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2 An act relating to criminal justice; providing  
3 a short title; amending s. 16.56, F.S.;  
4 providing for jurisdiction of the Office of the  
5 Statewide Prosecutor over certain obscenity  
6 offenses; providing for jurisdiction over  
7 offenses facilitated by or connected to the use  
8 of the Internet; creating s. 775.0847, F.S.;  
9 providing definitions; providing for  
10 reclassification of certain offenses involving  
11 child pornography; amending s. 827.071, F.S.;  
12 providing for the effect of certain  
13 prosecutions; amending s. 847.0135, F.S.;  
14 making editorial changes; revising prohibitions  
15 on use of certain computer services to  
16 facilitate certain sexual conduct to include  
17 electronic storage devices, additional persons,  
18 and additional conduct; providing for charging  
19 each conversation in which specified conduct  
20 occurs as a separate offense; prohibiting  
21 traveling to meet minors for certain purposes;  
22 providing criminal penalties; revising a  
23 provision relating to state criminal  
24 jurisdiction; providing for effect of certain  
25 prosecutions; amending s. 905.34, F.S.;  
26 providing additional subject matter  
27 jurisdiction for the statewide grand jury;  
28 amending s. 910.15, F.S.; revising provisions  
29 relating to offenses facilitated by  
30 communication systems; amending s. 921.0022,  
31 F.S.; conforming the Criminal Punishment Code

1 offense severity ranking chart; amending s.  
2 775.21, F.S.; providing definitions; requiring  
3 sexual predators to include certain information  
4 during the registration process; requiring  
5 sexual predators to report changes in certain  
6 information; requiring sexual predators to  
7 include certain information during the  
8 reregistration process; providing penalties for  
9 failing to provide certain information;  
10 amending s. 943.0435, F.S.; providing  
11 definitions; requiring sexual offenders to  
12 include certain information during the  
13 registration process; requiring sexual  
14 offenders to report changes in certain  
15 information; requiring sexual offenders to  
16 include certain information during the  
17 reregistration process; amending s. 944.606,  
18 F.S.; providing definitions; requiring the  
19 Department of Corrections to provide certain  
20 information regarding sexual offenders who are  
21 being released after serving a period of  
22 incarceration to certain entities; amending s.  
23 944.607, F.S.; providing definitions; requiring  
24 sexual offenders under the supervision of the  
25 Department of Corrections to include certain  
26 information during the registration process;  
27 requiring sexual offenders to include certain  
28 information during the reregistration process;  
29 providing legislative intent; creating s.  
30 943.0437, F.S.; providing definitions;  
31 providing penalties for sexual offenders who

1 fail to report certain information; permitting  
2 the Department of Law Enforcement to provide  
3 electronic mail address and instant message  
4 information in the sexual offender registry to  
5 commercial social networking websites and  
6 certain others; providing that certain  
7 statutory provisions do not impose civil  
8 liability on commercial social networking  
9 websites for specified actions; providing an  
10 effective date.

11

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

13

14 Section 1. This act may be cited as the "Cybercrimes  
15 Against Children Act of 2007."

16 Section 2. Subsection (1) of section 16.56, Florida  
17 Statutes, is amended to read:

18 16.56 Office of Statewide Prosecution.--

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

23 (a) Investigate and prosecute the offenses of:

24 1. Bribery, burglary, criminal usury, extortion,  
25 gambling, kidnapping, larceny, murder, prostitution, perjury,  
26 robbery, carjacking, and home-invasion robbery;

27 2. Any crime involving narcotic or other dangerous  
28 drugs;

29 3. Any violation of the provisions of the Florida RICO  
30 (Racketeer Influenced and Corrupt Organization) Act, including  
31 any offense listed in the definition of racketeering activity

1 | in s. 895.02(1)(a), providing such listed offense is  
2 | investigated in connection with a violation of s. 895.03 and  
3 | is charged in a separate count of an information or indictment  
4 | containing a count charging a violation of s. 895.03, the  
5 | prosecution of which listed offense may continue independently  
6 | if the prosecution of the violation of s. 895.03 is terminated  
7 | for any reason;

8 |         4. Any violation of the provisions of the Florida  
9 | Anti-Fencing Act;

