

By Senator Argenziano

3-655-07

See HB 665

1                                   A bill to be entitled  
2           An act relating to sexual offenders and  
3           predators; amending s. 775.21, F.S.; revising  
4           sexual predator criteria; correcting a  
5           cross-reference; requiring sexual predators to  
6           register with the Department of Law Enforcement  
7           through a sheriff's office; deleting provisions  
8           allowing certain predators to have predator  
9           designation removed after a specified period;  
10          revising references to applicable federal law;  
11          revising provisions relating to verification of  
12          addresses; providing specified immunity to the  
13          Department of Juvenile Justice; amending s.  
14          775.261, F.S.; conforming provisions; providing  
15          for application of a conforming amendment;  
16          amending s. 943.0435, F.S.; revising criteria  
17          for sexual offender designation; revising the  
18          definition of the term "conviction"; revising  
19          reporting requirements; revising references to  
20          applicable federal law; revising provisions  
21          relating to verification of addresses;  
22          providing specified immunity to the Department  
23          of Juvenile Justice; revising provisions  
24          relating to petitions to allow certain  
25          offenders to remove the offender designation  
26          after a specified period; creating s.  
27          943.44353, F.S.; requiring development and  
28          maintenance of a system to provide automatic  
29          notification of registration information  
30          regarding sexual predators and sexual offenders  
31          to the public; amending s. 943.0515, F.S.;

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

1 requiring specified information to be made  
2 available to the Department of Law Enforcement;  
3 providing duties of a custodian of a local  
4 jail; providing for forwarding of information  
5 for specified offenders under federal  
6 supervision; providing penalties for failure to  
7 comply with requirements; providing venue for  
8 prosecution of specified offenses; providing  
9 for the effect of certain actions; providing  
10 that registration following certain actions  
11 does not provide a defense to specified  
12 charges; providing immunity for specified  
13 agencies and persons for certain actions;  
14 prohibiting certain acts concerning offenders;  
15 providing criminal penalties; providing  
16 reporting requirements for offenders; providing  
17 an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Paragraphs (a) and (c) of subsection (4),  
22 paragraphs (a), (e), and (l) of subsection (6), subsections  
23 (8) and (9), and paragraph (b) of subsection (10) of section  
24 775.21, Florida Statutes, are amended to read:

25 775.21 The Florida Sexual Predators Act.--

26 (4) SEXUAL PREDATOR CRITERIA.--

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

1           1. The felony is:  
2           a. A capital, life, or first-degree felony violation,  
3 or any attempt thereof, of s. 787.01 or s. 787.02, where the  
4 victim is a minor and the defendant is not the victim's parent  
5 or guardian, or of chapter 794, s. 800.04, or s. 847.0145, or  
6 a violation of a similar law of another jurisdiction; or  
7           b. Any felony violation, or any attempt thereof, of s.  
8 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
9 minor and the defendant is not the victim's parent or  
10 guardian; chapter 794, excluding ss. 794.011(10) and 794.0235;  
11 s. 796.03; s. 796.035; s. 800.04; s. 825.1025(2)(b); s.  
12 827.071; s. 847.0145; or s. 985.701(1); or a violation of a  
13 similar law of another jurisdiction, and the offender has  
14 previously been convicted of or found to have committed, or  
15 has pled nolo contendere or guilty to, regardless of  
16 adjudication, any violation of s. 787.01, s. 787.02, or s.  
17 787.025(2)(c), where the victim is a minor and the defendant  
18 is not the victim's parent or guardian; s. 794.011(2), (3),  
19 (4), (5), or (8); s. 794.05; s. 796.03; s. 796.035; s. 800.04;  
20 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135; s.  
21 847.0145; or s. 985.701(1); or a violation of a similar law of  
22 another jurisdiction;  
23           2. The offender has not received a pardon for any  
24 felony or similar law of another jurisdiction that is  
25 necessary for the operation of this paragraph; and  
26           3. A conviction of a felony or similar law of another  
27 jurisdiction necessary to the operation of this paragraph has  
28 not been set aside in any postconviction proceeding.  
29           (c) If an offender has been registered as a sexual  
30 predator by the Department of Corrections, the department, or  
31 any other law enforcement agency and if:

1           1. The court did not, for whatever reason, make a  
2 written finding at the time of sentencing that the offender  
3 was a sexual predator; or

4           2. The offender was administratively registered as a  
5 sexual predator because the Department of Corrections, the  
6 department, or any other law enforcement agency obtained  
7 information that indicated that the offender met the criteria  
8 for designation as a sexual predator based on a violation of a  
9 similar law in another jurisdiction,

