

By the Committee on Criminal and Civil Justice Appropriations;
and Senator Argenziano

604-1893-07

1 A bill to be entitled
2 An act relating to criminal justice; providing
3 a short title; amending s. 16.56, F.S.;
4 expanding the jurisdiction of the Office of
5 Statewide Prosecution to investigate and
6 prosecute additional offenses related to
7 computer pornography and child exploitation;
8 providing that, for the purpose of the office's
9 jurisdiction, any crime facilitated by or
10 connected to the use of the Internet in one
11 judicial circuit is deemed a crime occurring
12 simultaneously in every judicial circuit within
13 the state; creating s. 775.0847, F.S.;
14 providing definitions; requiring that penalties
15 imposed for violating certain statutes be
16 reclassified to the next higher degree if
17 certain specified conditions are satisfied;
18 amending s. 775.21, F.S.; providing
19 definitions; requiring sexual predators to
20 include certain information during the
21 registration process; requiring sexual
22 predators to report changes in certain
23 information; requiring sexual predators to
24 include certain information during the
25 reregistration process; requiring the
26 Department of Law Enforcement to create a
27 method for secure on-line registration of
28 certain information; providing penalties for
29 failing to provide certain information;
30 amending s. 827.071, F.S.; clarifying that
31 certain provisions do not prohibit a state

1 attorney or the Office of Statewide Prosecution
2 from prosecuting a person for violating other
3 laws of the state; amending s. 847.0135, F.S.;
4 prohibiting certain uses of computer services
5 to seduce or lure a child, or a child's parent,
6 guardian, or custodian, to participate in an
7 illegal act; prohibiting a person from
8 traveling to meet a child in order to engage in
9 illegal sexual activity proscribed by law;
10 amending s. 905.34, F.S.; expanding the subject
11 matter jurisdiction of the statewide grand jury
12 to include certain additional offenses related
13 to computer pornography and child exploitation;
14 providing that, for the purpose of the grand
15 jury's jurisdiction, a crime facilitated by or
16 connected to the use of the Internet in one
17 judicial circuit is deemed a crime occurring
18 simultaneously in every judicial circuit within
19 the state; amending s. 910.15, F.S.; describing
20 the options for choosing the proper venue when
21 a crime is facilitated by communication through
22 use of the mail, telephone, newspaper, radio,
23 television, Internet, or another means of
24 electronic data communication; amending s.
25 921.0022, F.S., relating to the offense
26 severity ranking chart of the Criminal
27 Punishment Code; ranking the offense created in
28 s. 847.0135, F.S.; amending s. 943.0435, F.S.;
29 providing definitions; requiring sexual
30 offenders to include certain information during
31 the registration process; requiring sexual

1 offenders to report changes in certain
2 information; requiring sexual offenders to
3 include certain information during the
4 reregistration process; requiring the
5 Department of Law Enforcement to create a
6 method for secure on-line registration of
7 certain information; providing penalties for
8 failing to provide certain information;
9 providing legislative intent with respect to
10 the maintenance and distribution of electronic
11 mail addresses and instant message names;
12 creating s. 943.0437, F.S.; defining the term
13 "commercial social networking website";
14 authorizing the Department of Law Enforcement
15 to provide electronic mail addresses and
16 instant message names of certain offenders to
17 commercial social networking websites; amending
18 s. 944.606, F.S.; providing definitions;
19 requiring the Department of Corrections to
20 provide certain information regarding sexual
21 offenders who are being released after serving
22 a period of incarceration to certain entities;
23 amending s. 944.607, F.S.; providing
24 definitions; requiring sexual offenders under
25 the supervision of the Department of
26 Corrections to include certain information
27 during the registration process; requiring
28 sexual offenders to include certain information
29 during the reregistration process; providing an
30 appropriation and authorizing additional
31 positions; providing an effective date.

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

2
3 Section 1. This act may be cited as the "Cybercrimes
4 Against Children Act."

5 Section 2. Effective October 1, 2007, subsection (1)
6 of section 16.56, Florida Statutes, is amended to read:

7 16.56 Office of Statewide Prosecution.--

8 (1) There is created in the Department of Legal
9 Affairs an Office of Statewide Prosecution. The office shall
10 be a separate "budget entity" as that term is defined in
11 chapter 216. The office may:

12 (a) Investigate and prosecute the offenses of:

13 1. Bribery, burglary, criminal usury, extortion,
14 gambling, kidnapping, larceny, murder, prostitution, perjury,
15 robbery, carjacking, and home-invasion robbery;

16 2. Any crime involving narcotic or other dangerous
17 drugs;

18 3. Any violation of the provisions of the Florida RICO
19 (Racketeer Influenced and Corrupt Organization) Act, including
20 any offense listed in the definition of racketeering activity
21 in s. 895.02(1)(a), providing the ~~such~~ listed offense is
22 investigated in connection with a violation of s. 895.03 and
23 is charged in a separate count of an information or indictment
24 containing a count charging a violation of s. 895.03, the
25 prosecution of which listed offense may continue independently
26 if the prosecution of the violation of s. 895.03 is terminated
27 for any reason;

28 4. Any violation of the provisions of the Florida
29 Anti-Fencing Act;

30 5. Any violation of the provisions of the Florida
31 Antitrust Act of 1980, as amended;

1 6. Any crime involving, or resulting in, fraud or
2 deceit upon any person;

3 7. Any violation of s. 847.0135, relating to computer
4 pornography and child exploitation prevention, or any offense
5 related to a violation of s. 847.0135, or any violation of
6 chapter 827 if the crime was facilitated by or connected to
7 the use of the Internet or any device capable of electronic
8 data storage or transmission;

9 8. Any violation of ~~the provisions of~~ chapter 815;

10 9. Any criminal violation of part I of chapter 499;

11 10. Any violation of the provisions of the Florida
12 Motor Fuel Tax Relief Act of 2004;

13 11. Any criminal violation of s. 409.920 or s.
14 409.9201; or

15 12. Any crime involving voter registration, voting, or
16 candidate or issue petition activities;

17
18 or any attempt, solicitation, or conspiracy to commit any of
19 the crimes specifically enumerated above. The office shall
20 have such power only when any such offense is occurring, or
21 has occurred, in two or more judicial circuits as part of a
22 related transaction, or when any such offense is connected
23 with an organized criminal conspiracy affecting two or more
24 judicial circuits.