10 |         5. Any violation of the provisions of the Florida  
11 | Antitrust Act of 1980, as amended;

12 |         6. Any crime involving, or resulting in, fraud or  
13 | deceit upon any person;

14 |         7. Any violation of s. 847.0135, relating to computer  
15 | pornography and child exploitation prevention, or any offense  
16 | related to a violation of s. 847.0135 or any violation of  
17 | chapter 827 where the crime is facilitated by or connected to  
18 | the use of the Internet or any device capable of electronic  
19 | data storage or transmission;

20 |         8. Any violation of the provisions of chapter 815;

21 |         9. Any criminal violation of part I of chapter 499;

22 |         10. Any violation of the provisions of the Florida  
23 | Motor Fuel Tax Relief Act of 2004;

24 |         11. Any criminal violation of s. 409.920 or s.  
25 | 409.9201; or

26 |         12. Any crime involving voter registration, voting, or  
27 | candidate or issue petition activities;

28 |  
29 | or any attempt, solicitation, or conspiracy to commit any of  
30 | the crimes specifically enumerated above. The office shall  
31 | have such power only when any such offense is occurring, or

1 has occurred, in two or more judicial circuits as part of a  
2 related transaction, or when any such offense is connected  
3 with an organized criminal conspiracy affecting two or more  
4 judicial circuits.

5 (b) Investigate and prosecute any crime enumerated in  
6 subsection (1)(a)1.-12. facilitated by or connected to the use  
7 of the Internet. Any such crime is a crime occurring in every  
8 judicial circuit within the state.

9 (c)(b) Upon request, cooperate with and assist state  
10 attorneys and state and local law enforcement officials in  
11 their efforts against organized crimes.

12 (d)(e) Request and receive from any department,  
13 division, board, bureau, commission, or other agency of the  
14 state, or of any political subdivision thereof, cooperation  
15 and assistance in the performance of its duties.

16 Section 3. Section 775.0847, Florida Statutes, is  
17 created to read:

18 775.0847 Possession or promotion of certain images of  
19 child pornography; reclassification.--

20 (1) For purposes of this section:

21 (a) "Child" means any person, whose identity is known  
22 or unknown, less than 18 years of age.

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

25 (c) "Sadomasochistic abuse" means flagellation or  
26 torture by or upon a person or the condition of being  
27 fettered, bound, or otherwise physically restrained, for the  
28 purpose of deriving sexual satisfaction, or satisfaction  
29 brought about as a result of sadistic violence, from  
30 inflicting harm on another or receiving such harm oneself.

31

1           (d) "Sexual battery" means oral, anal, or vaginal  
2 penetration by, or union with, the sexual organ of another or  
3 the anal or vaginal penetration of another by any other  
4 object; however, sexual battery does not include an act done  
5 for a bona fide medical purpose.

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

9           (f) "Sexual conduct" means actual or simulated sexual  
10 intercourse, deviate sexual intercourse, sexual bestiality,  
11 masturbation, or sadomasochistic abuse; actual lewd exhibition  
12 of the genitals; actual physical contact with a person's  
13 clothed or unclothed genitals, pubic area, buttocks, or, if  
14 such person is a female, breast with the intent to arouse or  
15 gratify the sexual desire of either party; or any act or  
16 conduct which constitutes sexual battery or simulates that  
17 sexual battery is being or will be committed. A mother's  
18 breastfeeding of her baby does not under any circumstance  
19 constitute "sexual conduct."

20           (2) A violation of s. 827.071, s. 847.0135, s.  
21 847.0137, or s. 847.0138 shall be reclassified to the next  
22 higher degree as provided in subsection (3) if:

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

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

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

28           2. Sadomasochistic abuse involving a child.

29           3. Sexual battery involving a child.

30           4. Sexual bestiality involving a child.

31

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

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

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

7  
8 For purposes of sentencing under chapter 921 and determining  
9 incentive gain-time eligibility under chapter 944, a felony  
10 offense that is reclassified under this section is ranked one  
11 level above the ranking under s. 921.0022 or s. 921.0023 of  
12 the offense committed.

