

Bill No. CS for CS for SB 1216

Barcode 524788

CHAMBER ACTION

Senate

House

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Senator Argenziano moved the following amendment:

**Senate Amendment (with title amendment)**

On page 4, line 28, through page 8, line 4, delete those lines

and insert:

Section 2. Paragraph (b) of subsection (4), Paragraph (1) of subsection (6), subsection (8), and subsection (10) of section 775.21, Florida Statutes, are amended to read:

775.21 The Florida Sexual Predators Act.--

(4) SEXUAL PREDATOR CRITERIA.--

(b) In order to be counted as a prior felony for purposes of this subsection, the felony must have resulted in a conviction sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense and sentenced or adjudicated separately from any other felony conviction that is to be counted as a prior felony. ~~If the offender's prior enumerated felony was committed more than 10 years before the primary offense, it shall not be considered a prior felony under this subsection if the offender has not~~

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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 (6) REGISTRATION.--

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. A sexual predator  
26 who was designated as a sexual predator by a court on or after  
27 October 1, 2005, who has been lawfully released from  
28 confinement, supervision, or sanction, whichever is later, for  
29 at least 30 years, and who has not been arrested for any  
30 felony or misdemeanor offense since release may petition the  
31 criminal division of the circuit court in the circuit in which

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

30  
31 The sheriff shall promptly provide to the department the

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1 information received from the sexual predator.

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

16 (a) A sexual predator must report in person each year  
17 during the month of the sexual predator's birthday and during  
18 the sixth month following the sexual predator's birth month to  
19 the sheriff's office in the county in which he or she resides  
20 or is otherwise located to reregister. The sheriff's office  
21 may determine the appropriate times and days for reporting by  
22 the sexual predator, which shall be consistent with the  
23 reporting requirements of this paragraph. Reregistration shall  
24 include any changes to the following information:

25 1. Name; social security number; age; race; sex; date  
26 of birth; height; weight; hair and eye color; address of any  
27 permanent residence and address of any current temporary  
28 residence, within the state or out of state, including a rural  
29 route address and a post office box; date and place of any  
30 employment; vehicle make, model, color, and license tag  
31 number; fingerprints; and photograph. A post office box shall

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1 not be provided in lieu of a physical residential address.

2       2. If the sexual predator is enrolled, employed, or  
3 carrying on a vocation at an institution of higher education  
4 in this state, the sexual predator shall also provide to the  
5 department the name, address, and county of each institution,  
6 including each campus attended, and the sexual predator's  
7 enrollment or employment status.

8       3. If the sexual predator's place of residence is a  
9 motor vehicle, trailer, mobile home, or manufactured home, as  
10 defined in chapter 320, the sexual predator shall also provide  
11 vehicle identification number; the license tag number; the  
12 registration number; and a description, including color  
13 scheme, of the motor vehicle, trailer, mobile home, or  
14 manufactured home. If the sexual predator's place of residence  
15 is a vessel, live-aboard vessel, or houseboat, as defined in  
16 chapter 327, the sexual predator shall also provide the hull  
17 identification number; the manufacturer's serial number; the  
18 name of the vessel, live-aboard vessel, or houseboat; the  
19 registration number; and a description, including color  
20 scheme, of the vessel, live-aboard vessel, or houseboat.

21       (b) The sheriff's office shall, within 2 working days,  
22 electronically submit and update all information provided by  
23 the sexual predator to the department in a manner prescribed  
24 by the department. This procedure shall be implemented by  
25 December 1, 2005.

26       (10) PENALTIES.--.

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

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1 to make a required report in connection with vacating a  
2 permanent residence; who fails to reregister as required; who  
3 fails to respond to any address verification correspondence  
4 from the department within three weeks of the date of the  
5 correspondence; or who otherwise fails, by act or omission, to  
6 comply with the requirements of this section, commits a felony  
7 of the third degree, punishable as provided in s. 775.082, s.  
8 775.083, or s. 775.084.

9 (b) A sexual predator who has been convicted of or  
10 found to have committed, or has pled nolo contendere or guilty  
11 to, regardless of adjudication, any violation, or attempted  
12 violation, of s. 787.01, s. 787.02, or s. 787.025, where the  
13 victim is a minor and the defendant is not the victim's  
14 parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s.  
15 796.03; s. 800.04; s. 827.071; s. 847.0133; or s. 847.0145, or  
16 a violation of a similar law of another jurisdiction, when the  
17 victim of the offense was a minor, and who works, whether for  
18 compensation or as a volunteer, at any business, school, day  
19 care center, park, playground, or other place where children  
20 regularly congregate, commits a felony of the third degree,  
21 punishable as provided in s. 775.082, s. 775.083, or s.  
22 775.084.

23 (c) Any person who misuses public records information  
24 relating to a sexual predator, as defined in this section, or  
25 a sexual offender, as defined in s. 943.0435 or s. 944.607, to  
26 secure a payment from such a predator or offender; who  
27 knowingly distributes or publishes false information relating  
28 to such a predator or offender which the person misrepresents  
29 as being public records information; or who materially alters  
30 public records information with the intent to misrepresent the  
31 information, including documents, summaries of public records

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1 information provided by law enforcement agencies, or public  
2 records information displayed by law enforcement agencies on  
3 websites or provided through other means of communication,  
4 commits a misdemeanor of the first degree, punishable as  
5 provided in s. 775.082 or s. 775.083.

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

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

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

4 (g) Any person who has reason to believe that a sexual  
5 predator is not complying, or has not complied, with the  
6 requirements of this section and who, with the intent to  
7 assist the sexual predator in eluding a law enforcement agency  
8 that is seeking to find the sexual predator to question the  
9 sexual predator about, or to arrest the sexual predator for,  
10 his or her noncompliance with the requirements of this  
11 section:

12 1. Withholds information from, or does not notify, the  
13 law enforcement agency about the sexual predator's  
14 noncompliance with the requirements of this section, and, if  
15 known, the whereabouts of the sexual predator;

16 2. Harbors, or attempts to harbor, or assists another  
17 person in harboring or attempting to harbor, the sexual  
18 predator;

19 3. Conceals or attempts to conceal, or assists another  
20 person in concealing or attempting to conceal, the sexual  
21 predator; or

22 4. Provides information to the law enforcement agency  
23 regarding the sexual predator which the person knows to be  
24 false information,

25  
26 commits a felony of the third degree, punishable as provided  
27 in s. 775.082, s. 775.083, or s. 775.084. This paragraph does  
28 not apply if the sexual predator is incarcerated in or is in  
29 the custody of a state correctional facility, a private  
30 correctional facility, a local jail, or a federal correctional  
31 facility.



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1 ===== T I T L E    A M E N D M E N T =====

2 And the title is amended as follows:

3            On page 1, lines 4-11, delete those lines

4

5 and insert:

6            F.S.; revising sexual predator criteria;

7            extending the period for a petition to remove a

8            sexual predator designation; requiring twice

9            yearly reregistration by sexual predators;

10            requiring reregistration information be

11            provided to the Department of Law Enforcement;

12            providing criminal offenses for failing to

13            reregister, failing to respond to address

14            verification, failing to report or providing

15            false information about a sexual predator, and

16            harboring or concealing a sexual predator;

17            amending s.

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