

Bill No. SB 1604

Barcode 963266

CHAMBER ACTION

Senate

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The Committee on Criminal Justice (Argenziano) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Paragraphs (a) and (c) of subsection (4), paragraphs (a), (b), (c), (e), and (l) of subsection (6), subsections (8) and (9), and paragraph (b) of subsection (10) of section 775.21, Florida Statutes, are amended to read:

775.21 The Florida Sexual Predators Act.--

(4) SEXUAL PREDATOR CRITERIA.--

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

1. The felony is:

a. A capital, life, or first-degree felony violation, or any attempt thereof, of s. 787.01 or s. 787.02, where the

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1 victim is a minor and the defendant is not the victim's parent
2 or guardian, or s. 794.011 ~~of chapter 794~~, s. 800.04, or s.
3 847.0145, or a violation of a similar law of another
4 jurisdiction; or

5 b. Any felony violation, or any attempt thereof, of s.
6 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
7 minor and the defendant is not the victim's parent or
8 guardian; s. 794.011 ~~chapter 794~~, excluding s. ~~ss.~~
9 794.011(10); s. 794.05 ~~and 794.0235~~; s. 796.03; s. 796.035; s.
10 800.04; s. 825.1025(2)(b); s. 827.071; s. 847.0145; or s.
11 985.701(1); or a violation of a similar law of another
12 jurisdiction, and the offender has previously been convicted
13 of or found to have committed, or has pled nolo contendere or
14 guilty to, regardless of adjudication, any violation of s.
15 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
16 minor and the defendant is not the victim's parent or
17 guardian; s. 794.011, excluding s. 794.011(10) ~~s. 794.011(2),~~
18 ~~(3), (4), (5), or (8)~~; s. 794.05; s. 796.03; s. 796.035; s.
19 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
20 excluding s. 847.0135(4); s. 847.0145; or s. 985.701(1); or a
21 violation of a similar law of another jurisdiction;

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

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

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

31 1. The court did not, for whatever reason, make a

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1 written finding at the time of sentencing that the offender
2 was a sexual predator; or
3 2. The offender was administratively registered as a
4 sexual predator because the Department of Corrections, the
5 department, or any other law enforcement agency obtained
6 information that indicated that the offender met the criteria
7 for designation as a sexual predator based on a violation of a
8 similar law in another jurisdiction,
9
10 the department shall remove that offender from the
11 department's list of sexual predators and, for an offender
12 described under subparagraph 1., shall notify the state
13 attorney who prosecuted the offense that met the criteria for
14 administrative designation as a sexual predator, and, for an
15 offender described under this ~~paragraph~~ subparagraph, shall
16 notify the state attorney of the county where the offender
17 establishes or maintains a permanent or temporary residence.
18 The state attorney shall bring the matter to the court's
19 attention in order to establish that the offender meets the
20 criteria for designation as a sexual predator. If the court
21 makes a written finding that the offender is a sexual
22 predator, the offender must be designated as a sexual
23 predator, must register or be registered as a sexual predator
24 with the department as provided in subsection (6), and is
25 subject to the community and public notification as provided
26 in subsection (7). If the court does not make a written
27 finding that the offender is a sexual predator, the offender
28 may not be designated as a sexual predator with respect to
29 that offense and is not required to register or be registered
30 as a sexual predator with the department.

31 (6) REGISTRATION.--

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

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

13 a. If the sexual predator's place of residence is a
14 motor vehicle, trailer, mobile home, or manufactured home, as
15 defined in chapter 320, the sexual predator shall also provide
16 to the department written notice of the vehicle identification
17 number; the license tag number; the registration number; and a
18 description, including color scheme, of the motor vehicle,
19 trailer, mobile home, or manufactured home. If a sexual
20 predator's place of residence is a vessel, live-aboard vessel,
21 or houseboat, as defined in chapter 327, the sexual predator
22 shall also provide to the department written notice of the
23 hull identification number; the manufacturer's serial number;
24 the 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 b. If the sexual predator is enrolled, employed, or
28 carrying on a vocation at an institution of higher education
29 in this state, the sexual predator shall also provide to the
30 department the name, address, and county of each institution,
31 including each campus attended, and the sexual predator's

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1 enrollment or employment status. Each change in enrollment or
2 employment status shall be reported in person at the sheriff's
3 office, or the Department of Corrections if the sexual
4 predator is in the custody or control of or under the
5 supervision of the Department of Corrections, within 48 hours
6 after any change in status. The sheriff or the Department of
7 Corrections shall promptly notify each institution of the
8 sexual predator's presence and any change in the sexual
9 predator's enrollment or employment status.

10 2. Any other information determined necessary by the
11 department, including criminal and corrections records;
12 nonprivileged personnel and treatment records; and evidentiary
13 genetic markers when available.

14 (b) If the sexual predator is in the custody or
15 control of, or under the supervision of, the Department of
16 Corrections, or is in the custody of a private correctional
17 facility, the sexual predator must register with the
18 Department of Corrections. A sexual predator who is under the
19 supervision of the Department of Corrections but who is not
20 incarcerated must register with the Department of Corrections
21 within 3 business days after the court finds the offender to
22 be a sexual predator. The Department of Corrections shall
23 provide to the department registration information and the
24 location of, and local telephone number for, any Department of
25 Corrections office that is responsible for supervising the
26 sexual predator. In addition, the Department of Corrections
27 shall notify the department if the sexual predator escapes or
28 absconds from custody or supervision or if the sexual predator
29 dies.

30 (c) If the sexual predator is in the custody of a
31 local jail, the custodian of the local jail shall register the

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1 sexual predator within 3 business days after intake of the
2 sexual predator for any reason and upon release, and shall
3 forward the registration information to the department. The
4 custodian of the local jail shall also take a digitized
5 photograph of the sexual predator while the sexual predator
6 remains in custody and shall provide the digitized photograph
7 to the department. The custodian shall notify the department
8 if the sexual predator escapes from custody or dies.

9 (e)1. If the sexual predator is not in the custody or
10 control of, or under the supervision of, the Department of
11 Corrections, or is not in the custody of a private
12 correctional facility, the sexual predator shall register in
13 person:

14 a. At the sheriff's office in the county where he or
15 she establishes or maintains a residence within 48 hours after
16 establishing or maintaining a residence in this state; and

17 b. At the sheriff's office in the county where he or
18 she was designated a sexual predator by the court within 48
19 hours after such finding is made.

20 ~~2. and establishes or maintains a residence in the~~
21 ~~state, the sexual predator shall register in person at the~~
22 ~~sheriff's office in the county in which the predator~~
23 ~~establishes or maintains a residence, within 48 hours after~~
24 ~~establishing permanent or temporary residence in this state.~~

25 Any change in the sexual predator's permanent or temporary
26 residence or name, after the sexual predator registers in
27 person at the sheriff's office as provided in subparagraph 1.,
28 shall be accomplished in the manner provided in paragraphs
29 (g), (i), and (j). When a sexual predator registers with the
30 sheriff's office, the sheriff shall take a photograph and a
31 set of fingerprints of the predator and forward the

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1 | photographs and fingerprints to the department, along with the
2 | information that the predator is required to provide pursuant
3 | to this section.

4 | (1) A sexual predator must maintain registration with
5 | the department for the duration of his or her life, unless the
6 | sexual predator has received a full pardon or has had a
7 | conviction set aside in a postconviction proceeding for any
8 | offense that met the criteria for the sexual predator
9 | designation. ~~However, a sexual predator who was designated as
10 | a sexual predator by a court before October 1, 1998, and who
11 | has been lawfully released from confinement, supervision, or
12 | sanction, whichever is later, for at least 10 years and has
13 | not been arrested for any felony or misdemeanor offense since
14 | release, may petition the criminal division of the circuit
15 | court in the circuit in which the sexual predator resides for
16 | the purpose of removing the sexual predator designation. A
17 | sexual predator who was designated a sexual predator by a
18 | court on or after October 1, 1998, who has been lawfully
19 | released from confinement, supervision, or sanction, whichever
20 | is later, for at least 20 years, and who has not been arrested
21 | for any felony or misdemeanor offense since release may
22 | petition the criminal division of the circuit court in the
23 | circuit in which the sexual predator resides for the purpose
24 | of removing the sexual predator designation. A sexual predator
25 | who was designated as a sexual predator by a court on or after
26 | September 1, 2005, who has been lawfully released from
27 | confinement, supervision, or sanction, whichever is later, for
28 | at least 30 years, and who has not been arrested for any
29 | felony or misdemeanor offense since release may petition the
30 | criminal division of the circuit court in the circuit in which
31 | the sexual predator resides for the purpose of removing the~~

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

29
30 The sheriff shall promptly provide to the department the
31 information received from the sexual predator.