10  
11 the department shall remove that offender from the  
12 department's list of sexual predators and, for an offender  
13 described under subparagraph 1., shall notify the state  
14 attorney who prosecuted the offense that met the criteria for  
15 administrative designation as a sexual predator, and, for an  
16 offender described under this ~~subparagraph~~ paragraph, shall  
17 notify the state attorney of the county where the offender  
18 establishes or maintains a permanent or temporary residence.  
19 The state attorney shall bring the matter to the court's  
20 attention in order to establish that the offender meets the  
21 criteria for designation as a sexual predator. If the court  
22 makes a written finding that the offender is a sexual  
23 predator, the offender must be designated as a sexual  
24 predator, must register or be registered as a sexual predator  
25 with the department as provided in subsection (6), and is  
26 subject to the community and public notification as provided  
27 in subsection (7). If the court does not make a written  
28 finding that the offender is a sexual predator, the offender  
29 may not be designated as a sexual predator with respect to  
30 that offense and is not required to register or be registered  
31 as a sexual predator with the department.

1           (6) REGISTRATION.--

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

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

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

28           b. If the sexual predator is enrolled, employed, or  
29 carrying on a vocation at an institution of higher education  
30 in this state, the sexual predator shall also provide to the  
31 department the name, address, and county of each institution,

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

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

15 (e)1. If the sexual predator is not in the custody or  
16 control of, or under the supervision of, the Department of  
17 Corrections, or is not in the custody of a private  
18 correctional facility, the sexual predator shall register:

19 a. At the sheriff's office in the county where he or  
20 she was sentenced within 48 hours after sentencing for an  
21 offense specified in this subsection; or

22 b. At the sheriff's office in the county where he or  
23 she establishes or maintains a residence within 48 hours after  
24 establishing or maintaining a residence in the state.

25 ~~2. and establishes or maintains a residence in the~~  
26 ~~state, the sexual predator shall register in person at the~~  
27 ~~sheriff's office in the county in which the predator~~  
28 ~~establishes or maintains a residence, within 48 hours after~~  
29 ~~establishing permanent or temporary residence in this state.~~

30 Any change in the sexual predator's permanent or temporary  
31 residence or name, after the sexual predator registers in

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

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



1 ~~at least 30 years, and who has not been arrested for any~~  
2 ~~felony or misdemeanor offense since release may petition the~~  
3 ~~criminal division of the circuit court in the circuit in which~~  
4 ~~the sexual predator resides for the purpose of removing the~~  
5 ~~sexual predator designation. The court may grant or deny such~~  
6 ~~relief if the petitioner demonstrates to the court that he or~~  
7 ~~she has not been arrested for any crime since release, the~~  
8 ~~requested relief complies with the provisions of the federal~~  
9 ~~Jacob Wetterling Act, as amended, and any other federal~~  
10 ~~standards applicable to the removal of the designation as a~~  
11 ~~sexual predator or required to be met as a condition for the~~  
12 ~~receipt of federal funds by the state, and the court is~~  
13 ~~otherwise satisfied that the petitioner is not a current or~~  
14 ~~potential threat to public safety. The state attorney in the~~  
15 ~~circuit in which the petition is filed must be given notice of~~  
16 ~~the petition at least 3 weeks before the hearing on the~~  
17 ~~matter. The state attorney may present evidence in opposition~~  
18 ~~to the requested relief or may otherwise demonstrate the~~  
19 ~~reasons why the petition should be denied. If the court denies~~  
20 ~~the petition, the court may set a future date at which the~~  
21 ~~sexual predator may again petition the court for relief,~~  
22 ~~subject to the standards for relief provided in this~~  
23 ~~paragraph. Unless specified in the order, a sexual predator~~  
24 ~~who is granted relief under this paragraph must comply with~~  
25 ~~the requirements for registration as a sexual offender and~~  
26 ~~other requirements provided under s. 943.0435 or s. 944.607.~~  
27 ~~If a petitioner obtains an order from the court that imposed~~  
28 ~~the order designating the petitioner as a sexual predator~~  
29 ~~which removes such designation, the petitioner shall forward a~~  
30 ~~certified copy of the written findings or order to the~~  
31

1 ~~department in order to have the sexual predator designation~~  
2 ~~removed from the sexual predator registry.~~

3  
4 The sheriff shall promptly provide to the department the  
5 information received from the sexual predator.