13           Section 4. Subsection (6) is added to section 827.071,  
14 Florida Statutes, to read:

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

16           (6) Prosecution of any person for an offense under  
17 this section shall not prohibit prosecution of that person in  
18 this state for a violation of any law of this state, including  
19 a law providing for greater penalties than prescribed in this  
20 section or any other crime punishing the sexual performance or  
21 the sexual exploitation of children.

22           Section 5. Section 847.0135, Florida Statutes, is  
23 amended to read:

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

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

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

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

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,  
6

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 shall not

17 constitute a defense to a prosecution under this section.

18 (3) CERTAIN USES OF COMPUTER SERVICES OR DEVICES

19 PROHIBITED.--Any person who knowingly uses ~~utilizes~~ a computer

20 on-line service, Internet service, ~~or~~ local bulletin board

21 service, or any other device capable of electronic data

22 storage or 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

31



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,  
7  
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 either within this state, to this state, or from  
20 this state by any means, who attempts to do so, or who causes  
21 another to do so or to 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 other unlawful  
24 sexual conduct with a child or with another person believed by  
25 the person to be a child after using a computer on-line  
26 service, Internet service, local bulletin board service, or  
27 any other device capable of electronic data storage or  
28 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 of 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,  
10  
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.--A person is  
21 subject to prosecution in this state pursuant to chapter 910  
22 for any conduct proscribed by this section which the person  
23 engages in, while either within or outside this state, if by  
24 such conduct the person commits a violation of this section  
25 involving a child residing in this state, a child's guardian,  
26 or another person believed by the person to be a child or a  
27 child's guardian residing in this state.  
28 (7) EFFECT OF PROSECUTION.--Prosecution of any person  
29 for an offense under this section shall not prohibit  
30 prosecution of that person in this state or another  
31 jurisdiction for a violation of any law of this state,

1 including a law providing for greater penalties than  
2 prescribed in this section or any other crime punishing the  
3 sexual performance or the sexual exploitation of children.

4 Section 6. Subsection (8) of section 905.34, Florida  
5 Statutes, is amended to read:

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

11 (8) Any violation of s. 847.0135, s. 847.0137, or s.  
12 847.0138 relating to computer pornography and child  
13 exploitation prevention, or any offense related to a violation  
14 of s. 847.0135, s. 847.0137, or s. 847.0138 or any violation  
15 of chapter 827 where the crime is facilitated by or connected  
16 to the use of the Internet or any device capable of electronic  
17 data storage or transmission;

18  
19 or any attempt, solicitation, or conspiracy to commit any  
20 violation of the crimes specifically enumerated above, when  
21 any such offense is occurring, or has occurred, in two or more  
22 judicial circuits as part of a related transaction or when any  
23 such offense is connected with an organized criminal  
24 conspiracy affecting two or more judicial circuits. The  
25 statewide grand jury may return indictments and presentments  
26 irrespective of the county or judicial circuit where the  
27 offense is committed or triable. If an indictment is returned,  
28 it shall be certified and transferred for trial to the county  
29 where the offense was committed. The powers and duties of, and  
30 law applicable to, county grand juries shall apply to a  
31

1 statewide grand jury except when such powers, duties, and law  
2 are inconsistent with the provisions of ss. 905.31-905.40.

3 Section 7. Subsection (1) of section 910.15, Florida  
4 Statutes, is amended to read:

5 910.15 Crimes facilitated by ~~Theft and fraudulent~~  
6 ~~practices concerning~~ communication systems.--

7 (1) A person charged with committing a crime  
8 facilitated by communication through use of the mail,  
9 telephone, or newspaper or by radio, television, Internet, or  
10 another means of electronic data communication may be tried in  
11 the county in which the dissemination originated, in which the  
12 dissemination was made, or in which any act necessary to  
13 consummate the offense occurred.+

14 ~~(a) A fraudulent practice in a manner in which it may~~  
15 ~~reasonably be assumed that a communication made to facilitate~~  
16 ~~the fraudulent practice, or a false or misleading~~  
17 ~~representation, could or would be disseminated across~~  
18 ~~jurisdictional lines; or~~

19 ~~(b) A theft involving the use of the mail, telephone,~~  
20 ~~newspaper, radio, television, or other means of communication,~~  
21  
22 ~~may be tried in the county in which the dissemination~~  
23 ~~originated, in which the dissemination was made, or in which~~  
24 ~~any act necessary to consummate the offense occurred.~~