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1 (8) VERIFICATION.--The department and the Department
2 of Corrections shall implement a system for verifying the
3 addresses of sexual predators. The system must be consistent
4 with the provisions of the federal Adam Walsh Child Protection
5 and Safety Act of 2006 ~~Jacob Wetterling Act, as amended,~~ and
6 any other federal standards applicable to such verification or
7 required to be met as a condition for the receipt of federal
8 funds by the state. The Department of Corrections shall verify
9 the addresses of sexual predators who are not incarcerated but
10 who reside in the community under the supervision of the
11 Department of Corrections and shall report to the department
12 any failure by a sexual predator to comply with registration
13 requirements. County and local law enforcement agencies, in
14 conjunction with the department, shall verify the addresses of
15 sexual predators who are not under the care, custody, control,
16 or supervision of the Department of Corrections. Local law
17 enforcement agencies shall report to the department any
18 failure by a sexual predator to comply with registration
19 requirements.

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

- 30 1. Name; social security number; age; race; sex; date
31 of birth; height; weight; hair and eye color; address of any

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1 permanent residence and address of any current temporary
 2 residence, within the state or out of state, including a rural
 3 route address and a post office box; date and place of any
 4 employment; vehicle make, model, color, and license tag
 5 number; fingerprints; and photograph. A post office box shall
 6 not be provided in lieu of a physical residential address.

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

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

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

31 (9) IMMUNITY.--The department, the Department of

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1 Highway Safety and Motor Vehicles, the Department of
 2 Corrections, the Department of Juvenile Justice, any law
 3 enforcement agency in this state, and the personnel of those
 4 departments; an elected or appointed official, public
 5 employee, or school administrator; or an employee, agency, or
 6 any individual or entity acting at the request or upon the
 7 direction of any law enforcement agency is immune from civil
 8 liability for damages for good faith compliance with the
 9 requirements of this section or for the release of information
 10 under this section, and shall be presumed to have acted in
 11 good faith in compiling, recording, reporting, or releasing
 12 the information. The presumption of good faith is not overcome
 13 if a technical or clerical error is made by the department,
 14 the Department of Highway Safety and Motor Vehicles, the
 15 Department of Corrections, the Department of Juvenile Justice,
 16 the personnel of those departments, or any individual or
 17 entity acting at the request or upon the direction of any of
 18 those departments in compiling or providing information, or if
 19 information is incomplete or incorrect because a sexual
 20 predator fails to report or falsely reports his or her current
 21 place of permanent or temporary residence.

(10) PENALTIES.--

(b) A sexual predator who has been convicted of or
 found to have committed, or has pled nolo contendere or guilty
 to, regardless of adjudication, any violation, or attempted
 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 the victim is a minor and the defendant is not the victim's
 parent or guardian; s. 794.011, excluding s. 794.011(10) ~~s.~~
~~794.011(2), (3), (4), (5), or (8);~~ s. 794.05; s. 796.03; s.
 796.035; s. 800.04; s. 827.071; s. 847.0133; s. 847.0145; or
 s. 985.701(1); or a violation of a similar law of another

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1 jurisdiction when the victim of the offense was a minor, and
 2 who works, whether for compensation or as a volunteer, at any
 3 business, school, day care center, park, playground, or other
 4 place where children regularly congregate, commits a felony of
 5 the third degree, punishable as provided in s. 775.082, s.
 6 775.083, or s. 775.084.

7 Section 2. Paragraphs (a) and (b) of subsection (1)
 8 and subsections (2), (6), (10), (11), and (14) of section
 9 943.0435, Florida Statutes, are amended to read:

10 943.0435 Sexual offenders required to register with
 11 the department; penalty.--

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

13 (a)1. "Sexual offender" means a person who meets the
 14 criteria in sub-subparagraph a., sub-subparagraph b.,
 15 sub-subparagraph c., or sub-subparagraph d. ~~subparagraph 1.,~~
 16 ~~subparagraph 2., or subparagraph 3.,~~ as follows:

17 a.(I)1.a. ~~1.a.~~ Has been convicted of committing, or
 18 attempting, soliciting, or conspiring to commit, any of the
 19 criminal offenses proscribed in the following statutes in this
 20 state or similar offenses in another jurisdiction: s. 787.01,
 21 s. 787.02, or s. 787.025(2)(c), where the victim is a minor
 22 and the defendant is not the victim's parent or guardian; s.
 23 794.011 chapter 794, excluding s. ~~ss.~~ 794.011(10); s. 794.075
 24 ~~and 794.0235;~~ s. 796.03; s. 796.035; s. 800.04; s. 825.1025;
 25 s. 827.071; s. 847.0133; s. 847.0135, excluding s.
 26 847.0135(4); s. 847.0137; s. 847.0138; s. 847.0145; or s.
 27 985.701(1); or any similar offense committed in this state
 28 which has been redesignated from a former statute number to
 29 one of those listed in this sub-sub-subparagraph
 30 ~~sub-subparagraph;~~ and

31 (II)b. ~~(II)b.~~ Has been released on or after October 1, 1997,

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1 from the sanction imposed for any conviction of an offense
 2 described in sub-sub-subparagraph (I) ~~sub-subparagraph a.~~ For
 3 purposes of sub-sub-subparagraph (I) ~~sub-subparagraph a.~~, a
 4 sanction imposed in this state or in any other jurisdiction
 5 includes, but is not limited to, a fine, probation, community
 6 control, parole, conditional release, control release, or
 7 incarceration in a state prison, federal prison, private
 8 correctional facility, or local detention facility;

9 b.2. Establishes or maintains a residence in this
 10 state and who has not been designated as a sexual predator by
 11 a court of this state but who has been designated as a sexual
 12 predator, as a sexually violent predator, or by another sexual
 13 offender designation in another state or jurisdiction and was,
 14 as a result of such designation, subjected to registration or
 15 community or public notification, or both, or would be if the
 16 person were a resident of that state or jurisdiction, without
 17 regard to whether the person otherwise meets the criteria for
 18 registration as a sexual offender; ~~or~~

19 c.3. Establishes or maintains a residence in this
 20 state who is in the custody or control of, or under the
 21 supervision of, any other state or jurisdiction as a result of
 22 a conviction for committing, or attempting, soliciting, or
 23 conspiring to commit, any of the criminal offenses proscribed
 24 in the following statutes or similar offense in another
 25 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 26 the victim is a minor and the defendant is not the victim's
 27 parent or guardian; s. 794.011 ~~chapter 794~~, excluding s. ss.
 28 794.011(10); s. 794.075 ~~and 794.0235~~; s. 796.03; s. 796.035;
 29 s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
 30 excluding s. 847.0135(4); s. 847.0137; s. 847.0138; s.
 31 847.0145; or s. 985.701(1); or any similar offense committed

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1 in this state which has been redesignated from a former
2 statute number to one of those listed in this
3 sub-subparagraph; or ~~subparagraph.~~

4 d. On or after July 1, 2007, has been adjudicated
5 delinquent for committing, or attempting, soliciting, or
6 conspiring to commit, any of the criminal offenses proscribed
7 in the following statutes in this state or similar offenses in
8 another jurisdiction when the juvenile was 14 years of age or
9 older at the time of the offense:

10 (I) Section 794.011, excluding s. 794.011(10);

11 (II) Section 800.04(b) where the victim is under 12
12 years of age or where the court finds sexual activity by the
13 use of force or coercion;

14 (III) Section 800.04(5)(c)1. where the court finds
15 molestation involving unclothed genitals or genital area; or

16 (IV) Section 800.04(5)(d) where the court finds the
17 use of force or coercion and unclothed genitals or genital
18 area.