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

25 (a) A sexual predator must report in person each year  
26 during the month of the sexual predator's birthday and during  
27 every third the sixth month thereafter following the sexual  
28 ~~predator's birth month~~ to the sheriff's office in the county  
29 in which he or she resides or is otherwise located to  
30 reregister. The sheriff's office may determine the appropriate  
31 times and days for reporting by the sexual predator, which

1 shall be consistent with the reporting requirements of this  
2 paragraph. Reregistration shall include any changes to the  
3 following information:

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

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

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

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

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

28 (10) PENALTIES.--

29 (b) A sexual predator who has been convicted of or  
30 found to have committed, or has pled nolo contendere or guilty  
31 to, regardless of adjudication, any violation, or attempted

1 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
2 the victim is a minor and the defendant is not the victim's  
3 parent or guardian; s. 794.011(2), (3), (4), (5), or (8); s.  
4 794.05; s. 796.03; s. 796.035; s. 800.04; s. 827.071; s.  
5 847.0133; s. 847.0145; or s. 985.701(1); or a violation of a  
6 similar law of another jurisdiction when the victim of the  
7 offense was a minor, and who works, whether for compensation  
8 or as a volunteer, at any business, school, day care center,  
9 park, playground, or other place where children regularly  
10 congregate, commits a felony of the third degree, punishable  
11 as provided in s. 775.082, s. 775.083, or s. 775.084.

12 Section 2. Paragraph (b) of subsection (3) of section  
13 775.261, Florida Statutes, is amended to read:

14 775.261 The Florida Career Offender Registration  
15 Act.--

16 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.--

17 (b) This section does not apply to any person who has  
18 been designated as a sexual predator and required to register  
19 under s. 775.21 or who is required to register as a sexual  
20 offender under s. 943.0435 or s. 944.607. However, if a person  
21 is no longer required to register as a ~~sexual predator under~~  
22 ~~s. 775.21 or as a~~ sexual offender under s. 943.0435 or s.  
23 944.607, the person must register as a career offender under  
24 this section if the person is otherwise designated as a career  
25 offender as provided in this section.

26 Section 3. The amendment to section 775.261, Florida  
27 Statutes, made by this act applies prospectively and does not  
28 apply to a person whose requirement to register as a sexual  
29 predator under s. 775.21, Florida Statutes, was removed prior  
30 to the amendments to s. 775.21(6)(1), Florida Statutes, made  
31 by this act.

1 Section 4. Paragraphs (a) and (b) of subsection (1)  
2 and subsections (2), (6), (10), (11), and (14) of section  
3 943.0435, Florida Statutes, are amended to read:

4 943.0435 Sexual offenders required to register with  
5 the department; penalty.--

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

7 (a) 1. "Sexual offender" means a person who meets the  
8 criteria in sub-subparagraph a., sub-subparagraph b.,  
9 sub-subparagraph c., or sub-subparagraph d. ~~subparagraph 1.,~~  
10 ~~subparagraph 2., or subparagraph 3.,~~ as follows:

11 a.(I)1.a. Has been convicted of committing, or  
12 attempting, soliciting, or conspiring to commit, any of the  
13 criminal offenses proscribed in the following statutes in this  
14 state or similar offenses in another jurisdiction: s. 787.01,  
15 s. 787.02, or s. 787.025(2)(c), where the victim is a minor  
16 and the defendant is not the victim's parent or guardian;  
17 chapter 794, excluding ss. 794.011(10), and 794.0235, 794.024,  
18 794.027, 794.03, 794.05, 794.065, and 794.075; s. 796.03; s.  
19 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
20 847.0135; s. 847.0137; s. 847.0138; s. 847.0145; or s.  
21 985.701(1); or any similar offense committed in this state  
22 which has been redesignated from a former statute number to  
23 one of those listed in this sub-sub-subparagraph  
24 ~~sub-subparagraph;~~ and

25 (II)b. Has been released on or after October 1, 1997,  
26 from the sanction imposed for any conviction of an offense  
27 described in sub-sub-subparagraph (I) ~~sub-subparagraph a.~~ For  
28 purposes of sub-sub-subparagraph (I) ~~sub-subparagraph a.,~~ a  
29 sanction imposed in this state or in any other jurisdiction  
30 includes, but is not limited to, a fine, probation, community  
31 control, parole, conditional release, control release, or

1 incarceration in a state prison, federal prison, private  
2 correctional facility, or local detention facility;

