderly person or
17			disabled adult.
18	825.1025(3)	3rd	Lewd or lascivious molestation of
19			an elderly person or disabled
20			adult.
21	825.103(2)(c)	3rd	Exploiting an elderly person or
22			disabled adult and property is
23			valued at less than \$20,000.
24	827.03(1)	3rd	Abuse of a child.
25	827.03(3)(c)	3rd	Neglect of a child.
26	827.071(2)&(3)	2nd	Use or induce a child in a sexual
27			performance, or promote or direct
28			such performance.
29	836.05	2nd	Threats; extortion.
30	836.10	2nd	Written threats to kill or do
31			bodily injury.

1	843.12	3rd	Aids or assists person to escape.
2	847.0135(3)	3rd	Solicitation of a child, via a
3			computer service, to commit an
4			unlawful sex act.
5	914.23	2nd	Retaliation against a witness,
6			victim, or informant, with bodily
7			injury.
8	943.0435(9)	3rd	Sex offenders; failure to comply
9			with reporting requirements.
10	944.35(3)(a)2.	3rd	Committing malicious battery upon
11			or inflicting cruel or inhuman
12			treatment on an inmate or
13			offender on community
14			supervision, resulting in great
15			bodily harm.
16	944.40	2nd	Escapes.
17	944.46	3rd	Harboring, concealing, aiding
18			escaped prisoners.
19	944.47(1)(a)5.	2nd	Introduction of contraband
20			(firearm, weapon, or explosive)
21			into correctional facility.
22	951.22(1)	3rd	Intoxicating drug, firearm, or
23			weapon introduced into county
24			facility.

25 Section 11. For the purpose of incorporating the
26 amendments to sections 775.21 and 944.607, Florida Statutes,
27 in references thereto, subsection (7) of section 944.608,
28 Florida Statutes, is reenacted to read:

29 944.608 Notification to Department of Law Enforcement
30 of information on career offenders.--

31

1 (7) A career offender who is under the supervision of
2 the department but who is not incarcerated shall, in addition
3 to the registration requirements provided in subsection (3),
4 register in the manner provided in s. 775.261(4)(c), unless
5 the career offender is a sexual predator, in which case he or
6 she shall register as required under s. 775.21, or is a sexual
7 offender, in which case he or she shall register as required
8 in s. 944.607. A career offender who fails to comply with the
9 requirements of s. 775.261(4) is subject to the penalties
10 provided in s. 775.261(8).

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

15 39.806 Grounds for termination of parental rights.--

16 (1) The department, the guardian ad litem, or any
17 person who has knowledge of the facts alleged or who is
18 informed of those facts and believes that they are true may
19 petition for the termination of parental rights under any of
20 the following circumstances:

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

23 1. The period of time for which the parent is expected
24 to be incarcerated will constitute a substantial portion of
25 the period of time before the child will attain the age of 18
26 years;

27 2. The incarcerated parent has been determined by the
28 court to be a violent career criminal as defined in s.
29 775.084, a habitual violent felony offender as defined in s.
30 775.084, or a sexual predator as defined in s. 775.21; has
31 been convicted of first degree or second degree murder in

1 violation of s. 782.04 or a sexual battery that constitutes a
2 capital, life, or first degree felony violation of s. 794.011;
3 or has been convicted of an offense in another jurisdiction
4 which is substantially similar to one of the offenses listed
5 in this paragraph. As used in this section, the term
6 "substantially similar offense" means any offense that is
7 substantially similar in elements and penalties to one of
8 those listed in this subparagraph, and that is in violation of
9 a law of any other jurisdiction, whether that of another
10 state, the District of Columbia, the United States or any
11 possession or territory thereof, or any foreign jurisdiction;
12 or

13 3. The court determines by clear and convincing
14 evidence that continuing the parental relationship with the
15 incarcerated parent would be harmful to the child and, for
16 this reason, that termination of the parental rights of the
17 incarcerated parent is in the best interest of the child.

18 Section 13. For the purpose of incorporating the
19 amendment to section 775.21, Florida Statutes, in a reference
20 thereto, paragraph (b) of subsection (4) of section 63.089,
21 Florida Statutes, is reenacted to read:

22 63.089 Proceeding to terminate parental rights pending
23 adoption; hearing; grounds; dismissal of petition; judgment.--

24 (4) FINDING OF ABANDONMENT.--A finding of abandonment
25 resulting in a termination of parental rights must be based
26 upon clear and convincing evidence that a parent or person
27 having legal custody has abandoned the child in accordance
28 with the definition contained in s. 63.032(1). A finding of
29 abandonment may be based upon emotional abuse or a refusal to
30 provide reasonable financial support, when able, to a birth
31 mother during her pregnancy. If, in the opinion of the court,

1 the efforts of a parent or person having legal custody of the
2 child to support and communicate with the child are only
3 marginal efforts that do not evince a settled purpose to
4 assume all parental duties, the court may declare the child to
5 be abandoned. In making this decision, the court may consider
6 the conduct of a father toward the child's mother during her
7 pregnancy.

