

Bill No. SB 1004

Barcode 292138

CHAMBER ACTION

Senate

House

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11 The Committee on Criminal and Civil Justice Appropriations  
 12 (Argenziano) recommended the following **substitute for**  
 13 **amendment** (144798):

**Senate Amendment (with title amendment)**

16 On page 11, line 17,  
 17 Delete that line

19 and insert:

20 Section 7. Paragraphs (j) and (k) are added to  
 21 subsection (2), paragraphs (a), (e), and (g) of subsection  
 22 (6), subsection (8), and paragraph (a) of subsection (10) of  
 23 s. 775.21, Florida Statutes, are amended to read:

24 775.21 The Florida Sexual Predators Act.--

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

26 (j) "Electronic mail address" has the same meaning as  
 27 provided in s. 668.602.

28 (k) "Instant message name" means an identifier that  
 29 allows a person to communicate in real-time with another  
 30 person using the Internet.

31 (6) REGISTRATION.--

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

4 1. Name, social security number, age, race, sex, date  
5 of birth, height, weight, hair and eye color, photograph,  
6 address of legal residence and address of any current  
7 temporary residence, within the state or out of state,  
8 including a rural route address and a post office box, any  
9 electronic mail address and any instant message name required  
10 to be provided pursuant to paragraph (g)4., date and place of  
11 any employment, date and place of each conviction,  
12 fingerprints, and a brief description of the crime or crimes  
13 committed by the offender. A post office box shall not be  
14 provided in lieu of a physical residential address.

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

31 b. If the sexual predator is enrolled, employed, or

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

14           2. Any other information determined necessary by the  
 15 department, including criminal and corrections records;  
 16 nonprivileged personnel and treatment records; and evidentiary  
 17 genetic markers when available.

18           (e) If the sexual predator is not in the custody or  
 19 control of, or under the supervision of, the Department of  
 20 Corrections, or is not in the custody of a private  
 21 correctional facility, and establishes or maintains a  
 22 residence in the state, the sexual predator shall register in  
 23 person at the sheriff's office in the county in which the  
 24 predator establishes or maintains a residence, within 48 hours  
 25 after establishing permanent or temporary residence in this  
 26 state. Any change in the sexual predator's permanent or  
 27 temporary residence, ~~or~~ name, or any electronic mail address  
 28 and any instant message name required to be provided pursuant  
 29 to paragraph (g)4. after the sexual predator registers in

30 person at the sheriff's office, shall be accomplished in the  
 31 manner provided in paragraphs (g), (i), and (j). When a sexual

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1 predator registers with the sheriff's office, the sheriff  
 2 shall take a photograph and a set of fingerprints of the  
 3 predator and forward the photographs and fingerprints to the  
 4 department, along with the information that the predator is  
 5 required to provide pursuant to this section.

6 (g)1. Each time a sexual predator's driver's license  
 7 or identification card is subject to renewal, and, without  
 8 regard to the status of the predator's driver's license or  
 9 identification card, within 48 hours after any change of the  
 10 predator's residence or change in the predator's name by  
 11 reason of marriage or other legal process, the predator shall  
 12 report in person to a driver's license office and shall be  
 13 subject to the requirements specified in paragraph (f). The  
 14 Department of Highway Safety and Motor Vehicles shall forward  
 15 to the department and to the Department of Corrections all  
 16 photographs and information provided by sexual predators.  
 17 Notwithstanding the restrictions set forth in s. 322.142, the  
 18 Department of Highway Safety and Motor Vehicles is authorized  
 19 to release a reproduction of a color-photograph or  
 20 digital-image license to the Department of Law Enforcement for  
 21 purposes of public notification of sexual predators as  
 22 provided in this section.

23 2. A sexual predator who vacates a permanent residence  
 24 and fails to establish or maintain another permanent or  
 25 temporary residence shall, within 48 hours after vacating the  
 26 permanent residence, report in person to the sheriff's office  
 27 of the county in which he or she is located. The sexual  
 28 predator shall specify the date upon which he or she intends  
 29 to or did vacate such residence. The sexual predator must  
 30 provide or update all of the registration information required  
 31 under paragraph (a). The sexual predator must provide an

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1 address for the residence or other location that he or she is  
2 or will be occupying during the time in which he or she fails  
3 to establish or maintain a permanent or temporary residence.