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

13 ~~c.3-~~ Establishes or maintains a residence in this  
14 state who is in the custody or control of, or under the  
15 supervision of, any other state or jurisdiction as a result of  
16 a conviction for committing, or attempting, soliciting, or  
17 conspiring to commit, any of the criminal offenses proscribed  
18 in the following statutes or similar offense in another  
19 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
20 the victim is a minor and the defendant is not the victim's  
21 parent or guardian; chapter 794, excluding ss. 794.011(10),  
22 ~~and 794.0235, 794.024, 794.027, 794.03, 794.05, 794.065, and~~  
23 794.075; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s.  
24 827.071; s. 847.0133; s. 847.0135; s. 847.0137; s. 847.0138;  
25 s. 847.0145; or s. 985.701(1); or any similar offense  
26 committed in this state which has been redesignated from a  
27 former statute number to one of those listed in this  
28 ~~sub-subparagraph~~ subparagraph.

29 d. Has been adjudicated delinquent for a violation  
30 committed on or after July 1, 2007, of chapter 794, excluding  
31 ss. 794.011(10), 794.0235, 794.024, 794.027, 794.03, 794.05,

1 794.065, and 794.075; any violation of s. 800.04 where the  
2 court finds the use of force, threat, or coercion by the  
3 offender, or resulting physical injury to the victim, or that  
4 the victim was unconscious, substantially impaired, or  
5 suffered a physical or mental disability resulting in a  
6 failure to appraise or control the situation; or any attempt  
7 or conspiracy to commit such offense or a violation of a  
8 similar law of another jurisdiction, when the juvenile was 14  
9 years of age or older at the time of the offense.

10 2. A person does not meet the criteria for sexual  
11 offender designation and registration when the person was  
12 convicted of a first-time offense for sexual activity, lewd or  
13 lascivious molestation, or lewd or lascivious conduct in the  
14 following circumstances:

15 a. The victim was 13 years of age or older and the  
16 offender was not more than 4 years older than the victim.

17 b. The court makes factual findings that:

18 (I) The sexual activity, lewd or lascivious  
19 molestation, or lewd or lascivious conduct did not involve the  
20 use of force, threat, or coercion by the offender or result in  
21 physical injury to the victim.

22 (II) The victim was not unconscious or substantially  
23 impaired of physical or mental ability to appraise or control  
24 the situation.

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

30 Conviction of a similar offense includes, but is not limited  
31 to, a conviction by a federal or military tribunal, including



1 courts-martial conducted by the Armed Forces of the United  
2 States, and includes a conviction or entry of a plea of guilty  
3 or nolo contendere resulting in a sanction in any state of the  
4 United States or other jurisdiction. A sanction includes, but  
5 is not limited to, a fine, probation, community control,  
6 parole, conditional release, control release, or incarceration  
7 in a state prison, federal prison, private correctional  
8 facility, or local detention facility.

9 (2) A sexual offender shall:

10 (a) Report in person at the sheriff's office in the  
11 county in which the offender establishes or maintains a  
12 permanent or temporary residence and within 48 hours after  
13 being sentenced for a qualifying offense for registration  
14 under this section, within 48 hours after establishing  
15 permanent or temporary residence in this state, or within 48  
16 hours after being released from the custody, control, or  
17 supervision of the Department of Corrections or from the  
18 custody of a private correctional facility. Any change in the  
19 sexual offender's permanent or temporary residence or name,  
20 after the sexual offender reports in person at the sheriff's  
21 office, shall be accomplished in the manner provided in  
22 subsections (4), (7), and (8).

23 (b) Provide his or her name, date of birth, social  
24 security number, race, sex, height, weight, hair and eye  
25 color, tattoos or other identifying marks, occupation and  
26 place of employment, address of permanent or legal residence  
27 or address of any current temporary residence, within the  
28 state and out of state, including a rural route address and a  
29 post office box, date and place of each conviction, and a  
30 brief description of the crime or crimes committed by the  
31

1 offender. A post office box shall not be provided in lieu of a  
2 physical residential address.

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

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

30  
31

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

7 |         (6) County and local law enforcement agencies, in  
8 | conjunction with the department, shall verify the addresses of  
9 | sexual offenders who are not under the care, custody, control,  
10 | or supervision of the Department of Corrections in a manner  
11 | that is consistent with the provisions of the federal Adam  
12 | Walsh Child Protection and Safety Act of 2006 ~~Jacob Wetterling~~  
13 | ~~Act, as amended,~~ and any other federal standards applicable to  
14 | such verification or required to be met as a condition for the  
15 | receipt of federal funds by the state. Local law enforcement  
16 | agencies shall report to the department any failure by a  
17 | sexual predator to comply with registration requirements.