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

11 1. The period of time for which the parent is expected
12 to be incarcerated will constitute a substantial portion of
13 the period of time before the child will attain the age of 18
14 years;

15 2. The incarcerated parent has been determined by the
16 court to be a violent career criminal as defined in s.
17 775.084, a habitual violent felony offender as defined in s.
18 775.084, convicted of child abuse as defined in s. 827.03, or
19 a sexual predator as defined in s. 775.21; has been convicted
20 of first degree or second degree murder in violation of s.
21 782.04 or a sexual battery that constitutes a capital, life,
22 or first degree felony violation of s. 794.011; or has been
23 convicted of an offense in another jurisdiction which is
24 substantially similar to one of the offenses listed in this
25 subparagraph. As used in this section, the term "substantially
26 similar offense" means any offense that is substantially
27 similar in elements and penalties to one of those listed in
28 this subparagraph, and that is in violation of a law of any
29 other jurisdiction, whether that of another state, the
30 District of Columbia, the United States or any possession or
31 territory thereof, or any foreign jurisdiction; or

1 3. The court determines by clear and convincing
2 evidence that continuing the parental relationship with the
3 incarcerated parent would be harmful to the child and, for
4 this reason, that termination of the parental rights of the
5 incarcerated parent is in the best interest of the child.

6 Section 14. For the purpose of incorporating the
7 amendment to section 775.21, Florida Statutes, in a reference
8 thereto, subsection (3) of section 63.092, Florida Statutes,
9 is reenacted to read:

10 63.092 Report to the court of intended placement by an
11 adoption entity; at-risk placement; preliminary study.--

12 (3) PRELIMINARY HOME STUDY.--Before placing the minor
13 in the intended adoptive home, a preliminary home study must
14 be performed by a licensed child-placing agency, a
15 child-caring agency registered under s. 409.176, a licensed
16 professional, or agency described in s. 61.20(2), unless the
17 adoptee is an adult or the petitioner is a stepparent or a
18 relative. If the adoptee is an adult or the petitioner is a
19 stepparent or a relative, a preliminary home study may be
20 required by the court for good cause shown. The department is
21 required to perform the preliminary home study only if there
22 is no licensed child-placing agency, child-caring agency
23 registered under s. 409.176, licensed professional, or agency
24 described in s. 61.20(2), in the county where the prospective
25 adoptive parents reside. The preliminary home study must be
26 made to determine the suitability of the intended adoptive
27 parents and may be completed prior to identification of a
28 prospective adoptive minor. A favorable preliminary home study
29 is valid for 1 year after the date of its completion. Upon its
30 completion, a copy of the home study must be provided to the
31 intended adoptive parents who were the subject of the home

1 study. A minor may not be placed in an intended adoptive home
2 before a favorable preliminary home study is completed unless
3 the adoptive home is also a licensed foster home under s.
4 409.175. The preliminary home study must include, at a
5 minimum:

6 (a) An interview with the intended adoptive parents;

7 (b) Records checks of the department's central abuse
8 registry and criminal records correspondence checks pursuant
9 to s. 435.045 through the Department of Law Enforcement on the
10 intended adoptive parents;

11 (c) An assessment of the physical environment of the
12 home;

13 (d) A determination of the financial security of the
14 intended adoptive parents;

15 (e) Documentation of counseling and education of the
16 intended adoptive parents on adoptive parenting;

17 (f) Documentation that information on adoption and the
18 adoption process has been provided to the intended adoptive
19 parents;

20 (g) Documentation that information on support services
21 available in the community has been provided to the intended
22 adoptive parents; and

23 (h) A copy of each signed acknowledgment of receipt of
24 disclosure required by s. 63.085.

25
26 If the preliminary home study is favorable, a minor may be
27 placed in the home pending entry of the judgment of adoption.
28 A minor may not be placed in the home if the preliminary home
29 study is unfavorable. If the preliminary home study is
30 unfavorable, the adoption entity may, within 20 days after
31 receipt of a copy of the written recommendation, petition the

1 court to determine the suitability of the intended adoptive
2 home. A determination as to suitability under this subsection
3 does not act as a presumption of suitability at the final
4 hearing. In determining the suitability of the intended
5 adoptive home, the court must consider the totality of the
6 circumstances in the home. No minor may be placed in a home in
7 which there resides any person determined by the court to be a
8 sexual predator as defined in s. 775.21 or to have been
9 convicted of an offense listed in s. 63.089(4)(b)2.

10 Section 15. For the purpose of incorporating the
11 amendment to section 775.21, Florida Statutes, in references
12 thereto, subsection (4) of section 944.609, Florida Statutes,
13 is reenacted to read:

14 944.609 Career offenders; notification upon release.--

15 (4) The department or any law enforcement agency may
16 notify the community and the public of a career offender's
17 presence in the community. However, with respect to a career
18 offender who has been found to be a sexual predator under s.
19 775.21, the Department of Law Enforcement or any other law
20 enforcement agency must inform the community and the public of
21 the career offender's presence in the community, as provided
22 in s. 775.21.