25 (b) Investigate and prosecute any crime facilitated by
26 or connected to the use of the Internet. Any such crime is a
27 crime occurring in every judicial circuit within the state.

28 ~~(c)(b)~~ Upon request, cooperate with and assist state
29 attorneys and state and local law enforcement officials in
30 their efforts against organized crimes.

31

1 ~~(d)(e)~~ Request and receive from any department,
2 division, board, bureau, commission, or other agency of the
3 state, or of any political subdivision thereof, cooperation
4 and assistance in the performance of its duties.

5 Section 3. Effective October 1, 2007, section
6 775.0847, Florida Statutes, is created to read:

7 775.0847 Possession or promotion of certain images of
8 child pornography; reclassification.--

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

10 (a) "Child" means any person, whose identity is known
11 or unknown, younger than 18 years of age.

12 (b) "Child pornography" means any image depicting a
13 minor engaged in sexual conduct.

14 (c) "Sadomasochistic abuse" means flagellation or
15 torture by or upon a person or the condition of being
16 fettered, bound, or otherwise physically restrained, for the
17 purpose of deriving sexual satisfaction, or satisfaction
18 brought about as a result of sadistic violence, from
19 inflicting harm on another or receiving such harm oneself.

20 (d) "Sexual battery" means oral, anal, or vaginal
21 penetration by, or union with, the sexual organ of another or
22 the anal or vaginal penetration of another by any other
23 object. Sexual battery does not include an act done for a bona
24 fide medical purpose.

25 (e) "Sexual bestiality" means any sexual act, actual
26 or simulated, between a person and an animal involving the sex
27 organ of the one and the mouth, anus, or vagina of the other.

28 (f) "Sexual conduct" means actual or simulated sexual
29 intercourse, deviate sexual intercourse, sexual bestiality,
30 masturbation, or sadomasochistic abuse; actual lewd exhibition
31 of the genitals; actual physical contact with a person's

1 clothed or unclothed genitals, pubic area, buttocks, or, if
2 such person is a female, breast with the intent to arouse or
3 gratify the sexual desire of either party; or any act or
4 conduct which constitutes sexual battery or simulates that
5 sexual battery is being or will be committed. A mother's
6 breastfeeding of her baby does not under any circumstance
7 constitute "sexual conduct."

8 (2) A violation of s. 827.071, s. 847.0135, s.
9 847.0137, or s. 847.0138 shall be reclassified to the next
10 higher degree as provided in subsection (3) if:

11 (a) The offender possesses 10 or more images of any
12 form of child pornography regardless of content; and

13 (b) The content of at least one image contains one or
14 more of the following:

15 1. A child who is younger than the age of 5.

16 2. Sadomasochistic abuse involving a child.

17 3. Sexual battery involving a child.

18 4. Sexual bestiality involving a child.

19 5. Any movie involving a child, regardless of length
20 and regardless of whether the movie contains sound.

21 (3)(a) In the case of a felony of the third degree,
22 the offense is reclassified to a felony of the second degree.

23 (b) In the case of a felony of the second degree, the
24 offense is reclassified to a felony of the first degree.

25
26 For purposes of sentencing under chapter 921, a felony offense
27 that is reclassified under this subsection is ranked one level
28 above the ranking under s. 921.0022 or s. 921.0023 of the
29 offense committed.

30 Section 4. Effective October 1, 2007, paragraphs (j)
31 and (k) are added to subsection (2) of section 775.21, Florida

1 Statutes, and paragraphs (a), (e), and (g) of subsection (6),
2 subsection (8), and paragraph (a) of subsection (10) of that
3 section are amended, to read:

4 775.21 The Florida Sexual Predators Act.--

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

6 (j) "Electronic mail address" has the same meaning as
7 in s. 668.602.

8 (k) "Instant message name" means an identifier that
9 allows a person to communicate in real time with another
10 person using the Internet.

11 (6) REGISTRATION.--

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

15 1. Name, social security number, age, race, sex, date
16 of birth, height, weight, hair and eye color, photograph,
17 address of legal residence and address of any current
18 temporary residence, within the state or out of state,
19 including a rural route address and a post office box, any
20 electronic mail address and any instant message name required
21 to be provided pursuant to subparagraph (g)4., date and place
22 of any employment, date and place of each conviction,
23 fingerprints, and a brief description of the crime or crimes
24 committed by the offender. A post office box shall not be
25 provided in lieu of a physical residential address.

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

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

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

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

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

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

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

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

13 3. A sexual predator who remains at a permanent
14 residence after reporting his or her intent to vacate such
15 residence shall, within 48 hours after the date upon which the
16 predator indicated he or she would or did vacate such
17 residence, report in person to the sheriff's office to which
18 he or she reported pursuant to subparagraph 2. for the purpose
19 of reporting his or her address at such residence. When the
20 sheriff receives the report, the sheriff shall promptly convey
21 the information to the department. An offender who makes a
22 report as required under subparagraph 2. but fails to make a
23 report as required under this subparagraph commits a felony of
24 the second degree, punishable as provided in s. 775.082, s.
25 775.083, or s. 775.084.