4           3. A sexual predator who remains at a permanent  
5 residence after reporting his or her intent to vacate such  
6 residence shall, within 48 hours after the date upon which the  
7 predator indicated he or she would or did vacate such  
8 residence, report in person to the sheriff's office to which  
9 he or she reported pursuant to subparagraph 2. for the purpose  
10 of reporting his or her address at such residence. When the  
11 sheriff receives the report, the sheriff shall promptly convey  
12 the information to the department. An offender who makes a  
13 report as required under subparagraph 2. but fails to make a  
14 report as required under this subparagraph commits a felony of  
15 the second degree, punishable as provided in s. 775.082, s.  
16 775.083, or s. 775.084.

17           4. A sexual predator must register any electronic mail  
18 address or instant message name with the department prior to  
19 using such electronic mail address or instant message name on  
20 or after October 1, 2007. The department shall establish an  
21 online system through which sexual predators may securely  
22 access and update all electronic mail address and instant  
23 message name information.

24           (8) VERIFICATION.--The department and the Department  
25 of Corrections shall implement a system for verifying the  
26 addresses of sexual predators. The system must be consistent  
27 with the provisions of the federal Jacob Wetterling Act, as  
28 amended, and any other federal standards applicable to such  
29 verification or required to be met as a condition for the  
30 receipt of federal funds by the state. The Department of  
31 Corrections shall verify the addresses of sexual predators who

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1 are not incarcerated but who reside in the community under the  
 2 supervision of the Department of Corrections. County and local  
 3 law enforcement agencies, in conjunction with the department,  
 4 shall verify the addresses of sexual predators who are not  
 5 under the care, custody, control, or supervision of the  
 6 Department of Corrections.

7 (a) A sexual predator must report in person each year  
 8 during the month of the sexual predator's birthday and during  
 9 the sixth month following the sexual predator's birth month to  
 10 the sheriff's office in the county in which he or she resides  
 11 or is otherwise located to reregister. The sheriff's office  
 12 may determine the appropriate times and days for reporting by  
 13 the sexual predator, which shall be consistent with the  
 14 reporting requirements of this paragraph. Reregistration shall  
 15 include any changes to the following information:

16 1. Name; social security number; age; race; sex; date  
 17 of birth; height; weight; hair and eye color; address of any  
 18 permanent residence and address of any current temporary  
 19 residence, within the state or out of state, including a rural  
 20 route address and a post office box; any electronic mail  
 21 address and any instant message name required to be provided  
 22 pursuant to paragraph (g)4.; date and place of any employment;  
 23 vehicle make, model, color, and license tag number;  
 24 fingerprints; and photograph. A post office box shall not be  
 25 provided in lieu of a physical residential address.

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

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

14           (b) The sheriff's office shall, within 2 working days,  
15 electronically submit and update all information provided by  
16 the sexual predator to the department in a manner prescribed  
17 by the department. This procedure shall be implemented by  
18 December 1, 2005.

19           (10) PENALTIES.--

20           (a) Except as otherwise specifically provided, a  
21 sexual predator who fails to register; who fails, after  
22 registration, to maintain, acquire, or renew a driver's  
23 license or identification card; who fails to provide required  
24 location information, electronic mail address information,  
25 instant message name information, or change-of-name  
26 information; who fails to make a required report in connection  
27 with vacating a permanent residence; who fails to reregister  
28 as required; who fails to respond to any address verification  
29 correspondence from the department within 3 weeks of the date  
30 of the correspondence; or who otherwise fails, by act or  
31 omission, to comply with the requirements of this section,

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1 commits a felony of the third degree, punishable as provided  
2 in s. 775.082, s. 775.083, or s. 775.084.

3 Section 8. Paragraphs (f) and (g) are added to  
4 subsection (1) and subsection (2), subsection (4) and  
5 subsection (14) of section 943.0435, Florida Statutes, are  
6 amended to read:

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

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

10 (f) "Electronic mail address" has the same meaning as  
11 provided in s. 668.602.

12 (g) "Instant message name" means an identifier that  
13 allows a person to communicate in real-time with another  
14 person using the Internet.

15 (2) A sexual offender shall:

16 (a) Report in person at the sheriff's office in the  
17 county in which the offender establishes or maintains a  
18 permanent or temporary residence, within 48 hours after  
19 establishing permanent or temporary residence in this state or  
20 within 48 hours after being released from the custody,  
21 control, or supervision of the Department of Corrections or  
22 from the custody of a private correctional facility. Any  
23 change in the sexual offender's permanent or temporary  
24 residence, ~~or~~ name, or any electronic mail address or any  
25 instant message name required to be provided pursuant to  
26 subsection 4(d), after the sexual offender reports in person  
27 at the sheriff's office, shall be accomplished in the manner  
28 provided in subsections (4), (7), and (8).