19 2. For all qualifying offenses listed in
20 sub-subparagraph 1.d., the court shall make a written finding
21 of the age of the offender at the time of the offense.

22
23 For each violation of a qualifying offense listed in this
24 subsection, the court shall make a written finding of the age
25 of the victim at the time of the offense. For a violation of
26 s. 800.04(4), the court shall additionally make a written
27 finding indicating that the offense did or did not involve
28 sexual activity and indicating that the offense did or did not
29 involve force or coercion. For a violation of s. 800.04(5),
30 the court shall additionally make a written finding that the
31 offense did or did not involve unclothed genitals or genital

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1 area and that the offense did or did not involve the use of
2 force or coercion.

3 (b) "Convicted" means that there has been a
4 determination of guilt as a result of a trial or the entry of
5 a plea of guilty or nolo contendere, regardless of whether
6 adjudication is withheld, and includes an adjudication of
7 delinquency of a juvenile as specified in this section.

8 Conviction of a similar offense includes, but is not limited
9 to, a conviction by a federal or military tribunal, including
10 courts-martial conducted by the Armed Forces of the United
11 States, and includes a conviction or entry of a plea of guilty
12 or nolo contendere resulting in a sanction in any state of the
13 United States or other jurisdiction. A sanction includes, but
14 is not limited to, a fine, probation, community control,
15 parole, conditional release, control release, or incarceration
16 in a state prison, federal prison, private correctional
17 facility, or local detention facility.

18 (2) A sexual offender shall:

19 (a) Report in person at the sheriff's office:

20 1. In the county in which the offender establishes or
21 maintains a permanent or temporary residence, ~~within 48 hours~~
22 after:

23 a. Establishing permanent or temporary residence in
24 this state; or ~~within 48 hours after~~

25 b. Being released from the custody, control, or
26 supervision of the Department of Corrections or from the
27 custody of a private correctional facility; or-

28 2. In the county where he or she was convicted within
29 48 hours after being convicted for a qualifying offense for
30 registration under this section if the offender is not in the
31 custody or control of, or under the supervision of, the

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1 Department of Corrections, or is not in the custody of a
2 private correctional facility.

3
4 Any change in the sexual offender's permanent or temporary
5 residence or name, after the sexual offender reports in person
6 at the sheriff's office, shall be accomplished in the manner
7 provided in subsections (4), (7), and (8).

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

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

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1 live-aboard vessel, or houseboat.

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

14
15 When a sexual offender reports at the sheriff's office, the
16 sheriff shall take a photograph and a set of fingerprints of
17 the offender and forward the photographs and fingerprints to
18 the department, along with the information provided by the
19 sexual offender. The sheriff shall promptly provide to the
20 department the information received from the sexual offender.

21 (6) County and local law enforcement agencies, in
22 conjunction with the department, shall verify the addresses of
23 sexual offenders who are not under the care, custody, control,
24 or supervision of the Department of Corrections in a manner
25 that is consistent with the provisions of the federal Adam
26 Walsh Child Protection and Safety Act of 2006 ~~Jacob Wetterling~~
27 ~~Act, as amended,~~ and any other federal standards applicable to
28 such verification or required to be met as a condition for the
29 receipt of federal funds by the state. Local law enforcement
30 agencies shall report to the department any failure by a
31 sexual offender to comply with registration requirements.

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1 (10) The department, the Department of Highway Safety
2 and Motor Vehicles, the Department of Corrections, the
3 Department of Juvenile Justice, any law enforcement agency in
4 this state, and the personnel of those departments; an elected
5 or appointed official, public employee, or school
6 administrator; or an employee, agency, or any individual or
7 entity acting at the request or upon the direction of any law
8 enforcement agency is immune from civil liability for damages
9 for good faith compliance with the requirements of this
10 section or for the release of information under this section,
11 and shall be presumed to have acted in good faith in
12 compiling, recording, reporting, or releasing the information.
13 The presumption of good faith is not overcome if a technical
14 or clerical error is made by the department, the Department of
15 Highway Safety and Motor Vehicles, the Department of
16 Corrections, the Department of Juvenile Justice, the personnel
17 of those departments, or any individual or entity acting at
18 the request or upon the direction of any of those departments
19 in compiling or providing information, or if information is
20 incomplete or incorrect because a sexual offender fails to
21 report or falsely reports his or her current place of
22 permanent or temporary residence.

23 (11) Except as provided in s. 943.04354, a sexual
24 offender must maintain registration with the department for
25 the duration of his or her life, unless the sexual offender
26 has received a full pardon or has had a conviction set aside
27 in a postconviction proceeding for any offense that meets the
28 criteria for classifying the person as a sexual offender for
29 purposes of registration. However, a sexual offender:

30 (a)1. Who has been lawfully released from confinement,
31 supervision, or sanction, whichever is later, for at least 25

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1 ~~20~~ years and has not been arrested for any felony or
2 misdemeanor offense since release, provided that the sexual
3 offender's requirement to register was not based upon an adult
4 conviction:

5 a. For a violation of s. 787.01 or s. 787.02;

6 b. For a violation of s. 794.011, excluding s.
7 794.011(10);

8 c. For a violation of s. 800.04(4)(b) where the court
9 finds the offense involved a victim under 12 years of age or
10 sexual activity by the use of force or coercion;

11 d. For a violation of s. 800.04(5)(b);

12 e. For a violation of s. 800.04(5)c.2. where the court
13 finds the offense involved unclothed genitals or genital area;

14 f. For any attempt or conspiracy to commit any such
15 offense; or

16 g. For a violation of similar law of another
17 jurisdiction, ~~or~~

18 ~~(b) Who was 18 years of age or under at the time the~~
19 ~~offense was committed and the victim was 12 years of age or~~
20 ~~older and adjudication was withheld for that offense, who is~~
21 ~~released from all sanctions, who has had 10 years elapse since~~
22 ~~having been placed on probation, and who has not been arrested~~
23 ~~for any felony or misdemeanor offense since the date of~~
24 ~~conviction of the qualifying offense~~

25
26 may petition the criminal division of the circuit court of the
27 circuit in which the sexual offender resides for the purpose
28 of removing the requirement for registration as a sexual
29 offender.

30 2. The court may grant or deny ~~such~~ relief if the
31 offender demonstrates to the court that he or she has not been

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1 arrested for any crime since release; the requested relief
 2 complies with the provisions of the federal Adam Walsh Child
 3 Protection and Safety Act of 2006 ~~Jacob Wetterling Act, as~~
 4 ~~amended~~, and any other federal standards applicable to the
 5 removal of registration requirements for a sexual offender or
 6 required to be met as a condition for the receipt of federal
 7 funds by the state; and the court is otherwise satisfied that
 8 the offender is not a current or potential threat to public
 9 safety. The state attorney in the circuit in which the
 10 petition is filed must be given notice of the petition at
 11 least 3 weeks before the hearing on the matter. The state
 12 attorney may present evidence in opposition to the requested
 13 relief or may otherwise demonstrate the reasons why the
 14 petition should be denied. If the court denies the petition,
 15 the court may set a future date at which the sexual offender
 16 may again petition the court for relief, subject to the
 17 standards for relief provided in this subsection.

18 3. The department shall remove an offender from
 19 classification as a sexual offender for purposes of
 20 registration if the offender provides to the department a
 21 certified copy of the court's written findings or order that
 22 indicates that the offender is no longer required to comply
 23 with the requirements for registration as a sexual offender.

24 ~~(b)(c)~~ As defined in sub-subparagraph (1)(a)1.b.
 25 ~~subparagraph (1)(a)2.~~ must maintain registration with the
 26 department for the duration of his or her life until the
 27 person provides the department with an order issued by the
 28 court that designated the person as a sexual predator, as a
 29 sexually violent predator, or by another sexual offender
 30 designation in the state or jurisdiction in which the order
 31 was issued which states that such designation has been removed

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

7 (14)(a) A sexual offender must report in person each
 8 year during the month of the sexual offender's birthday and
 9 during the sixth month following the sexual offender's birth
 10 month to the sheriff's office in the county in which he or she
 11 resides or is otherwise located to reregister.