26 4. A sexual predator must register any electronic mail
27 address or instant message name with the department prior to
28 using such electronic mail address or instant message name on
29 or after October 1, 2007. The department shall establish an
30 on-line system through which sexual predators may securely
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1 access and update all electronic mail address and instant
2 message name information.

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

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

26 1. Name; social security number; age; race; sex; date
27 of birth; height; weight; hair and eye color; address of any
28 permanent residence and address of any current temporary
29 residence, within the state or out of state, including a rural
30 route address and a post office box; any electronic mail
31 address and any instant message name required to be provided

1 pursuant to subparagraph (6)(g)4.; date and place of any
2 employment; vehicle make, model, color, and license tag
3 number; fingerprints; and photograph. A post office box shall
4 not be provided in lieu of a physical residential address.

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

11 3. If the sexual predator's place of residence is a
12 motor vehicle, trailer, mobile home, or manufactured home, as
13 defined in chapter 320, the sexual predator shall also provide
14 the vehicle identification number; the license tag number; the
15 registration number; and a description, including color
16 scheme, of the motor vehicle, trailer, mobile home, or
17 manufactured home. If the sexual predator's place of residence
18 is a vessel, live-aboard vessel, or houseboat, as defined in
19 chapter 327, the sexual predator shall also provide the hull
20 identification number; the manufacturer's serial number; the
21 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 (b) The sheriff's office shall, within 2 working days,
25 electronically submit and update all information provided by
26 the sexual predator to the department in a manner prescribed
27 by the department. This procedure shall be implemented by
28 December 1, 2005.

29 (10) PENALTIES.--

30 (a) Except as otherwise specifically provided, a
31 sexual predator who fails to register; who fails, after

1 registration, to maintain, acquire, or renew a driver's
2 license or identification card; who fails to provide required
3 location information, electronic mail address information,
4 instant message name information, or change-of-name
5 information; who fails to make a required report in connection
6 with vacating a permanent residence; who fails to reregister
7 as required; who fails to respond to any address verification
8 correspondence from the department within 3 weeks of the date
9 of the correspondence; or who otherwise fails, by act or
10 omission, to comply with the requirements of this section,
11 commits a felony of the third degree, punishable as provided
12 in s. 775.082, s. 775.083, or s. 775.084.

13 Section 5. Effective October 1, 2007, subsection (6)
14 is added to section 827.071, Florida Statutes, to read:

15 827.071 Sexual performance by a child; penalties.--

16 (6) This section does not prohibit a state attorney or
17 the Office of Statewide Prosecution from prosecuting a person
18 in this state for violating any other law of this state,
19 including a law providing for greater penalties than
20 prescribed in this section.

21 Section 6. Effective October 1, 2007, section
22 847.0135, Florida Statutes, is amended to read:

23 847.0135 Computer pornography; traveling to meet a
24 minor; penalties.--

25 (1) SHORT TITLE.--This section may ~~shall~~ be ~~known and~~
26 ~~may be~~ cited as the "Computer Pornography and Child
27 Exploitation Prevention Act ~~of 1986.~~"

28 (2) COMPUTER PORNOGRAPHY.--A person who:

29 (a) Knowingly compiles, enters into, or transmits by
30 use of computer;

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1 (b) Makes, prints, publishes, or reproduces by other
2 computerized means;

3 (c) Knowingly causes or allows to be entered into or
4 transmitted by use of computer; or

5 (d) Buys, sells, receives, exchanges, or disseminates,
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7 any notice, statement, or advertisement of any minor's name,
8 telephone number, place of residence, physical
9 characteristics, or other descriptive or identifying
10 information for purposes of facilitating, encouraging,
11 offering, or soliciting sexual conduct of or with any minor,
12 or the visual depiction of such conduct, commits a felony of
13 the third degree, punishable as provided in s. 775.082, s.
14 775.083, or s. 775.084. The fact that an undercover operative
15 or law enforcement officer was involved in the detection and
16 investigation of an offense under this section does ~~shall~~ not
17 constitute a defense to a prosecution under this section.

18 (3) CERTAIN USES OF COMPUTER SERVICES PROHIBITED.--Any
19 person who knowingly uses ~~utilizes~~ a computer on-line service,
20 Internet service, ~~or~~ local bulletin board service, or any
21 other device capable of electronic data storage or
22 transmission to:

23 (a) Seduce, solicit, lure, or entice, or attempt to
24 seduce, solicit, lure, or entice, a child or another person
25 believed by the person to be a child, to commit any illegal
26 act described in chapter 794, ~~relating to sexual battery;~~
27 chapter 800, ~~relating to lewdness and indecent exposure;~~ or
28 chapter 827, or to otherwise engage in any unlawful sexual
29 conduct with a child or with another person believed by the
30 person to be a child; or
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1 (b) Solicit, lure, or entice, or attempt to solicit,
2 lure, or entice, a parent, legal guardian, or custodian of a
3 child, or a person believed to be a parent, legal guardian, or
4 custodian of a child, to consent to the participation of such
5 child in any act described in chapter 794, chapter 800, or
6 chapter 827, or to otherwise engage in any sexual conduct,

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8 ~~relating to child abuse,~~ commits a felony of the third degree,
9 punishable as provided in s. 775.082, s. 775.083, or s.

10 775.084. Any person who, in violating this subsection,
11 misrepresents his or her age, commits a felony of the second
12 degree, punishable as provided in s. 775.082, s. 775.083, or
13 s. 775.084. Each separate use of a computer on-line service,
14 Internet service, local bulletin board service, or any other
15 device capable of electronic data storage or transmission
16 wherein an offense described in this section is committed may
17 be charged as a separate offense.