29 (b) Provide his or her name, date of birth, social  
30 security number, race, sex, height, weight, hair and eye  
31 color, tattoos or other identifying marks, occupation and



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1 place of employment, address of permanent or legal residence  
 2 or address of any current temporary residence, within the  
 3 state and out of state, including a rural route address and a  
 4 post office box, any electronic mail address and any instant  
 5 message name required to be provided pursuant to subsection  
 6 4(d), date and place of each conviction, and a brief  
 7 description of the crime or crimes committed by the offender.  
 8 A post office box shall not be provided in lieu of a physical  
 9 residential address.

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

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

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1 sheriff shall promptly notify each institution of the sexual  
2 offender's presence and any change in the sexual offender's  
3 enrollment or employment status.

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

11 (4)(a) Each time a sexual offender's driver's license  
12 or identification card is subject to renewal, and, without  
13 regard to the status of the offender's driver's license or  
14 identification card, within 48 hours after any change in the  
15 offender's permanent or temporary residence or change in the  
16 offender's name by reason of marriage or other legal process,  
17 the offender shall report in person to a driver's license  
18 office, and shall be subject to the requirements specified in  
19 subsection (3). The Department of Highway Safety and Motor  
20 Vehicles shall forward to the department all photographs and  
21 information provided by sexual offenders. Notwithstanding the  
22 restrictions set forth in s. 322.142, the Department of  
23 Highway Safety and Motor Vehicles is authorized to release a  
24 reproduction of a color-photograph or digital-image license to  
25 the Department of Law Enforcement for purposes of public  
26 notification of sexual offenders as provided in ss. 943.043,  
27 943.0435, and 944.606.

28 (b) A sexual offender who vacates a permanent  
29 residence and fails to establish or maintain another permanent  
30 or temporary residence shall, within 48 hours after vacating  
31 the permanent residence, report in person to the sheriff's

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1 office of the county in which he or she is located. The sexual  
 2 offender shall specify the date upon which he or she intends  
 3 to or did vacate such residence. The sexual offender must  
 4 provide or update all of the registration information required  
 5 under paragraph (2)(b). The sexual offender must provide an  
 6 address for the residence or other location that he or she is  
 7 or will be occupying during the time in which he or she fails  
 8 to establish or maintain a permanent or temporary residence.

9 (c) A sexual offender who remains at a permanent  
 10 residence after reporting his or her intent to vacate such  
 11 residence shall, within 48 hours after the date upon which the  
 12 offender indicated he or she would or did vacate such  
 13 residence, report in person to the agency to which he or she  
 14 reported pursuant to paragraph (b) for the purpose of  
 15 reporting his or her address at such residence. When the  
 16 sheriff receives the report, the sheriff shall promptly convey  
 17 the information to the department. An offender who makes a  
 18 report as required under paragraph (b) but fails to make a  
 19 report as required under this paragraph commits a felony of  
 20 the second degree, punishable as provided in s. 775.082, s.  
 21 775.083, or s. 775.084.

22 (d) A sexual offender must register any electronic  
 23 mail address or instant message name with the department prior  
 24 to using such electronic mail address or instant message name  
 25 on or after October 1, 2007. The department shall establish an  
 26 online system through which sexual offenders may securely  
 27 access and update all electronic mail and instant message name  
 28 information.

29 (14)(a) A sexual offender must report in person each  
 30 year during the month of the sexual offender's birthday and  
 31 during the sixth month following the sexual offender's birth

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1 month to the sheriff's office in the county in which he or she  
 2 resides or is otherwise located to reregister. The sheriff's  
 3 office may determine the appropriate times and days for  
 4 reporting by the sexual offender, which shall be consistent  
 5 with the reporting requirements of this paragraph.

6 Reregistration shall include any changes to the following  
 7 information:

8           1. Name; social security number; age; race; sex; date  
 9 of birth; height; weight; hair and eye color; address of any  
 10 permanent residence and address of any current temporary  
 11 residence, within the state or out of state, including a rural  
 12 route address and a post office box; any electronic mail  
 13 address and any instant message name required to be provided  
 14 pursuant to paragraph 4(d); date and place of any employment;  
 15 vehicle make, model, color, and license tag number;  
 16 fingerprints; and photograph. A post office box shall not be  
 17 provided in lieu of a physical residential address.

18           2. If the sexual offender is enrolled, employed, or  
 19 carrying on a vocation at an institution of higher education  
 20 in this state, the sexual offender shall also provide to the  
 21 department the name, address, and county of each institution,  
 22 including each campus attended, and the sexual offender's  
 23 enrollment or employment status.