12 (b) However, a sexual offender who is required to
 13 register as a result of a conviction for:

14 a. Section 787.01 or s. 787.02 where the victim is a
 15 minor and the offender is not the victim's parent or guardian;

16 b. Section 794.011, excluding s. 794.011(10);

17 c. Section 800.04(4)(b) where the court finds the
 18 offense involved a victim under 12 years of age or sexual
 19 activity by the use of force or coercion;

20 d. Section 800.04(5)(b);

21 e. Section 800.04(5)(c)1. where the court finds
 22 molestation involving unclothed genitals or genital area;

23 f. Section 800.04(5)c.2. where the court finds
 24 molestation involving unclothed genitals or genital area;

25 g. Section 800.04(5)(d) where the court finds the use
 26 of force or coercion and unclothed genitals or genital area;

27 h. Any attempt or conspiracy to commit such offense;
 28 or

29 i. A violation of a similar law of another
 30 jurisdiction,

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1 must reregister each year during the month of the sexual
2 offender's birthday and every third month thereafter.

3 (c) The sheriff's office may determine the appropriate
4 times and days for reporting by the sexual offender, which
5 shall be consistent with the reporting requirements of this
6 subsection ~~paragraph~~. Reregistration shall include any changes
7 to the following information:

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

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

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

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

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

15 Section 3. Section 943.44353, Florida Statutes, is
 16 created to read:

17 943.44353 Automatic notification of registration
 18 information regarding sexual predators and offenders.--

19 (1) No later than January 1, 2008, the department
 20 shall develop and maintain a system to provide automatic
 21 notification of registration information regarding sexual
 22 predators and sexual offenders to the public.

23 (2) In accordance with the federal Adam Walsh Child
 24 Protection and Safety Act of 2006, schools, public housing
 25 agencies, agencies responsible for conducting
 26 employment-related background checks under s. 3 of the
 27 National Child Protection Act of 1993, 42 U.S.C. s. 5119a, as
 28 amended, social service entities responsible for protecting
 29 minors in the child welfare system, volunteer organizations in
 30 which contact with minors or other vulnerable individuals
 31 might occur, and any other such organization, company, or

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1 individual shall have access to the notification system.

2 Section 4. Subsection (3) is added to section
3 943.0515, Florida Statutes, to read:

4 943.0515 Retention of criminal history records of
5 minors.--

6 (3) Notwithstanding any other provision of this
7 section, the Criminal Justice Information Program shall retain
8 the criminal history record of a minor adjudicated delinquent
9 for a violation committed on or after July 1, 2007, as
10 provided in s. 943.0435(1)(d)1.d. Such records may not be
11 destroyed and must be merged with the person's adult criminal
12 history record and retained as a part of the person's adult
13 record.

14 Section 5. Paragraph (b) of subsection (1) and
15 paragraph (a) of subsection (3) of section 944.606, Florida
16 Statutes, are amended to read:

17 944.606 Sexual offenders; notification upon release.--

18 (1) As used in this section:

19 (b) "Sexual offender" means a person who has been
20 convicted of committing, or attempting, soliciting, or
21 conspiring to commit, any of the criminal offenses proscribed
22 in the following statutes in this state or similar offenses in
23 another jurisdiction: s. 787.01, s. 787.02, or s.
24 787.025(2)(c), where the victim is a minor and the defendant
25 is not the victim's parent or guardian; s. 794.011 chapter
26 794, excluding s. ~~ss.~~ 794.011(10); s. 794.05 and 794.0235; s.
27 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.
28 847.0133; s. 847.0135, excluding s. 847.0135(4); s. 847.0137;
29 s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar
30 offense committed in this state which has been redesignated
31 from a former statute number to one of those listed in this

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1 subsection, when the department has received verified
2 information regarding such conviction; an offender's
3 computerized criminal history record is not, in and of itself,
4 verified information.

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

8 1. The department must provide: the sexual offender's
9 name, any change in the offender's name by reason of marriage
10 or other legal process, and any alias, if known; the
11 correctional facility from which the sexual offender is
12 released; the sexual offender's social security number, race,
13 sex, date of birth, height, weight, and hair and eye color;
14 date and county of sentence and each crime for which the
15 offender was sentenced; a copy of the offender's fingerprints
16 and a digitized photograph taken within 60 days before
17 release; the date of release of the sexual offender; and the
18 offender's intended residence address, if known. The
19 department shall notify the Department of Law Enforcement if
20 the sexual offender escapes, absconds, or dies. If the sexual
21 offender is in the custody of a private correctional facility,
22 the facility shall take the digitized photograph of the sexual
23 offender within 60 days before the sexual offender's release
24 and provide this photograph to the Department of Corrections
25 and also place it in the sexual offender's file. If the sexual
26 offender is in the custody of a local jail, the custodian of
27 the local jail shall register the offender within 3 business
28 days after intake of the offender for any reason and upon
29 release, and shall notify the Department of Law Enforcement of
30 the sexual offender's release and provide to the Department of
31 Law Enforcement the information specified in this paragraph

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1 and any information specified in subparagraph 2. that the
2 Department of Law Enforcement requests.

3 2. The department may provide any other information
4 deemed necessary, including criminal and corrections records,
5 nonprivileged personnel and treatment records, when available.

6 Section 6. Paragraph (a) of subsection (1) and
7 subsections (4), (7), (11), and (13) of section 944.607,
8 Florida Statutes, are amended to read:

9 944.607 Notification to Department of Law Enforcement
10 of information on sexual offenders.--

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

12 (a) "Sexual offender" means a person who is in the
13 custody or control of, or under the supervision of, the
14 department or is in the custody of a private correctional
15 facility:

16 1. On or after October 1, 1997, as a result of a
17 conviction for committing, or attempting, soliciting, or
18 conspiring to commit, any of the criminal offenses proscribed
19 in the following statutes in this state or similar offenses in
20 another jurisdiction: s. 787.01, s. 787.02, or s.
21 787.025(2)(c), where the victim is a minor and the defendant
22 is not the victim's parent or guardian; s. 794.011 ~~chapter~~
23 ~~794~~, excluding s. ~~ss.~~ 794.011(10); s. 794.05 ~~and 794.0235~~; s.
24 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.
25 847.0133; s. 847.0135, excluding s. 847.0135(4); s. 847.0137;
26 s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar
27 offense committed in this state which has been redesignated
28 from a former statute number to one of those listed in this
29 paragraph; or

30 2. Who establishes or maintains a residence in this
31 state and who has not been designated as a sexual predator by

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1 a court of this state but who has been designated as a sexual
 2 predator, as a sexually violent predator, or by another sexual
 3 offender designation in another state or jurisdiction and was,
 4 as a result of such designation, subjected to registration or
 5 community or public notification, or both, or would be if the
 6 person were a resident of that state or jurisdiction, without
 7 regard as to whether the person otherwise meets the criteria
 8 for registration as a sexual offender.

9 (4) A sexual offender, as described in this section,
 10 who is under the supervision of the Department of Corrections
 11 but is not incarcerated must register with the Department of
 12 Corrections within 3 business days after sentencing for a
 13 registerable offense and otherwise provide information as
 14 required by this subsection.

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

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

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

7 (7) If the sexual offender is in the custody of a
8 local jail, the custodian of the local jail shall register the
9 offender within 3 business days after intake of the offender
10 for any reason and upon release, and shall forward the
11 information to the Department of Law Enforcement. The
12 custodian of the local jail shall also take a digitized
13 photograph of the sexual offender while the offender remains
14 in custody and shall provide the digitized photograph to the
15 Department of Law Enforcement.

16 (11) The department, the Department of Highway Safety
17 and Motor Vehicles, the Department of Law Enforcement, the
18 Department of Corrections, the Department of Juvenile Justice,
19 personnel of those departments, and any individual or entity
20 acting at the request or upon the direction of those
21 departments are immune from civil liability for damages for
22 good faith compliance with this section, and shall be presumed
23 to have acted in good faith in compiling, recording,
24 reporting, or providing information. The presumption of good
25 faith is not overcome if technical or clerical errors are made
26 by the department, the Department of Highway Safety and Motor
27 Vehicles, the Department of Law Enforcement, the Department of
28 Juvenile Justice, personnel of those departments, or any
29 individual or entity acting at the request or upon the
30 direction of those departments in compiling, recording,
31 reporting, or providing information, or, if the information is

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1 incomplete or incorrect because the information has not been
2 provided by a person or agency required to provide the
3 information, or because the information was not reported or
4 was falsely reported.