18 (4) TRAVELING TO MEET A MINOR.--Any person who travels
19 any distance within this state, to this state, or from this
20 state, by any means, who attempts to do so, or who causes
21 another to do so or attempt to do so, for the purpose of
22 engaging in any illegal act described in chapter 794, chapter
23 800, or chapter 827, or to otherwise engage in any other
24 unlawful sexual conduct with a child, or with another person
25 believed by the person to be a child, after using a computer
26 on-line service, Internet service, local bulletin board
27 service, or any other device capable of electronic data
28 storage or transmission to:

29 (a) Seduce, solicit, lure, or entice, or attempt to
30 seduce, solicit, lure, or entice, a child, or another person
31 believed by the person to be a child, to engage in any illegal

1 act described in chapter 794, chapter 800, or chapter 827, or
2 to otherwise engage in other unlawful sexual conduct with a
3 child; or

4 (b) Solicit, lure, or entice, or attempt to solicit,
5 lure, or entice, a parent, legal guardian, or custodian of a
6 child, or a person believed to be a parent, legal guardian, or
7 custodian or a child, to consent to the participation of such
8 child in any act described in chapter 794, chapter 800, or
9 chapter 827, or to otherwise engage in any sexual conduct,

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11 commits a felony of the second degree, punishable as provided
12 in s. 775.082, s. 775.083, or s. 775.084.

13 (5)(4) OWNERS OR OPERATORS OF COMPUTER SERVICES

14 LIABLE.--It is unlawful for any owner or operator of a
15 computer on-line service, Internet service, or local bulletin
16 board service knowingly to permit a subscriber to use ~~utilize~~
17 the service to commit a violation of this section. Any person
18 who violates this section commits a misdemeanor of the first
19 degree, punishable by a fine not exceeding \$2,000.

20 (6)(5) STATE CRIMINAL JURISDICTION.--

21 (a) A person is subject to prosecution in this state
22 pursuant to chapter 910 for any conduct proscribed by this
23 section which the person engages in, while either within or
24 outside this state, if by such conduct the person commits a
25 violation of this section involving a child or a child's
26 guardian residing in this state, or another person believed by
27 the person to be a child or a child's guardian residing in
28 this state.

29 (b) This section does not prohibit a state attorney or
30 the Office of Statewide Prosecution from prosecuting a person
31 in this state for violating any other law of this state,

1 including a law providing for greater penalties than
2 prescribed in this section.

3 Section 7. Effective October 1, 2007, section 905.34,
4 Florida Statutes, is amended to read:

5 905.34 Powers and duties; law applicable.--The
6 jurisdiction of a statewide grand jury impaneled under this
7 chapter shall extend throughout the state. The subject matter
8 jurisdiction of the statewide grand jury shall be limited to
9 the offenses of:

10 (1) Bribery, burglary, carjacking, home-invasion
11 robbery, criminal usury, extortion, gambling, kidnapping,
12 larceny, murder, prostitution, perjury, and robbery;

13 (2) Crimes involving narcotic or other dangerous
14 drugs;

15 (3) Any violation of the provisions of the Florida
16 RICO (Racketeer Influenced and Corrupt Organization) Act,
17 including any offense listed in the definition of racketeering
18 activity in s. 895.02(1)(a), providing such listed offense is
19 investigated in connection with a violation of s. 895.03 and
20 is charged in a separate count of an information or indictment
21 containing a count charging a violation of s. 895.03, the
22 prosecution of which listed offense may continue independently
23 if the prosecution of the violation of s. 895.03 is terminated
24 for any reason;

25 (4) Any violation of the provisions of the Florida
26 Anti-Fencing Act;

27 (5) Any violation of the provisions of the Florida
28 Antitrust Act of 1980, as amended;

29 (6) Any violation of the provisions of chapter 815;

30 (7) Any crime involving, or resulting in, fraud or
31 deceit upon any person;

1 (8) Any violation of s. 847.0135, s. 847.0137, or s.
2 847.0138 relating to computer pornography and child
3 exploitation prevention, or any offense related to a violation
4 of s. 847.0135, s. 847.0137, or s. 847.0138, or any violation
5 of chapter 827 if the crime was facilitated by or connected to
6 the use of the Internet or any device capable of electronic
7 data storage or transmission;

8 (9) Any criminal violation of part I of chapter 499;
9 or

10 (10) Any criminal violation of s. 409.920 or s.
11 409.9201;

12
13 or any attempt, solicitation, or conspiracy to commit any
14 violation of the crimes specifically enumerated above, when
15 any such offense is occurring, or has occurred, in two or more
16 judicial circuits as part of a related transaction or when any
17 such offense is connected with an organized criminal
18 conspiracy affecting two or more judicial circuits. Any crime
19 facilitated by or connected to the use of the Internet in one
20 judicial circuit is deemed a crime occurring simultaneously in
21 every judicial circuit within the state. The statewide grand
22 jury may return indictments and presentments irrespective of
23 the county or judicial circuit where the offense is committed
24 or triable. If an indictment is returned, it shall be
25 certified and transferred for trial to the county where the
26 offense was committed. The powers and duties of, and law
27 applicable to, county grand juries shall apply to a statewide
28 grand jury except when such powers, duties, and law are
29 inconsistent with the provisions of ss. 905.31-905.40.

30 Section 8. Effective October 1, 2007, section 910.15,
31 Florida Statutes, is amended to read:

1 910.15 Crimes facilitated by Theft and fraudulent
2 ~~practices concerning~~ communication systems.--

3 (1) A person charged with committing a crime
4 facilitated by a communication through use of the mail,
5 telephone, newspaper, radio, television, Internet, or another
6 means of electronic data communication,+

7 ~~(a) A fraudulent practice in a manner in which it may~~
8 ~~reasonably be assumed that a communication made to facilitate~~
9 ~~the fraudulent practice, or a false or misleading~~
10 ~~representation, could or would be disseminated across~~
11 ~~jurisdictional lines; or~~

12 ~~(b) A theft involving the use of the mail, telephone,~~
13 ~~newspaper, radio, television, or other means of communication,~~

14
15 may be tried in the county in which the dissemination
16 originated, in which the dissemination was made, or in which
17 any act necessary to consummate the offense occurred.