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

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1 chapter 327, the sexual offender shall also provide the hull  
 2 identification number; the manufacturer's serial number; the  
 3 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           4. Any sexual offender who fails to report in person  
 7 as required at the sheriff's office, or who fails to respond  
 8 to any address verification correspondence from the department  
 9 within 3 weeks of the date of the correspondence, or who fails  
 10 to report electronic mail addresses or instant message names,  
 11 commits a felony of the third degree, punishable as provided  
 12 in s. 775.082, s. 775.083, or s. 775.084.

13           (b) The sheriff's office shall, within 2 working days,  
 14 electronically submit and update all information provided by  
 15 the sexual offender to the department in a manner prescribed  
 16 by the department. This procedure shall be implemented by  
 17 December 1, 2005.

18           Section 9. Paragraphs (c) and (d) are added to  
 19 subsection (1) and paragraph (a) of subsection (3) of s.  
 20 944.606, Florida Statutes, is amended to read:

21           944.606 Sexual offenders; notification upon release.--

22           (1) As used in this section:

23           (c) "Electronic mail address" has the same meaning as  
 24 provided in s. 668.602.

25           (d) "Instant message name" means an identifier that  
 26 allows a person to communicate in real-time with another  
 27 person using the Internet.

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

31           1. The department must provide: the sexual offender's

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1 name, any change in the offender's name by reason of marriage  
2 or other legal process, and any alias, if known; the  
3 correctional facility from which the sexual offender is  
4 released; the sexual offender's social security number, race,  
5 sex, date of birth, height, weight, and hair and eye color;  
6 date and county of sentence and each crime for which the  
7 offender was sentenced; a copy of the offender's fingerprints  
8 and a digitized photograph taken within 60 days before  
9 release; the date of release of the sexual offender; any  
10 electronic mail address and any instant message name required  
11 to be provided pursuant to section 943.0435(4)(d); and the  
12 offender's intended residence address, if known. The  
13 department shall notify the Department of Law Enforcement if  
14 the sexual offender escapes, absconds, or dies. If the sexual  
15 offender is in the custody of a private correctional facility,  
16 the facility shall take the digitized photograph of the sexual  
17 offender within 60 days before the sexual offender's release  
18 and provide this photograph to the Department of Corrections  
19 and also place it in the sexual offender's file. If the sexual  
20 offender is in the custody of a local jail, the custodian of  
21 the local jail shall notify the Department of Law Enforcement  
22 of the sexual offender's release and provide to the Department  
23 of Law Enforcement the information specified in this paragraph  
24 and any information specified in subparagraph 2. that the  
25 Department of Law Enforcement requests.

26           2. The department may provide any other information  
27 deemed necessary, including criminal and corrections records,  
28 nonprivileged personnel and treatment records, when available.

29           Section 10. Paragraphs (e) and (f) are added to  
30 subsection (1) and subsections (4) and (13) of s. 944.607,  
31 Florida Statutes, are amended to read:

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1 944.607 Notification to Department of Law Enforcement  
2 of information on sexual offenders.--

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

4 (e) "Electronic mail address" has the same meaning as  
5 provided in s. 668.02.

6 (f) "Instant message name" means an identifier that  
7 allows a person to communicate in real-time with another  
8 person using the Internet.

9 (4) A sexual offender, as described in this section,  
10 who is under the supervision of the Department of Corrections  
11 but is not incarcerated must register with the Department of  
12 Corrections and provide information as required by this  
13 subsection.

14 (a) The sexual offender shall provide his or her name;  
15 date of birth; social security number; race; sex; height;  
16 weight; hair and eye color; tattoos or other identifying  
17 marks; any electronic mail address and any instant message  
18 name required to be provided pursuant to section  
19 943.0435(4)(d); and permanent or legal residence and address  
20 of temporary residence within the state or out of state while  
21 the sexual offender is under supervision in this state,  
22 including any rural route address or post office box. The  
23 Department of Corrections shall verify the address of each  
24 sexual offender in the manner described in ss. 775.21 and  
25 943.0435.

26 (b) If the sexual offender is enrolled, employed, or  
27 carrying on a vocation at an institution of higher education  
28 in this state, the sexual offender shall provide the name,  
29 address, and county of each institution, including each campus  
30 attended, and the sexual offender's enrollment or employment  
31 status. Each change in enrollment or employment status shall

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1 be reported to the department within 48 hours after the change  
2 in status. The Department of Corrections shall promptly notify  
3 each institution of the sexual offender's presence and any  
4 change in the sexual offender's enrollment or employment  
5 status.

6 (13)(a) A sexual offender must report in person each  
7 year during the month of the sexual offender's birthday and  
8 during the sixth month following the sexual offender's birth  
9 month to the sheriff's office in the county in which he or she  
10 resides or is otherwise located to reregister. The sheriff's  
11 office may determine the appropriate times and days for  
12 reporting by the sexual offender, which shall be consistent  
13 with the reporting requirements of this paragraph.