5 (13)(a) A sexual offender must report in person each
6 year during the month of the sexual offender's birthday and
7 during the sixth month following the sexual offender's birth
8 month to the sheriff's office in the county in which he or she
9 resides or is otherwise located to reregister.

10 (b) However, a sexual offender who is required to
11 register as a result of a conviction for:

12 a. Section 787.01 or s. 787.02 where the victim is a
13 minor and the offender is not the victim's parent or guardian;

14 b. Section 794.011, excluding s. 794.011(10);

15 c. Section 800.04(b) where the victim is under 12
16 years of age or where the court finds sexual activity by the
17 use of force or coercion;

18 d. Section 800.04(5)(b);

19 e. Section 800.04(5)(c)1. where the court finds
20 molestation involving unclothed genitals or genital area;

21 f. Section 800.04(5)c.2. where the court finds
22 molestation involving unclothed genitals or genital area;

23 g. Section 800.04(5)(d) where the court finds the use
24 of force or coercion and unclothed genitals or genital area;

25 h. Any attempt or conspiracy to commit such offense;

26 or

27 i. A violation of a similar law of another
28 jurisdiction,

29
30 must reregister each year during the month of the sexual
31 offender's birthday and every third month thereafter.

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1 (c) The sheriff's office may determine the appropriate
2 times and days for reporting by the sexual offender, which
3 shall be consistent with the reporting requirements of this
4 subsection ~~paragraph~~. Reregistration shall include any changes
5 to the following information:

6 1. Name; social security number; age; race; sex; date
7 of birth; height; weight; hair and eye color; address of any
8 permanent residence and address of any current temporary
9 residence, within the state or out of state, including a rural
10 route address and a post office box; date and place of any
11 employment; vehicle make, model, color, and license tag
12 number; fingerprints; and photograph. A post office box shall
13 not be provided in lieu of a physical residential address.

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

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

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1 scheme, of the vessel, live-aboard vessel or houseboat.

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

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

13 Section 7. Subsection (6) of section 985.04, Florida
14 Statutes, is amended to read:

15 985.04 Oaths; records; confidential information.--

16 (6)(a) Records maintained by the department, including
17 copies of records maintained by the court, which pertain to a
18 child found to have committed a delinquent act which, if
19 committed by an adult, would be a crime specified in ss.
20 435.03 and 435.04 may not be destroyed under this section for
21 a period of 25 years after the youth's final referral to the
22 department, except in cases of the death of the child. Such
23 records, however, shall be sealed by the court for use only in
24 meeting the screening requirements for personnel in s.
25 402.3055 and the other sections cited above, or under
26 departmental rule; however, current criminal history
27 information must be obtained from the Department of Law
28 Enforcement in accordance with s. 943.053. The information
29 shall be released to those persons specified in the above
30 cited sections for the purposes of complying with those
31 sections. The court may punish by contempt any person who

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1 releases or uses the records for any unauthorized purpose.

2 (b) Sexual offender and predator registration
3 information as required in ss. 775.21, 943.0435, 944.606,
4 944.607, 985.481, and 985.4815 is a public record pursuant to
5 s. 119.07(1) and as otherwise provided by law.

6 Section 8. Subsection (2) of section 985.045, Florida
7 Statutes, is amended to read:

8 985.045 Court records.--

9 (2) The clerk shall keep all official records required
10 by this section separate from other records of the circuit
11 court, except those records pertaining to motor vehicle
12 violations, which shall be forwarded to the Department of
13 Highway Safety and Motor Vehicles. Except as provided in ss.
14 943.053, 985.04(6)(b), and 985.04(7), official records
15 required by this chapter are not open to inspection by the
16 public, but may be inspected only upon order of the court by
17 persons deemed by the court to have a proper interest therein,
18 except that a child and the parents, guardians, or legal
19 custodians of the child and their attorneys, law enforcement
20 agencies, the Department of Juvenile Justice and its
21 designees, the Parole Commission, the Department of
22 Corrections, and the Justice Administrative Commission shall
23 always have the right to inspect and copy any official record
24 pertaining to the child. The court may permit authorized
25 representatives of recognized organizations compiling
26 statistics for proper purposes to inspect, and make abstracts
27 from, official records under whatever conditions upon the use
28 and disposition of such records the court may deem proper and
29 may punish by contempt proceedings any violation of those
30 conditions.

31 Section 9. Section 985.481, Florida Statutes, is

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1 created to read:

2 985.481 Sexual offenders adjudicated delinquent;
3 notification upon release.--

4 (1) As used in this section:

5 (a) "Convicted" has the same meaning as provided in
6 s. 943.0435.

7 (b) "Sexual offender" means a person who has been
8 adjudicated delinquent as provided in s. 943.0435(1)(a)1.d.

9 (2) The Legislature finds that certain juvenile sexual
10 offenders pose a high risk of engaging in sexual offenses even
11 after being released from commitment and that protection of
12 the public from sexual offenders is a paramount governmental
13 interest. Sexual offenders have a reduced expectation of
14 privacy because of the public's interest in public safety and
15 in the effective operation of government. Releasing sexual
16 offender information to law enforcement agencies, to persons
17 who request such information, and to the public by a law
18 enforcement agency or public agency will further the
19 governmental interests of public safety.

20 (3)(a) The department must provide information
21 regarding any sexual offender who is being released after
22 -serving a period of residential commitment under the
23 department for any offense, as follows:

24 1. The department must provide the sexual offender's
25 name, any change in the offender's name by reason of marriage
26 or other legal process, and any alias, if known; the
27 correctional facility from which the sexual offender is
28 released; the sexual offender's social security number, race,
29 sex, date of birth, height, weight, and hair and eye color;
30 date and county of disposition and each crime for which there
31 was a disposition; a copy of the offender's fingerprints and a

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1 digitized photograph taken within 60 days before release; the
2 date of release of the sexual offender; and the offender's
3 intended residence address, if known. The department shall
4 notify the Department of Law Enforcement if the sexual
5 offender escapes, absconds, or dies. If the sexual offender is
6 in the custody of a private correctional facility, the
7 facility shall take the digitized photograph of the sexual
8 offender within 60 days before the sexual offender's release
9 and also place it in the sexual offender's file. If the sexual
10 offender is in the custody of a local jail, the custodian of
11 the local jail shall register the offender within 3 business
12 days after intake of the offender for any reason and upon
13 release, and shall notify the Department of Law Enforcement of
14 the sexual offender's release and provide to the Department of
15 Law Enforcement the information specified in this subparagraph
16 and any information specified in subparagraph 2. which the
17 Department of Law Enforcement requests.

18 2. The department may provide any other information
19 considered necessary, including criminal and delinquency
20 records, when available.

21 (b) No later than November 1, 2007, the department
22 must make the information described in subparagraph (a)1.
23 available electronically to the Department of Law Enforcement
24 in its database and in a format that is compatible with the
25 requirements of the Florida Crime Information Center.

26 (c) Upon receiving information regarding a sexual
27 offender from the department, the Department of Law
28 Enforcement, the sheriff, or the chief of police shall provide
29 the information described in subparagraph (a)1. to any
30 individual who requests such information and may release the
31 information to the public in any manner considered

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1 appropriate, unless the information so received is
2 confidential or exempt from s. 119.07(1) and s. 24(a), Art. I
3 of the State Constitution.

4 (4) This section authorizes the department or any law
5 enforcement agency to notify the community and the public of a
6 sexual offender's presence in the community. However, with
7 respect to a sexual offender who has been found to be a sexual
8 predator under chapter 775, the Department of Law Enforcement
9 or any other law enforcement agency must inform the community
10 and the public of the sexual predator's presence in the
11 community as provided in chapter 775.

12 (5) An elected or appointed official, public employee,
13 school administrator or employee, or agency, or any individual
14 or entity acting at the request or upon the direction of any
15 law enforcement agency, is immune from civil liability for
16 damages resulting from the release of information under this
17 section.