25 Section 8. Paragraph (g) of subsection (3) of section  
26 921.0022, Florida Statutes, is amended to read:

27 921.0022 Criminal Punishment Code; offense severity  
28 ranking chart.--

29 (3) OFFENSE SEVERITY RANKING CHART  
30  
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2007 Legislature

CS for SB 1004, 3rd Engrossed

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

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CS for SB 1004, 3rd Engrossed

1	459.013(1)	3rd	Practicing osteopathic medicine
2			without a license.
3	460.411(1)	3rd	Practicing chiropractic medicine
4			without a license.
5	461.012(1)	3rd	Practicing podiatric medicine
6			without a license.
7	462.17	3rd	Practicing naturopathy without a
8			license.
9	463.015(1)	3rd	Practicing optometry without a
10			license.
11	464.016(1)	3rd	Practicing nursing without a
12			license.
13	465.015(2)	3rd	Practicing pharmacy without a
14			license.
15	466.026(1)	3rd	Practicing dentistry or dental
16			hygiene without a license.
17	467.201	3rd	Practicing midwifery without a
18			license.
19	468.366	3rd	Delivering respiratory care
20			services without a license.
21	483.828(1)	3rd	Practicing as clinical laboratory
22			personnel without a license.
23	483.901(9)	3rd	Practicing medical physics
24			without a license.
25	484.013(1)(c)	3rd	Preparing or dispensing optical
26			devices without a prescription.
27	484.053	3rd	Dispensing hearing aids without a
28			license.
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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.
30			
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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.
30			
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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) & (3)(b)	1st	Making false entries of material
17			fact or false statements
18			regarding property values
19			relating to the solvency of an
20			insuring entity which are a
21			significant cause of the
22			insolvency of that entity.
23	825.102(3)(b)	2nd	Neglecting an elderly person or
24			disabled adult causing great
25			bodily harm, disability, or
26			disfigurement.
27	825.103(2)(b)	2nd	Exploiting an elderly person or
28			disabled adult and property is
29			valued at \$20,000 or more, but
30			less than \$100,000.
31			

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(1)(b)1.a.	1st	Trafficking in cocaine, more than
17			28 grams, less than 200 grams.
18	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs,
19			more than 4 grams, less than 14
20			grams.
21	893.135(1)(d)1.	1st	Trafficking in phencyclidine,
22			more than 28 grams, less than 200
23			grams.
24	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
25			than 200 grams, less than 5
26			kilograms.
27	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
28			than 14 grams, less than 28
29			grams.
30			
31			

1	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
2			grams or more, less than 14
3			grams.
4	893.135(1)(h)1.a.	1st	Trafficking in
5			gamma-hydroxybutyric acid (GHB),
6			1 kilogram or more, less than 5
7			kilograms.
8	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
9			kilogram or more, less than 5
10			kilograms.
11	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines,
12			10 grams or more, less than 200
13			grams.
14	896.101(5)(a)	3rd	Money laundering, financial
15			transactions exceeding \$300 but
16			less than \$20,000.
17	896.104(4)(a)1.	3rd	Structuring transactions to evade
18			reporting or registration
19			requirements, financial
20			transactions exceeding \$300 but
21			less than \$20,000.
22	943.0435(4)(c)	2nd	Sexual offender vacating
23			permanent residence; failure to
24			comply with reporting
25			requirements.
26	943.0435(8)	2nd	Sexual offender; remains in state
27			after indicating intent to leave;
28			failure to comply with reporting
29			requirements.
30			
31			

1	943.0435(9)(a)	3rd	Sexual offender; failure to
2			comply with reporting
3			requirements.
4	943.0435(13)	3rd	Failure to report or providing
5			false information about a sexual
6			offender; harbor or conceal a
7			sexual offender.
8	943.0435(14)	3rd	Sexual offender; failure to
9			report and reregister; failure to
10			respond to address verification.
11	944.607(9)	3rd	Sexual offender; failure to
12			comply with reporting
13			requirements.
14	944.607(10)(a)	3rd	Sexual offender; failure to
15			submit to the taking of a
16			digitized photograph.
17	944.607(12)	3rd	Failure to report or providing
18			false information about a sexual
19			offender; harbor or conceal a
20			sexual offender.
21	944.607(13)	3rd	Sexual offender; failure to
22			report and reregister; failure to
23			respond to address verification.