18 (2) For purposes of this section, if a communication
19 is made by or made available through the use of the Internet,
20 the communication was made in every county within the state.

21 Section 9. Effective October 1, 2007, paragraph (g) of
22 subsection (3) of section 921.0022, Florida Statutes, is
23 amended to read:

24 921.0022 Criminal Punishment Code; offense severity
25 ranking chart.--

26 (3) OFFENSE SEVERITY RANKING CHART

27
28 Florida Felony
29 Statute Degree Description
30
31

1			(g) LEVEL 7
2	316.027(1)(b)	1st	Accident involving death, failure
3			to stop; leaving scene.
4	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
5			injury.
6	316.1935(3)(b)	1st	Causing serious bodily injury or
7			death to another person; driving
8			at high speed or with wanton
9			disregard for safety while
10			fleeing or attempting to elude
11			law enforcement officer who is in
12			a patrol vehicle with siren and
13			lights activated.
14	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
15			bodily injury.
16	402.319(2)	2nd	Misrepresentation and negligence
17			or intentional act resulting in
18			great bodily harm, permanent
19			disfiguration, permanent
20			disability, or death.
21	409.920(2)	3rd	Medicaid provider fraud.
22	456.065(2)	3rd	Practicing a health care
23			profession without a license.
24	456.065(2)	2nd	Practicing a health care
25			profession without a license
26			which results in serious bodily
27			injury.
28	458.327(1)	3rd	Practicing medicine without a
29			license.
30	459.013(1)	3rd	Practicing osteopathic medicine
31			without a license.

1	460.411(1)	3rd	Practicing chiropractic medicine
2			without a license.
3	461.012(1)	3rd	Practicing podiatric medicine
4			without a license.
5	462.17	3rd	Practicing naturopathy without a
6			license.
7	463.015(1)	3rd	Practicing optometry without a
8			license.
9	464.016(1)	3rd	Practicing nursing without a
10			license.
11	465.015(2)	3rd	Practicing pharmacy without a
12			license.
13	466.026(1)	3rd	Practicing dentistry or dental
14			hygiene without a license.
15	467.201	3rd	Practicing midwifery without a
16			license.
17	468.366	3rd	Delivering respiratory care
18			services without a license.
19	483.828(1)	3rd	Practicing as clinical laboratory
20			personnel without a license.
21	483.901(9)	3rd	Practicing medical physics
22			without a license.
23	484.013(1)(c)	3rd	Preparing or dispensing optical
24			devices without a prescription.
25	484.053	3rd	Dispensing hearing aids without a
26			license.
27			
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1	494.0018(2)	1st	Conviction of any violation of
2			ss. 494.001-494.0077 in which the
3			total money and property
4			unlawfully obtained exceeded
5			\$50,000 and there were five or
6			more victims.
7	560.123(8)(b)1.	3rd	Failure to report currency or
8			payment instruments exceeding
9			\$300 but less than \$20,000 by
10			money transmitter.
11	560.125(5)(a)	3rd	Money transmitter business by
12			unauthorized person, currency or
13			payment instruments exceeding
14			\$300 but less than \$20,000.
15	655.50(10)(b)1.	3rd	Failure to report financial
16			transactions exceeding \$300 but
17			less than \$20,000 by financial
18			institution.
19	775.21(10)(a)	3rd	Sexual predator; failure to
20			register; failure to renew
21			driver's license or
22			identification card; other
23			registration violations.
24	775.21(10)(b)	3rd	Sexual predator working where
25			children regularly congregate.
26	775.21(10)(g)	3rd	Failure to report or providing
27			false information about a sexual
28			predator; harbor or conceal a
29			sexual predator.
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1	782.051(3)	2nd	Attempted felony murder of a
2			person by a person other than the
3			perpetrator or the perpetrator of
4			an attempted felony.
5	782.07(1)	2nd	Killing of a human being by the
6			act, procurement, or culpable
7			negligence of another
8			(manslaughter).
9	782.071	2nd	Killing of human being or viable
10			fetus by the operation of a motor
11			vehicle in a reckless manner
12			(vehicular homicide).
13	782.072	2nd	Killing of a human being by the
14			operation of a vessel in a
15			reckless manner (vessel
16			homicide).
17	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
18			causing great bodily harm or
19			disfigurement.
20	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
21			weapon.
22	784.045(1)(b)	2nd	Aggravated battery; perpetrator
23			aware victim pregnant.
24	784.048(4)	3rd	Aggravated stalking; violation of
25			injunction or court order.
26	784.048(7)	3rd	Aggravated stalking; violation of
27			court order.
28	784.07(2)(d)	1st	Aggravated battery on law
29			enforcement officer.
30	784.074(1)(a)	1st	Aggravated battery on sexually
31			violent predators facility staff.