23 Section 16. For the purpose of incorporating the
24 amendment to section 775.21, Florida Statutes, in a reference
25 thereto, paragraph (c) of subsection (2) of section 947.1405,
26 Florida Statutes, is reenacted to read:

27 947.1405 Conditional release program.--

28 (2) Any inmate who:

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

31

1 shall, upon reaching the tentative release date or provisional
2 release date, whichever is earlier, as established by the
3 Department of Corrections, be released under supervision
4 subject to specified terms and conditions, including payment
5 of the cost of supervision pursuant to s. 948.09. Such
6 supervision shall be applicable to all sentences within the
7 overall term of sentences if an inmate's overall term of
8 sentences includes one or more sentences that are eligible for
9 conditional release supervision as provided herein. Effective
10 July 1, 1994, and applicable for offenses committed on or
11 after that date, the commission may require, as a condition of
12 conditional release, that the releasee make payment of the
13 debt due and owing to a county or municipal detention facility
14 under s. 951.032 for medical care, treatment, hospitalization,
15 or transportation received by the releasee while in that
16 detention facility. The commission, in determining whether to
17 order such repayment and the amount of such repayment, shall
18 consider the amount of the debt, whether there was any fault
19 of the institution for the medical expenses incurred, the
20 financial resources of the releasee, the present and potential
21 future financial needs and earning ability of the releasee,
22 and dependents, and other appropriate factors. If any inmate
23 placed on conditional release supervision is also subject to
24 probation or community control, resulting from a probationary
25 or community control split sentence within the overall term of
26 sentences, the Department of Corrections shall supervise such
27 person according to the conditions imposed by the court and
28 the commission shall defer to such supervision. If the court
29 revokes probation or community control and resentsences the
30 offender to a term of incarceration, such revocation also
31 constitutes a sufficient basis for the revocation of the

1 conditional release supervision on any nonprobationary or
2 noncommunity control sentence without further hearing by the
3 commission. If any such supervision on any nonprobationary or
4 noncommunity control sentence is revoked, such revocation may
5 result in a forfeiture of all gain-time, and the commission
6 may revoke the resulting deferred conditional release
7 supervision or take other action it considers appropriate. If
8 the term of conditional release supervision exceeds that of
9 the probation or community control, then, upon expiration of
10 the probation or community control, authority for the
11 supervision shall revert to the commission and the supervision
12 shall be subject to the conditions imposed by the commission.
13 A panel of no fewer than two commissioners shall establish the
14 terms and conditions of any such release. If the offense was a
15 controlled substance violation, the conditions shall include a
16 requirement that the offender submit to random substance abuse
17 testing intermittently throughout the term of conditional
18 release supervision, upon the direction of the correctional
19 probation officer as defined in s. 943.10(3). The commission
20 shall also determine whether the terms and conditions of such
21 release have been violated and whether such violation warrants
22 revocation of the conditional release.

23 Section 17. For the purpose of incorporating the
24 amendment to section 775.21, Florida Statutes, in a reference
25 thereto, section 948.12, Florida Statutes, is reenacted to
26 read:

27 948.12 Intensive supervision for postprison release of
28 violent offenders.--It is the finding of the Legislature that
29 the population of violent offenders released from state prison
30 into the community poses the greatest threat to the public
31 safety of the groups of offenders under community supervision.

1 Therefore, for the purpose of enhanced public safety, any
2 offender released from state prison who:

3 (1) Was most recently incarcerated for an offense that
4 is or was contained in category 1 (murder, manslaughter),
5 category 2 (sexual offenses), category 3 (robbery), or
6 category 4 (violent personal crimes) of Rules 3.701 and 3.988,
7 Florida Rules of Criminal Procedure (1993), and who has served
8 at least one prior felony commitment at a state or federal
9 correctional institution;

10 (2) Was sentenced as a habitual offender, violent
11 habitual offender, or violent career criminal pursuant to s.
12 775.084; or

13 (3) Has been found to be a sexual predator pursuant to
14 s. 775.21,

15
16 and who has a term of probation to follow the period of
17 incarceration shall be provided intensive supervision by
18 experienced correctional probation officers. Subject to
19 specific appropriation by the Legislature, caseloads may be
20 restricted to a maximum of 40 offenders per officer to provide
21 for enhanced public safety as well as to effectively monitor
22 conditions of electronic monitoring or curfews, if such was
23 ordered by the court.

24 Section 18. This act shall take effect July 1, 2004.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2054

- Requires that a person civilly committed as a sexually violent predator be designated as a sexual predator for registration and notification purposes by the court involved in the civil commitment.
- Provides registration requirements for sexual predators and sexual offenders who vacate a permanent residence and don't establish or maintain another residence.
- Provides that it is a second degree felony for a sexual predator or sexual offender to fail to report that he or she remains at a residence after he or she has reported vacating the residence.
- Modifies the definition of "conviction" under the registration statutes to indicate that a conviction includes an entry of a guilty plea or a plea of nolo contendere resulting in a sanction.
- Indicates where venue may occur for the purpose of prosecuting violations of the registration laws.