24           Section 9. Paragraphs (j) and (k) are added to  
 25 subsection (2) of section 775.21, Florida Statutes, and  
 26 paragraphs (a), (e), and (g) of subsection (6), subsection  
 27 (8), and paragraph (a) of subsection (10) of that section are  
 28 amended, to read:

29           775.21 The Florida Sexual Predators Act.--

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

31

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

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

6           (6) REGISTRATION.--

7           (a) A sexual predator must register with the  
8 department by providing the following information to the  
9 department:

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

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



1 the name of the vessel, live-aboard vessel, or houseboat; the  
2 registration number; and a description, including color  
3 scheme, of the vessel, live-aboard vessel, or houseboat.

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

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

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

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

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

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

1 predator shall specify the date upon which he or she intends  
2 to or did vacate such residence. The sexual predator must  
3 provide or update all of the registration information required  
4 under paragraph (a). The sexual predator 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         3. A sexual predator 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 predator indicated he or she would or did vacate such  
12 residence, report in person to the sheriff's office to which  
13 he or she reported pursuant to subparagraph 2. for the purpose  
14 of 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 subparagraph 2. but fails to make a  
18 report as required under this subparagraph commits a felony of  
19 the second degree, punishable as provided in s. 775.082, s.  
20 775.083, or s. 775.084.

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

28         (8) VERIFICATION.--The department and the Department  
29 of Corrections shall implement a system for verifying the  
30 addresses of sexual predators. The system must be consistent  
31 with the provisions of the federal Jacob Wetterling Act, as

1 amended, and any other federal standards applicable to such  
2 verification or required to be met as a condition for the  
3 receipt of federal funds by the state. The Department of  
4 Corrections shall verify the addresses of sexual predators who  
5 are not incarcerated but who reside in the community under the  
6 supervision of the Department of Corrections. County and local  
7 law enforcement agencies, in conjunction with the department,  
8 shall verify the addresses of sexual predators who are not  
9 under the care, custody, control, or supervision of the  
10 Department of Corrections.

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

20 1. Name; social security number; age; race; sex; date  
21 of birth; height; weight; hair and eye color; address of any  
22 permanent residence and address of any current temporary  
23 residence, within the state or out of state, including a rural  
24 route address and a post office box; any electronic mail  
25 address and any instant message name required to be provided  
26 pursuant to subparagraph (6)(g)4.; date and place of any  
27 employment; vehicle make, model, color, and license tag  
28 number; fingerprints; and photograph. A post office box shall  
29 not be provided in lieu of a physical residential address.

30 2. If the sexual predator is enrolled, employed, or  
31 carrying on a vocation at an institution of higher education

1 in this state, the sexual predator shall also provide to the  
2 department the name, address, and county of each institution,  
3 including each campus attended, and the sexual predator's  
4 enrollment or employment status.

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

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

23 (10) PENALTIES.--

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

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

7 Section 10. Paragraphs (f) and (g) are added to  
8 subsection (1) and paragraph (d) is added to subsection (4) of  
9 section 943.0435, Florida Statutes, and subsections (2) and  
10 (14) of that section are amended, to read:

11 943.0435 Sexual offenders required to register with  
12 the department; penalty.--

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

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

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

19 (2) A sexual offender shall:

20 (a) Report in person at the sheriff's office in the  
21 county in which the offender establishes or maintains a  
22 permanent or temporary residence, within 48 hours after  
23 establishing permanent or temporary residence in this state or  
24 within 48 hours after being released from the custody,  
25 control, or supervision of the Department of Corrections or  
26 from the custody of a private correctional facility. Any  
27 change in the sexual offender's permanent or temporary  
28 residence, ~~or~~ name, any electronic mail address and any  
29 instant message name required to be provided pursuant to  
30 paragraph (4)(d), after the sexual offender reports in person  
31

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

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

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

29 2. If the sexual offender is enrolled, employed, or  
30 carrying on a vocation at an institution of higher education  
31 in this state, the sexual offender shall also provide to the

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

9  
10 When a sexual offender reports at the sheriff's office, the  
11 sheriff shall take a photograph and a set of fingerprints of  
12 the offender and forward the photographs and fingerprints to  
13 the department, along with the information provided by the  
14 sexual offender. The sheriff shall promptly provide to the  
15 department the information received from the sexual offender.