1	784.08(2)(a)	1st	Aggravated battery on a person 65
2			years of age or older.
3	784.081(1)	1st	Aggravated battery on specified
4			official or employee.
5	784.082(1)	1st	Aggravated battery by detained
6			person on visitor or other
7			detainee.
8	784.083(1)	1st	Aggravated battery on code
9			inspector.
10	790.07(4)	1st	Specified weapons violation
11			subsequent to previous conviction
12			of s. 790.07(1) or (2).
13	790.16(1)	1st	Discharge of a machine gun under
14			specified circumstances.
15	790.165(2)	2nd	Manufacture, sell, possess, or
16			deliver hoax bomb.
17	790.165(3)	2nd	Possessing, displaying, or
18			threatening to use any hoax bomb
19			while committing or attempting to
20			commit a felony.
21	790.166(3)	2nd	Possessing, selling, using, or
22			attempting to use a hoax weapon
23			of mass destruction.
24	790.166(4)	2nd	Possessing, displaying, or
25			threatening to use a hoax weapon
26			of mass destruction while
27			committing or attempting to
28			commit a felony.
29	796.03	2nd	Procuring any person under 16
30			years for prostitution.
31			

1	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
2			victim less than 12 years of age;
3			offender less than 18 years.
4	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
5			victim 12 years of age or older
6			but less than 16 years; offender
7			18 years or older.
8	806.01(2)	2nd	Maliciously damage structure by
9			fire or explosive.
10	810.02(3)(a)	2nd	Burglary of occupied dwelling;
11			unarmed; no assault or battery.
12	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
13			unarmed; no assault or battery.
14	810.02(3)(d)	2nd	Burglary of occupied conveyance;
15			unarmed; no assault or battery.
16	812.014(2)(a)1.	1st	Property stolen, valued at
17			\$100,000 or more or a semitrailer
18			deployed by a law enforcement
19			officer; property stolen while
20			causing other property damage;
21			1st degree grand theft.
22	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
23			less than \$50,000, grand theft in
24			2nd degree.
25	812.014(2)(b)3.	2nd	Property stolen, emergency
26			medical equipment; 2nd degree
27			grand theft.
28	812.0145(2)(a)	1st	Theft from person 65 years of age
29			or older; \$50,000 or more.
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1	812.019(2)	1st	Stolen property; initiates,
2			organizes, plans, etc., the theft
3			of property and traffics in
4			stolen property.
5	812.131(2)(a)	2nd	Robbery by sudden snatching.
6	812.133(2)(b)	1st	Carjacking; no firearm, deadly
7			weapon, or other weapon.
8	817.234(8)(a)	2nd	Solicitation of motor vehicle
9			accident victims with intent to
10			defraud.
11	817.234(9)	2nd	Organizing, planning, or
12			participating in an intentional
13			motor vehicle collision.
14	817.234(11)(c)	1st	Insurance fraud; property value
15			\$100,000 or more.
16	817.2341(2)(b)&		
17	(3)(b)	1st	Making false entries of material
18			fact or false statements
19			regarding property values
20			relating to the solvency of an
21			insuring entity which are a
22			significant cause of the
23			insolvency of that entity.
24	825.102(3)(b)	2nd	Neglecting an elderly person or
25			disabled adult causing great
26			bodily harm, disability, or
27			disfigurement.
28	825.103(2)(b)	2nd	Exploiting an elderly person or
29			disabled adult and property is
30			valued at \$20,000 or more, but
31			less than \$100,000.

1	827.03(3)(b)	2nd	Neglect of a child causing great
2			bodily harm, disability, or
3			disfigurement.
4	827.04(3)	3rd	Impregnation of a child under 16
5			years of age by person 21 years
6			of age or older.
7	837.05(2)	3rd	Giving false information about
8			alleged capital felony to a law
9			enforcement officer.
10	838.015	2nd	Bribery.
11	838.016	2nd	Unlawful compensation or reward
12			for official behavior.
13	838.021(3)(a)	2nd	Unlawful harm to a public
14			servant.
15	838.22	2nd	Bid tampering.
16	847.0135(3)	3rd	Solicitation of a child, via a
17			computer service, to commit an
18			unlawful sex act.
19	<u>847.0135(4)</u>	<u>2nd</u>	<u>Traveling to meet a minor to</u>
20			<u>commit an unlawful sex act.</u>
21	872.06	2nd	Abuse of a dead human body.
22	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
23			cocaine (or other drug prohibited
24			under s. 893.03(1)(a), (1)(b),
25			(1)(d), (2)(a), (2)(b), or
26			(2)(c)4.) within 1,000 feet of a
27			child care facility, school, or
28			state, county, or municipal park
29			or publicly owned recreational
30			facility or community center.
31			

1	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
2			cocaine or other drug prohibited
3			under s. 893.03(1)(a), (1)(b),
4			(1)(d), (2)(a), (2)(b), or
5			(2)(c)4., within 1,000 feet of
6			property used for religious
7			services or a specified business
8			site.
9	893.13(4)(a)	1st	Deliver to minor cocaine (or
10			other s. 893.03(1)(a), (1)(b),
11			(1)(d), (2)(a), (2)(b), or
12			(2)(c)4. drugs).
13	893.135(1)(a)1.	1st	Trafficking in cannabis, more
14			than 25 lbs., less than 2,000
15			lbs.
16	893.135		
17	(1)(b)1.a.	1st	Trafficking in cocaine, more than
18			28 grams, less than 200 grams.
19	893.135		
20	(1)(c)1.a.	1st	Trafficking in illegal drugs,
21			more than 4 grams, less than 14
22			grams.
23	893.135		
24	(1)(d)1.	1st	Trafficking in phencyclidine,
25			more than 28 grams, less than 200
26			grams.
27	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
28			than 200 grams, less than 5
29			kilograms.
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1	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
2			than 14 grams, less than 28
3			grams.
4	893.135		
5	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
6			grams or more, less than 14
7			grams.
8	893.135		
9	(1)(h)1.a.	1st	Trafficking in
10			gamma-hydroxybutyric acid (GHB),
11			1 kilogram or more, less than 5
12			kilograms.
13	893.135		
14	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
15			kilogram or more, less than 5
16			kilograms.
17	893.135		
18	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
19			10 grams or more, less than 200
20			grams.
21	896.101(5)(a)	3rd	Money laundering, financial
22			transactions exceeding \$300 but
23			less than \$20,000.
24	896.104(4)(a)1.	3rd	Structuring transactions to evade
25			reporting or registration
26			requirements, financial
27			transactions exceeding \$300 but
28			less than \$20,000.
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1	943.0435(4)(c)	2nd	Sexual offender vacating
2			permanent residence; failure to
3			comply with reporting
4			requirements.
5	943.0435(8)	2nd	Sexual offender; remains in state
6			after indicating intent to leave;
7			failure to comply with reporting
8			requirements.
9	943.0435(9)(a)	3rd	Sexual offender; failure to
10			comply with reporting
11			requirements.
12	943.0435(13)	3rd	Failure to report or providing
13			false information about a sexual
14			offender; harbor or conceal a
15			sexual offender.
16	943.0435(14)	3rd	Sexual offender; failure to
17			report and reregister; failure to
18			respond to address verification.
19	944.607(9)	3rd	Sexual offender; failure to
20			comply with reporting
21			requirements.
22	944.607(10)(a)	3rd	Sexual offender; failure to
23			submit to the taking of a
24			digitized photograph.
25	944.607(12)	3rd	Failure to report or providing
26			false information about a sexual
27			offender; harbor or conceal a
28			sexual offender.
29	944.607(13)	3rd	Sexual offender; failure to
30			report and reregister; failure to
31			respond to address verification.