18 Section 10. Section 985.4815, Florida Statutes, is
19 created to read:

20 985.4815 Notification to Department of Law Enforcement
21 of information on juvenile sexual offenders.--

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

23 (a) "Change in enrollment or employment status" means
24 the commencement or termination of enrollment or employment or
25 a change in location of enrollment or employment.

26 (b) "Conviction" has the same meaning as provided in
27 s. 943.0435.

28 (c) "Institution of higher education" means a career
29 center, community college, college, state university, or
30 independent postsecondary institution.

31 (d) "Sexual offender" means a person who is in the

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1 care or custody or under the jurisdiction or supervision of
 2 the department or is in the custody of a private correctional
 3 facility and who:

4 1. Has been adjudicated delinquent as provided in s.
 5 943.0435(1)(a)1.d.; or

6 2. Establishes or maintains a residence in this state
 7 and has not been designated as a sexual predator by a court of
 8 this state but has been designated as a sexual predator, as a
 9 sexually violent predator, or by another sexual offender
 10 designation in another state or jurisdiction and was, as a
 11 result of such designation, subjected to registration or
 12 community or public notification, or both, or would be if the
 13 person were a resident of that state or jurisdiction, without
 14 regard to whether the person otherwise meets the criteria for
 15 registration as a sexual offender.

16 (2) The clerk of the court that adjudicated and
 17 entered a disposition regarding the sexual offender for the
 18 offense or offenses for which he or she was convicted shall
 19 forward to the department and the Department of Law
 20 Enforcement a certified copy of any order entered by the court
 21 imposing any special condition or restriction on the sexual
 22 offender which restricts or prohibits access to the victim, if
 23 the victim is a minor, or to other minors. The Department of
 24 Law Enforcement may include on its Internet website such
 25 special conditions or restrictions.

26 (3) If a sexual offender is not sentenced to a term of
 27 residential commitment, the clerk of the court shall ensure
 28 that the sexual offender's fingerprints are taken and
 29 forwarded to the Department of Law Enforcement within 48 hours
 30 after the court sentences the offender. The fingerprint card
 31 shall be clearly marked "Sexual Offender Registration Card."

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1 (4) A sexual offender, as described in this section,
2 who is under the supervision of the department but who is not
3 committed must register with the department within 3 business
4 days after adjudication and disposition for a registerable
5 offense and otherwise provide information as required by this
6 subsection.

7 (a) The sexual offender shall provide his or her name;
8 date of birth; social security number; race; sex; height;
9 weight; hair and eye color; tattoos or other identifying
10 marks; and permanent or legal residence and address of
11 temporary residence within the state or out of state while the
12 sexual offender is in the care or custody or under the
13 jurisdiction or supervision of the department in this state,
14 including any rural route address or post office box, and the
15 name and address of each school attended. The department shall
16 verify the address of each sexual offender and shall report to
17 the Department of Law Enforcement any failure by a sexual
18 offender to comply with registration requirements.

19 (b) If the sexual offender is enrolled, employed, or
20 carrying on a vocation at an institution of higher education
21 in this state, the sexual offender shall provide the name,
22 address, and county of each institution, including each campus
23 attended, and the sexual offender's enrollment or employment
24 status. Each change in enrollment or employment status shall
25 be reported to the department within 48 hours after the change
26 in status. The department shall promptly notify each
27 institution of the sexual offender's presence and any change
28 in the sexual offender's enrollment or employment status.

29 (5) In addition to notification and transmittal
30 requirements imposed by any other provision of law, the
31 department shall compile information on any sexual offender

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1 and provide the information to the Department of Law
2 Enforcement. No later than November 1, 2007, the department
3 must make the information available electronically to the
4 Department of Law Enforcement in its database in a format that
5 is compatible with the requirements of the Florida Crime
6 Information Center.

7 (6)(a) The information provided to the Department of
8 Law Enforcement must include the following:

9 1. The information obtained from the sexual offender
10 under subsection (4).

11 2. The sexual offender's most current address and
12 place of permanent or temporary residence within the state or
13 out of state while the sexual offender is in the care or
14 custody or under the jurisdiction or supervision of the
15 department in this state, including the name of the county or
16 municipality in which the offender permanently or temporarily
17 resides and, if known, the intended place of permanent or
18 temporary residence upon satisfaction of all sanctions.

19 3. The legal status of the sexual offender and the
20 scheduled termination date of that legal status.

21 4. The location of, and local telephone number for,
22 any department office that is responsible for supervising the
23 sexual offender.

24 5. An indication of whether the victim of the offense
25 that resulted in the offender's status as a sexual offender
26 was a minor.

27 6. The offense or offenses at adjudication and
28 disposition that resulted in the determination of the
29 offender's status as a sex offender.

30 7. A digitized photograph of the sexual offender,
31 which must have been taken within 60 days before the offender

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1 was released from the custody of the department or a private
 2 correctional facility by expiration of sentence under s.
 3 944.275, or within 60 days after the onset of the department's
 4 supervision of any sexual offender who is on probation,
 5 postcommitment probation, residential commitment,
 6 nonresidential commitment, licensed child-caring commitment,
 7 community control, conditional release, parole, provisional
 8 release, or control release or who is supervised by the
 9 department under the Interstate Compact Agreement for
 10 Probationers and Parolees. If the sexual offender is in the
 11 custody of a private correctional facility, the facility shall
 12 take a digitized photograph of the sexual offender within the
 13 time period provided in this subparagraph and shall provide
 14 the photograph to the department.

15 (b) If any information provided by the department
 16 changes during the time the sexual offender is under the
 17 department's care, control, custody, or supervision, including
 18 any change in the offender's name by reason of marriage or
 19 other legal process, the department shall, in a timely manner,
 20 update the information and provide it to the Department of Law
 21 Enforcement in the manner prescribed in subsection (5).

22 (7) If the sexual offender is in the custody of a
 23 local jail, the custodian of the local jail shall register the
 24 offender within 3 business days after intake of the offender
 25 for any reason and upon release, and shall forward the
 26 information to the Department of Law Enforcement. The
 27 custodian of the local jail shall also take a digitized
 28 photograph of the sexual offender while the offender remains
 29 in custody and shall provide the digitized photograph to the
 30 Department of Law Enforcement.

31 (8) If the sexual offender is under federal

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1 supervision, the federal agency responsible for supervising
 2 the sexual offender may forward to the Department of Law
 3 Enforcement any information regarding the sexual offender
 4 which is consistent with the information provided by the
 5 department under this section and may indicate whether use of
 6 the information is restricted to law enforcement purposes only
 7 or may be used by the Department of Law Enforcement for
 8 purposes of public notification.

9 (9) A sexual offender, as described in this section,
 10 who is under the care, jurisdiction, or supervision of the
 11 department but who is not incarcerated shall, in addition to
 12 the registration requirements provided in subsection (4),
 13 register in the manner provided in s. 943.0435(3), (4), and
 14 (5), unless the sexual offender is a sexual predator, in which
 15 case he or she shall register as required under s. 775.21. A
 16 sexual offender who fails to comply with the requirements of
 17 s. 943.0435 is subject to the penalties provided in s.
 18 943.0435(9).

19 (10)(a) The failure of a sexual offender to submit to
 20 the taking of a digitized photograph, or to otherwise comply
 21 with the requirements of this section, is a felony of the
 22 third degree, punishable as provided in s. 775.082, s.
 23 775.083, or s. 775.084.

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

31 (c) An arrest on charges of failure to register when

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

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

19 (11) The department, the Department of Highway Safety
20 and Motor Vehicles, the Department of Law Enforcement, the
21 Department of Corrections, personnel of those departments, and
22 any individual or entity acting at the request or upon the
23 direction of those departments are immune from civil liability
24 for damages for good faith compliance with this section and
25 shall be presumed to have acted in good faith in compiling,
26 recording, reporting, or providing information. The
27 presumption of good faith is not overcome if technical or
28 clerical errors are made by the department, the Department of
29 Highway Safety and Motor Vehicles, the Department of Law
30 Enforcement, the Department of Corrections, personnel of those
31 departments, or any individual or entity acting at the request

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1 or upon the direction of those departments in compiling,
 2 recording, reporting, or providing information, or, if the
 3 information is incomplete or incorrect because the information
 4 has not been provided by a person or agency required to
 5 provide it, was not reported, or was falsely reported.