14 Reregistration shall include any changes to the following  
15 information:

16 1. Name; social security number; age; race; sex; date  
17 of birth; height; weight; hair and eye color; address of any  
18 permanent residence and address of any current temporary  
19 residence, within the state or out of state, including a rural  
20 route address and a post office box; any electronic mail  
21 address and any instant message name required to be provided  
22 pursuant to section 943.0435(4)(d); date and place of any  
23 employment; vehicle make, model, color, and license tag  
24 number; fingerprints; and photograph. A post office box shall  
25 not be provided in lieu of a physical residential address.

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



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

14           4. Any sexual offender who fails to report in person  
15 as required at the sheriff's office, or who fails to respond  
16 to any address verification correspondence from the department  
17 within 3 weeks of the date of the correspondence, or who fails  
18 to report electronic mail addresses or instant message names  
19 commits a felony of the third degree, punishable as provided  
20 in s. 775.082, s. 775.083, and s. 775.084.

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

27           Section 11. In the express interest of the protection  
28 of citizens, particularly children, who utilize the Internet,  
29 it is the intent of the Legislature that the collection and  
30 distribution of the electronic mail address and instant  
31 message name information of sexual predators and sexual

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1 offenders be maintained and distributed in a manner to  
 2 maximize public safety benefits while minimizing and avoiding  
 3 to the greatest extent possible any use of this information  
 4 for any illegal purposes including harassment and networking  
 5 among individuals for illegal purposes. Additionally, care  
 6 should be taken in the distribution of this information to  
 7 avoid circumstances which allow ready access to such  
 8 information by minors.

9 Section 12. Section 943.0437, Florida Statutes, is  
 10 created to read:

11 943.0437.--Commercial social networking websites

12 (1) For the purpose of this section, the term  
 13 "commercial social networking website" means a commercially  
 14 operated internet website that allows users to create web  
 15 pages or profiles that provide information about themselves  
 16 and are available publicly or to other users and that offers a  
 17 mechanism for communication with other users, such as a forum,  
 18 chat room, electronic mail or instant messenger.

19 (2) The Department of Law Enforcement may provide  
 20 information relating to electronic mail addresses and instant  
 21 message names maintained as part of the sexual offender  
 22 registry to commercial social networking websites or third  
 23 parties designated by commercial social networking websites.  
 24 The commercial social networking website may use this  
 25 information for the purpose of comparing registered users and  
 26 screening potential users of the commercial social networking  
 27 website against the list of electronic mail addresses and  
 28 instant message names provided by the department.

29 (3) This section shall not be construed to impose any  
 30 civil liability on a commercial social networking website for:

31 (a) Any action taken by a registered user whose

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1 electronic mail address or instant message name is contained  
2 in the sexual offender registry.

3 (b) Any action voluntarily taken in good faith to  
4 remove or disable any profile of a registered user associated  
5 with an electronic mail address or instant message name  
6 contained in the sexual offender registry.

7 (c) Any action taken to restrict access by such  
8 registered user to the commercial social networking website.

9 Section 13. This act shall take effect October 1,  
10 2007.

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

14 And the title is amended as follows:

15 On page 2, line 11, after the semi-colon

16  
17 insert:

18 amending s. 775.21; providing definitions;  
19 requiring sexual predators to include certain  
20 information during the registration process;  
21 requiring sexual predators to report changes in  
22 certain information; requiring sexual predators  
23 to include certain information during the  
24 reregistration process; providing penalties for  
25 failing to provide certain information;  
26 amending s. 943.0435; providing definitions;  
27 requiring sexual offenders to include certain  
28 information during the registration process;  
29 requiring sexual offenders to report changes in  
30 certain information; requiring sexual offenders  
31 to include certain information during the

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1 reregistration process; amending s. 944.606;  
2 providing definitions; requiring the Department  
3 of Corrections to provide certain information  
4 regarding sexual offenders who are being  
5 released after serving a period of  
6 incarceration to certain entities; amending s.  
7 944.607; providing definitions; requiring  
8 sexual offenders under the supervision of the  
9 Department of Corrections to include certain  
10 information during the registration process;  
11 requiring sexual offenders to include certain  
12 information during the reregistration process;  
13 providing legislative intent; creating s.  
14 943.0437; defining commercial social networking  
15 website; authorizing the Florida Department of  
16 Law Enforcement to provide electronic mail  
17 addresses and instant message names of certain  
18 offenders to commercial social networking  
19 websites;

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