1 Section 10. Effective October 1, 2007, paragraphs (f)
2 and (g) are added to subsection (1) of section 943.0435,
3 Florida Statutes, and subsections (2), (4), and (14) of that
4 section are amended, to read:

5 943.0435 Sexual offenders required to register with
6 the department; penalty.--

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

8 (f) "Electronic mail address" has the same meaning as
9 in s. 668.602.

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

13 (2) A sexual offender shall:

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

27 (b) Provide his or her name, date of birth, social
28 security number, race, sex, height, weight, hair and eye
29 color, tattoos or other identifying marks, occupation and
30 place of employment, address of permanent or legal residence
31 or address of any current temporary residence, within the

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

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

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

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

3
4 When a sexual offender reports at the sheriff's office, the
5 sheriff shall take a photograph and a set of fingerprints of
6 the offender and forward the photographs and fingerprints to
7 the department, along with the information provided by the
8 sexual offender. The sheriff shall promptly provide to the
9 department the information received from the sexual offender.

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

27 (b) A sexual offender who vacates a permanent
28 residence and fails to establish or maintain another permanent
29 or temporary residence shall, within 48 hours after vacating
30 the permanent residence, report in person to the sheriff's
31 office of the county in which he or she is located. The sexual

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

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

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

28 (14)(a) A sexual offender must report in person each
29 year during the month of the sexual offender's birthday and
30 during the sixth month following the sexual offender's birth
31 month to the sheriff's office in the county in which he or she

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

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

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

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

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

1 identification number; the manufacturer's serial number; the
2 name of the vessel, live-aboard vessel, or houseboat; the
3 registration number; and a description, including color
4 scheme, of the vessel, live-aboard vessel or houseboat.

5 4. Any sexual offender who fails to report in person
6 as required at the sheriff's office, or who fails to respond
7 to any address verification correspondence from the department
8 within 3 weeks of the date of the correspondence, or who fails
9 to report electronic mail addresses or instant message names,
10 commits a felony of the third degree, punishable as provided
11 in s. 775.082, s. 775.083, or s. 775.084.

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

17 Section 11. In the express interest of the protection
18 of residents, particularly children, who use the Internet, it
19 is the intent of the Legislature that the collection and
20 distribution of the electronic mail address and instant
21 message name information of sexual predators and sexual
22 offenders be maintained and distributed in a manner to
23 maximize public safety benefits while minimizing and avoiding
24 to the greatest extent possible any use of this information
25 for any illegal purposes, including harassment and networking
26 among individuals for illegal purposes. Additionally, care
27 should be taken in the distribution of this information to
28 avoid circumstances that allow ready access to such
29 information by minors.

30 Section 12. Effective October 1, 2007, section
31 943.0437, Florida Statutes, is created to read:

1 943.0437 Commercial social networking websites.--

2 (1) For the purpose of this section, the term
3 "commercial social networking website" means a commercially
4 operated Internet website that allows users to create web
5 pages or profiles that provide information about themselves
6 and are available publicly or to other users and that offers a
7 mechanism for communication with other users, such as a forum,
8 chat room, electronic mail, or instant messenger.

9 (2) The Department of Law Enforcement may provide
10 information relating to electronic mail addresses and instant
11 message names maintained as part of the sexual offender
12 registry to commercial social networking websites or third
13 parties designated by commercial social networking websites.
14 The commercial social networking website may use this
15 information for the purpose of comparing registered users and
16 screening potential users of the commercial social networking
17 website against the list of electronic mail addresses and
18 instant message names provided by the department.

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

21 (a) Any action taken by a registered user whose
22 electronic mail address or instant message name is contained
23 in the sexual offender registry.

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

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

30 Section 13. Effective October 1, 2007, paragraphs (c)
31 and (d) are added to subsection (1) of section 944.606,

1 Florida Statutes, and paragraph (a) of subsection (3) of that
2 section is amended, to read:

3 944.606 Sexual offenders; notification upon release.--

4 (1) As used in this section:

5 (c) "Electronic mail address" has the same meaning as
6 in s. 668.602.