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

14 (a) Withholds information from, or does not notify,
 15 the law enforcement agency about the sexual offender's
 16 noncompliance with the requirements of this section and, if
 17 known, the whereabouts of the sexual offender;

18 (b) Harbors, attempts to harbor, or assists another
 19 person in harboring or attempting to harbor the sexual
 20 offender;

21 (c) Conceals, attempts to conceal, or assists another
 22 person in concealing or attempting to conceal the sexual
 23 offender; or

24 (d) Provides information to the law enforcement agency
 25 regarding the sexual offender that the person knows to be
 26 false

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

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1 correctional facility, a local jail, or a federal correctional
2 facility.

3 (13)(a) A sexual offender must report in person each
4 year during the month of the sexual offender's birthday and
5 during every third month thereafter to the sheriff's office in
6 the county in which he or she resides or is otherwise located
7 to reregister.

8 (b) The sheriff's office may determine the appropriate
9 times and days for reporting by the sexual offender, which
10 shall be consistent with the reporting requirements of this
11 subsection. Reregistration shall include any changes to the
12 following information:

13 1. Name; social security number; age; race; sex; date
14 of birth; height; weight; hair and eye color; address of any
15 permanent residence and address of any current temporary
16 residence, within the state or out of state, including a rural
17 route address and a post office box; name and address of each
18 school attended; date and place of any employment; vehicle
19 make, model, color, and license tag number; fingerprints; and
20 photograph. A post office box shall not be provided in lieu of
21 a physical residential address.

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.

28 3. If the sexual offender's place of residence is a
29 motor vehicle, trailer, mobile home, or manufactured home, as
30 defined in chapter 320, the sexual offender shall also provide
31 the vehicle identification number; the license tag number; the

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

10 4. Any sexual offender who fails to report in person
 11 as required at the sheriff's office, or who fails to respond
 12 to any address verification correspondence from the department
 13 within 3 weeks after the date of the correspondence, commits a
 14 felony of the third degree, punishable as provided in s.
 15 775.082, s. 775.083, and s. 775.084.

16 (c) The sheriff's office shall, within 2 working days,
 17 electronically submit and update all information provided by
 18 the sexual offender to the Department of Law Enforcement in a
 19 manner prescribed by that department.

20 Section 11. Paragraph (g) of subsection (3) of section
 21 921.0022, Florida Statutes, is amended to read:

22 921.0022 Criminal Punishment Code; offense severity
 23 ranking chart.--

24 (3) OFFENSE SEVERITY RANKING CHART

25
 26 Florida Felony
 27 Statute Degree Description

28
 29
 30 (g) LEVEL 7

31

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

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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	494.0018(2)	1st	Conviction of any violation of
28			ss. 494.001-494.0077 in which the
29			total money and property
30			unlawfully obtained exceeded
31			\$50,000 and there were five or

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1			more victims.
2	560.123(8)(b)1.	3rd	Failure to report currency or
3			payment instruments exceeding
4			\$300 but less than \$20,000 by
5			money transmitter.
6	560.125(5)(a)	3rd	Money transmitter business by
7			unauthorized person, currency or
8			payment instruments exceeding
9			\$300 but less than \$20,000.
10	655.50(10)(b)1.	3rd	Failure to report financial
11			transactions exceeding \$300 but
12			less than \$20,000 by financial
13			institution.
14	775.21(10)(a)	3rd	Sexual predator; failure to
15			register; failure to renew
16			driver's license or
17			identification card; other
18			registration violations.
19	775.21(10)(b)	3rd	Sexual predator working where
20			children regularly congregate.
21	775.21(10)(g)	3rd	Failure to report or providing
22			false information about a sexual
23			predator; harbor or conceal a
24			sexual predator.
25	782.051(3)	2nd	Attempted felony murder of a
26			person by a person other than the
27			perpetrator or the perpetrator of
28			an attempted felony.
29	782.07(1)	2nd	Killing of a human being by the
30			act, procurement, or culpable
31			negligence of another

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1			(manslaughter).
2	782.071	2nd	Killing of human being or viable
3			fetus by the operation of a motor
4			vehicle in a reckless manner
5			(vehicular homicide).
6	782.072	2nd	Killing of a human being by the
7			operation of a vessel in a
8			reckless manner (vessel
9			homicide).
10	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
11			causing great bodily harm or
12			disfigurement.
13	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
14			weapon.
15	784.045(1)(b)	2nd	Aggravated battery; perpetrator
16			aware victim pregnant.
17	784.048(4)	3rd	Aggravated stalking; violation of
18			injunction or court order.
19	784.048(7)	3rd	Aggravated stalking; violation of
20			court order.
21	784.07(2)(d)	1st	Aggravated battery on law
22			enforcement officer.
23	784.074(1)(a)	1st	Aggravated battery on sexually
24			violent predators facility staff.
25	784.08(2)(a)	1st	Aggravated battery on a person 65
26			years of age or older.
27	784.081(1)	1st	Aggravated battery on specified
28			official or employee.
29	784.082(1)	1st	Aggravated battery by detained
30			person on visitor or other
31			detainee.

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1	784.083(1)	1st	Aggravated battery on code
2			inspector.
3	790.07(4)	1st	Specified weapons violation
4			subsequent to previous conviction
5			of s. 790.07(1) or (2).
6	790.16(1)	1st	Discharge of a machine gun under
7			specified circumstances.
8	790.165(2)	2nd	Manufacture, sell, possess, or
9			deliver hoax bomb.
10	790.165(3)	2nd	Possessing, displaying, or
11			threatening to use any hoax bomb
12			while committing or attempting to
13			commit a felony.
14	790.166(3)	2nd	Possessing, selling, using, or
15			attempting to use a hoax weapon
16			of mass destruction.
17	790.166(4)	2nd	Possessing, displaying, or
18			threatening to use a hoax weapon
19			of mass destruction while
20			committing or attempting to
21			commit a felony.
22	796.03	2nd	Procuring any person under 16
23			years for prostitution.
24	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
25			victim less than 12 years of age;
26			offender less than 18 years.
27	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
28			victim 12 years of age or older
29			but less than 16 years; offender
30			18 years or older.

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1	806.01(2)	2nd	Maliciously damage structure by
2			fire or explosive.
3	810.02(3)(a)	2nd	Burglary of occupied dwelling;
4			unarmed; no assault or battery.
5	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
6			unarmed; no assault or battery.
7	810.02(3)(d)	2nd	Burglary of occupied conveyance;
8			unarmed; no assault or battery.
9	812.014(2)(a)1.	1st	Property stolen, valued at
10			\$100,000 or more or a semitrailer
11			deployed by a law enforcement
12			officer; property stolen while
13			causing other property damage;
14			1st degree grand theft.
15	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
16			less than \$50,000, grand theft in
17			2nd degree.
18	812.014(2)(b)3.	2nd	Property stolen, emergency
19			medical equipment; 2nd degree
20			grand theft.
21	812.0145(2)(a)	1st	Theft from person 65 years of age
22			or older; \$50,000 or more.
23	812.019(2)	1st	Stolen property; initiates,
24			organizes, plans, etc., the theft
25			of property and traffics in
26			stolen property.
27	812.131(2)(a)	2nd	Robbery by sudden snatching.
28	812.133(2)(b)	1st	Carjacking; no firearm, deadly
29			weapon, or other weapon.
30	817.234(8)(a)	2nd	Solicitation of motor vehicle
31			accident victims with intent to
			50
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1			defraud.
2	817.234(9)	2nd	Organizing, planning, or
3			participating in an intentional
4			motor vehicle collision.
5	817.234(11)(c)	1st	Insurance fraud; property value
6			\$100,000 or more.
7	817.2341(2)(b)&		
8	(3)(b)	1st	Making false entries of material
9			fact or false statements
10			regarding property values
11			relating to the solvency of an
12			insuring entity which are a
13			significant cause of the
14			insolvency of that entity.
15	825.102(3)(b)	2nd	Neglecting an elderly person or
16			disabled adult causing great
17			bodily harm, disability, or
18			disfigurement.
19	825.103(2)(b)	2nd	Exploiting an elderly person or
20			disabled adult and property is
21			valued at \$20,000 or more, but
22			less than \$100,000.
23	827.03(3)(b)	2nd	Neglect of a child causing great
24			bodily harm, disability, or
25			disfigurement.
26	827.04(3)	3rd	Impregnation of a child under 16
27			years of age by person 21 years
28			of age or older.
29	837.05(2)	3rd	Giving false information about
30			alleged capital felony to a law
31			enforcement officer.
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1	838.015	2nd	Bribery.
2	838.016	2nd	Unlawful compensation or reward
3			for official behavior.
4	838.021(3)(a)	2nd	Unlawful harm to a public
5			servant.
6	838.22	2nd	Bid tampering.
7	847.0135(3)	3rd	Solicitation of a child, via a
8			computer service, to commit an
9			unlawful sex act.
10	872.06	2nd	Abuse of a dead human body.
11	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
12			cocaine (or other drug prohibited
13			under s. 893.03(1)(a), (1)(b),
14			(1)(d), (2)(a), (2)(b), or
15			(2)(c)4.) within 1,000 feet of a
16			child care facility, school, or
17			state, county, or municipal park
18			or publicly owned recreational
19			facility or community center.
20	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
21			cocaine or other drug prohibited
22			under s. 893.03(1)(a), (1)(b),
23			(1)(d), (2)(a), (2)(b), or
24			(2)(c)4., within 1,000 feet of
25			property used for religious
26			services or a specified business
27			site.
28	893.13(4)(a)	1st	Deliver to minor cocaine (or
29			other s. 893.03(1)(a), (1)(b),
30			(1)(d), (2)(a), (2)(b), or
31			(2)(c)4. drugs).