16 (4)

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

24 (14)(a) A sexual offender must report in person each  
25 year during the month of the sexual offender's birthday and  
26 during the sixth month following the sexual offender's birth  
27 month to the sheriff's office in the county in which he or she  
28 resides or is otherwise located to reregister. The sheriff's  
29 office may determine the appropriate times and days for  
30 reporting by the sexual offender, which shall be consistent  
31 with the reporting requirements of this paragraph.



1 Reregistration shall include any changes to the following  
2 information:

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

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

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

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

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

13           Section 11. Paragraphs (c) and (d) are added to  
14 subsection (1) of section 944.606, Florida Statutes, and  
15 paragraph (a) of subsection (3) of that section is amended, to  
16 read:

17           944.606 Sexual offenders; notification upon release.--

18           (1) As used in this section:

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

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

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

27           1. The department must provide: the sexual offender's  
28 name, any change in the offender's name by reason of marriage  
29 or other legal process, and any alias, if known; the  
30 correctional facility from which the sexual offender is  
31 released; the sexual offender's social security number, race,

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

22         2. The department may provide any other information  
23 deemed necessary, including criminal and corrections records,  
24 nonprivileged personnel and treatment records, when available.

25         Section 12. Paragraphs (e) and (f) are added to  
26 subsection (1) of section 944.607, Florida Statutes, and  
27 paragraph (a) of subsection (4) and subsection (13) of that  
28 section are amended, to read:

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

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

1           (e) "Electronic mail address" has the same meaning as  
2 provided in s. 668.602.

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

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

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

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

1           1. Name; social security number; age; race; sex; date  
2 of birth; height; weight; hair and eye color; address of any  
3 permanent residence and address of any current temporary  
4 residence, within the state or out of state, including a rural  
5 route address and a post office box; any electronic mail  
6 address and any instant message name required to be provided  
7 pursuant to s. 943.0435(4)(d), date and place of any  
8 employment; vehicle make, model, color, and license tag  
9 number; fingerprints; and photograph. A post office box shall  
10 not be provided in lieu of a physical residential address.

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

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

30           4. Any sexual offender who fails to report in person  
31 as required at the sheriff's office, or who fails to respond

1 to any address verification correspondence from the department  
2 within 3 weeks of the date of the correspondence or who fails  
3 to report electronic mail addresses or instant message names ,  
4 commits a felony of the third degree, punishable as provided  
5 in s. 775.082, s. 775.083, and s. 775.084.

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

12 Section 13. In the express interest of the protection  
13 of citizens, particularly children, who use the Internet, it  
14 is the intent of the Legislature that the collection and  
15 distribution of the electronic mail address and instant  
16 message name information of sexual predators and sexual  
17 offenders be maintained and distributed in a manner to  
18 maximize public safety benefits while minimizing and avoiding  
19 to the greatest extent possible any use of this information  
20 for any illegal purposes including harassment and networking  
21 among individuals for illegal purposes. Additionally, care  
22 should be taken in the distribution of this information to  
23 avoid circumstances which allow ready access to such  
24 information by minors.

25 Section 14. Section 943.0437, Florida Statutes, is  
26 created to read:

27 943.0437 Commercial social networking websites.--

28 (1) For the purpose of this section, the term  
29 "commercial social networking website" means a commercially  
30 operated Internet website that allows users to create web  
31 pages or profiles that provide information about themselves

1 and are available publicly or to other users and that offers a  
2 mechanism for communication with other users, such as a forum,  
3 chat room, electronic mail, or instant messenger.

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

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

16 (a) Any action voluntarily taken in good faith to  
17 remove or disable any profile of a registered user associated  
18 with an electronic mail address or instant message name  
19 contained in the sexual offender registry.

20 (b) Any action taken to restrict access by such  
21 registered user to the commercial social networking website.

22 Section 15. This act shall take effect October 1,  
23 2007.

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