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

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

13 1. The department must provide: the sexual offender's
14 name, any change in the offender's name by reason of marriage
15 or other legal process, and any alias, if known; the
16 correctional facility from which the sexual offender is
17 released; the sexual offender's social security number, race,
18 sex, date of birth, height, weight, and hair and eye color;
19 date and county of sentence and each crime for which the
20 offender was sentenced; a copy of the offender's fingerprints
21 and a digitized photograph taken within 60 days before
22 release; the date of release of the sexual offender; any
23 electronic mail address and any instant message name required
24 to be provided pursuant to s. 943.0435(4)(d); and the
25 offender's intended residence address, if known. The
26 department shall notify the Department of Law Enforcement if
27 the sexual offender escapes, absconds, or dies. If the sexual
28 offender is in the custody of a private correctional facility,
29 the facility shall take the digitized photograph of the sexual
30 offender within 60 days before the sexual offender's release
31 and provide this photograph to the Department of Corrections

1 and also place it in the sexual offender's file. If the sexual
2 offender is in the custody of a local jail, the custodian of
3 the local jail shall notify the Department of Law Enforcement
4 of the sexual offender's release and provide to the Department
5 of Law Enforcement the information specified in this paragraph
6 and any information specified in subparagraph 2. that the
7 Department of Law Enforcement requests.

8 2. The department may provide any other information
9 deemed necessary, including criminal and corrections records,
10 nonprivileged personnel and treatment records, when available.

11 Section 14. Effective October 1, 2007, paragraphs (e)
12 and (f) are added to subsection (1) of section 944.607,
13 Florida Statutes, and subsections (4) and (13) of that section
14 are amended, to read:

15 944.607 Notification to Department of Law Enforcement
16 of information on sexual offenders.--

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

18 (e) "Electronic mail address" has the same meaning as
19 in s. 668.02.

20 (f) "Instant message name" means an identifier that
21 allows a person to communicate in real time with another
22 person using the Internet.

23 (4) A sexual offender, as described in this section,
24 who is under the supervision of the Department of Corrections
25 but is not incarcerated must register with the Department of
26 Corrections and provide information as required by this
27 subsection.

28 (a) The sexual offender shall provide his or her name;
29 date of birth; social security number; race; sex; height;
30 weight; hair and eye color; tattoos or other identifying
31 marks; any electronic mail address and any instant message

1 name required to be provided pursuant to s. 943.0435(4)(d);
2 and permanent or legal residence and address of temporary
3 residence within the state or out of state while the sexual
4 offender is under supervision in this state, including any
5 rural route address or post office box. The Department of
6 Corrections shall verify the address of each sexual offender
7 in the manner described in ss. 775.21 and 943.0435.

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

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

29 1. Name; social security number; age; race; sex; date
30 of birth; height; weight; hair and eye color; address of any
31 permanent residence and address of any current temporary

1 residence, within the state or out of state, including a rural
2 route address and a post office box; any electronic mail
3 address and any instant message name required to be provided
4 pursuant to section 943.0435(4)(d); date and place of any
5 employment; vehicle make, model, color, and license tag
6 number; fingerprints; and photograph. A post office box shall
7 not be provided in lieu of a physical residential address.

8 2. If the sexual offender is enrolled, employed, or
9 carrying on a vocation at an institution of higher education
10 in this state, the sexual offender shall also provide to the
11 department the name, address, and county of each institution,
12 including each campus attended, and the sexual offender's
13 enrollment or employment status.

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

27 4. Any sexual offender who fails to report in person
28 as required at the sheriff's office, ~~or~~ who fails to respond
29 to any address verification correspondence from the department
30 within 3 weeks of the date of the correspondence, or who fails
31 to report any electronic mail address or instant message name,

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

3 (b) The sheriff's office shall, within 2 working days,
4 electronically submit and update all information provided by
5 the sexual offender to the Florida Department of Law
6 Enforcement in a manner prescribed by the Florida Department
7 of Law Enforcement. This procedure shall be implemented by
8 December 1, 2005.

9 Section 15. The sums of \$2,407,423 in recurring funds
10 and \$847,929 in nonrecurring funds are appropriated from the
11 General Revenue Fund to the Department of Legal Affairs and
12 the sums of \$439,404 in recurring funds and \$67,760 in
13 nonrecurring funds are appropriated from the Grants and
14 Donations Trust Fund to the Department of Legal Affairs for
15 the 2007-2008 fiscal year for the purpose of implementing the
16 provisions of this act related to the investigation and
17 prosecution of computer child pornography, and 50 full-time
18 equivalent positions and associated rate of 2,217,594 are
19 authorized.

20 Section 16. Except as otherwise expressly provided in
21 this act, this act shall take effect July 1, 2007.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1004
4 Expands the investigative and prosecutorial authority of the
5 Office of Statewide Prosecution (OSP) to include any crime
6 facilitated by or connected to use of the Internet.
7 Enhances the penalty for violation of s. 847.0135(3), F.S.,
8 when the offender misrepresents his or her age while
9 committing the offense.
10 Amends the Offense Severity Ranking Chart to rank the new
11 offense of "traveling to meet a minor to commit an unlawful
12 sex act."
13 Amends statutes relating to the sexual offender database
14 maintained by FDLE to require sexual predators and sexual
15 offenders to register any electronic mail address and any
16 instant message name prior to using it on or after October 1,
17 2007.
18 Requires FDLE to establish a secure online method for sexual
19 predators and sexual offenders to register e-mail addresses
20 and instant message names.
21 Authorizes FDLE to provide the e-mail addresses and instant
22 message names of sexual offenders and sexual predators to
23 commercial social networking Internet sites.
24 Permits commercial social networking sites to use e-mail
25 address and instant message name information registered with
26 FDLE to screen potential users, and provides that the new
27 provision is not to be construed to impose civil liability on
28 the site for certain occurrences.
29 Appropriates funds to implement the provisions of the bill and
30 to establish 50 full-time equivalent positions for the
31 investigation and prosecution of computer child pornography
 crimes.