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1	893.135(1)(a)1.	1st	Trafficking in cannabis, more
2			than 25 lbs., less than 2,000
3			lbs.
4	893.135		
5	(1)(b)1.a.	1st	Trafficking in cocaine, more than
6			28 grams, less than 200 grams.
7	893.135		
8	(1)(c)1.a.	1st	Trafficking in illegal drugs,
9			more than 4 grams, less than 14
10			grams.
11	893.135		
12	(1)(d)1.	1st	Trafficking in phencyclidine,
13			more than 28 grams, less than 200
14			grams.
15	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
16			than 200 grams, less than 5
17			kilograms.
18	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
19			than 14 grams, less than 28
20			grams.
21	893.135		
22	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
23			grams or more, less than 14
24			grams.
25	893.135		
26	(1)(h)1.a.	1st	Trafficking in
27			gamma-hydroxybutyric acid (GHB),
28			1 kilogram or more, less than 5
29			kilograms.
30	893.135		
31	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
			53
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1			kilogram or more, less than 5
2			kilograms.
3	893.135		
4	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
5			10 grams or more, less than 200
6			grams.
7	896.101(5)(a)	3rd	Money laundering, financial
8			transactions exceeding \$300 but
9			less than \$20,000.
10	896.104(4)(a)1.	3rd	Structuring transactions to evade
11			reporting or registration
12			requirements, financial
13			transactions exceeding \$300 but
14			less than \$20,000.
15	943.0435(4)(c)	2nd	Sexual offender vacating
16			permanent residence; failure to
17			comply with reporting
18			requirements.
19	943.0435(8)	2nd	Sexual offender; remains in state
20			after indicating intent to leave;
21			failure to comply with reporting
22			requirements.
23	943.0435(9)(a)	3rd	Sexual offender; failure to
24			comply with reporting
25			requirements.
26	943.0435(13)	3rd	Failure to report or providing
27			false information about a sexual
28			offender; harbor or conceal a
29			sexual offender.
30	943.0435(14)	3rd	Sexual offender; failure to
31			report and reregister; failure to

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- 1 respond to address verification.
- 2 944.607(9) 3rd Sexual offender; failure to
- 3 comply with reporting
- 4 requirements.
- 5 944.607(10)(a) 3rd Sexual offender; failure to
- 6 submit to the taking of a
- 7 digitized photograph.
- 8 944.607(12) 3rd Failure to report or providing
- 9 false information about a sexual
- 10 offender; harbor or conceal a
- 11 sexual offender.
- 12 944.607(13) 3rd Sexual offender; failure to
- 13 report and reregister; failure to
- 14 respond to address verification.
- 15 985.4815(10) 3rd Sexual offender; failure to
- 16 submit to the taking of a
- 17 digitized photograph.
- 18 985.4815(12) 3rd Failure to report or providing
- 19 false information about a sexual
- 20 offender; harbor or conceal a
- 21 sexual offender.
- 22 985.4815(13) 3rd Sexual offender; failure to
- 23 report and reregister; failure to
- 24 respond to address verification.

Section 12. This act shall take effect July 1, 2007.

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

And the title is amended as follows:

Delete everything before the enacting clause

31

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1 and insert:

2 A bill to be entitled

3 An act relating to sexual offenders and

4 predators; amending s. 775.21, F.S.; revising

5 criteria for designation as a sexual predator;

6 correcting a cross-reference; requiring sexual

7 predators to register with the Department of

8 Law Enforcement through a sheriff's office;

9 requiring a sexual predator who is supervised

10 by the Department of Corrections but not

11 incarcerated to register within a specified

12 period; requiring that the custodian of a local

13 jail register a sexual predator within a

14 specified period after intake; deleting

15 provisions allowing certain predators to have

16 predator designation removed after a specified

17 period; revising references to applicable

18 federal law; revising provisions relating to

19 verification of addresses; providing specified

20 immunity to the Department of Juvenile Justice;

21 amending s. 943.0435, F.S.; revising criteria

22 for sexual offender designation; revising the

23 definition of the term "conviction"; revising

24 reporting requirements; revising references to

25 applicable federal law; revising provisions

26 relating to verification of addresses;

27 providing specified immunity to the Department

28 of Juvenile Justice; revising provisions

29 relating to petitions to allow certain

30 offenders to remove the offender designation

31 after a specified period; creating s.

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1 943.44353, F.S.; requiring development and
2 maintenance of a system to provide automatic
3 notification of registration information
4 regarding sexual predators and sexual offenders
5 to the public; amending s. 943.0515, F.S.;
6 requiring retention of records of minors
7 adjudicated delinquent of specified sexual
8 offenses; amending s. 944.606, F.S.; revising
9 criteria for designation as a sexual offender;
10 providing registration and notification duties
11 for a custodian of a local jail regarding
12 sexual offenders; amending s. 944.607, F.S.;
13 revising the definition of a sexual offender
14 for notification purposes; revising duties of
15 clerks of court; revising registration
16 requirements; providing registration and
17 notification duties for a custodian of a local
18 jail regarding sexual offenders; providing
19 specified immunity to the Department of
20 Juvenile Justice; requiring more frequent
21 reregistration for specified offenders;
22 amending s. 985.04, F.S.; providing that
23 specified sexual predator and offender
24 registration information is a public record;
25 amending s. 985.045, F.S.; conforming a
26 provision; creating s. 985.481, F.S.; providing
27 for notification upon release of specified
28 juvenile sexual offenders; providing for
29 availability of specified information
30 concerning such offenders; providing immunity
31 for specified officials; creating s. 985.4815,

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1 F.S.; providing for notification to the
2 Department of Law Enforcement concerning
3 specified juvenile sexual offenders; providing
4 definitions; providing duties of clerks of
5 court; providing registration requirements;
6 requiring specified information to be made
7 available to the Department of Law Enforcement;
8 providing duties of a custodian of a local
9 jail; providing for forwarding of information
10 for specified offenders under federal
11 supervision; providing penalties for failure to
12 comply with requirements; providing venue for
13 prosecution of specified offenses; providing
14 for the effect of certain actions; providing
15 that registration following certain actions
16 does not provide a defense to specified
17 charges; providing immunity for specified
18 agencies and persons for certain actions;
19 prohibiting certain acts concerning offenders;
20 providing criminal penalties; providing
21 reporting requirements for offenders; amending
22 s. 921.0022, F.S.; ranking within the offense
23 severity ranking chart of the Criminal
24 Punishment Code certain offenses relating to
25 the registration requirements for sexual
26 offenders; providing an effective date.

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