18 |         (10) The department, the Department of Highway Safety  
19 | and Motor Vehicles, the Department of Corrections, the  
20 | Department of Juvenile Justice, any law enforcement agency in  
21 | this state, and the personnel of those departments; an elected  
22 | or appointed official, public employee, or school  
23 | administrator; or an employee, agency, or any individual or  
24 | entity acting at the request or upon the direction of any law  
25 | enforcement agency is immune from civil liability for damages  
26 | for good faith compliance with the requirements of this  
27 | section or for the release of information under this section,  
28 | and shall be presumed to have acted in good faith in  
29 | compiling, recording, reporting, or releasing the information.  
30 | The presumption of good faith is not overcome if a technical  
31 | or clerical error is made by the department, the Department of

1 Highway Safety and Motor Vehicles, the Department of  
2 Corrections, the Department of Juvenile Justice, the personnel  
3 of those departments, or any individual or entity acting at  
4 the request or upon the direction of any of those departments  
5 in compiling or providing information, or if information is  
6 incomplete or incorrect because a sexual offender fails to  
7 report or falsely reports his or her current place of  
8 permanent or temporary residence.

9 (11) A sexual offender must maintain registration with  
10 the department for the duration of his or her life, unless the  
11 sexual offender has received a full pardon or has had a  
12 conviction set aside in a postconviction proceeding for any  
13 offense that meets the criteria for classifying the person as  
14 a sexual offender for purposes of registration. However, a  
15 sexual offender:

16 (a)1. Who has been lawfully released from confinement,  
17 supervision, or sanction, whichever is later, for at least 25  
18 ~~20~~ years and has not been arrested for any felony or  
19 misdemeanor offense since release, provided that the sexual  
20 offender's requirement to register was not based upon an adult  
21 conviction for a violation of s. 787.01; s. 787.02; or chapter  
22 794, excluding s. 794.05; any violation of s. 800.04 where the  
23 court finds the use of force, threat, or coercion by the  
24 offender, or resulting physical injury to the victim, or that  
25 the victim was unconscious, substantially impaired, or  
26 suffered a physical or mental disability resulting in a  
27 failure to appraise or control the situation; a violation of  
28 s. 800.04(5)(b); or any attempt or conspiracy to commit such  
29 offense or a violation of a similar law of another  
30 jurisdiction, ~~;~~ or  
31

1           ~~(b) Who was 18 years of age or under at the time the~~  
2 ~~offense was committed and the victim was 12 years of age or~~  
3 ~~older and adjudication was withheld for that offense, who is~~  
4 ~~released from all sanctions, who has had 10 years elapse since~~  
5 ~~having been placed on probation, and who has not been arrested~~  
6 ~~for any felony or misdemeanor offense since the date of~~  
7 ~~conviction of the qualifying offense~~

8  
9 may petition the criminal division of the circuit court of the  
10 circuit in which the sexual offender resides for the purpose  
11 of removing the requirement for registration as a sexual  
12 offender. 2. The court may grant or deny ~~such~~ relief if the  
13 offender demonstrates to the court that he or she has not been  
14 arrested for any crime since release; the requested relief  
15 complies with the provisions of the federal Adam Walsh Child  
16 Protection and Safety Act of 2006 ~~Jacob Wetterling Act, as~~  
17 ~~amended~~, and any other federal standards applicable to the  
18 removal of registration requirements for a sexual offender or  
19 required to be met as a condition for the receipt of federal  
20 funds by the state; and the court is otherwise satisfied that  
21 the offender is not a current or potential threat to public  
22 safety. The state attorney in the circuit in which the  
23 petition is filed must be given notice of the petition at  
24 least 3 weeks before the hearing on the matter. The state  
25 attorney may present evidence in opposition to the requested  
26 relief or may otherwise demonstrate the reasons why the  
27 petition should be denied. If the court denies the petition,  
28 the court may set a future date at which the sexual offender  
29 may again petition the court for relief, subject to the  
30 standards for relief provided in this subsection.

1           3. The department shall remove an offender from  
2 classification as a sexual offender for purposes of  
3 registration if the offender provides to the department a  
4 certified copy of the court's written findings or order that  
5 indicates that the offender is no longer required to comply  
6 with the requirements for registration as a sexual offender.

7           ~~(b)(c)~~ As defined in sub-subparagraph (1)(a)1.b.  
8 ~~subparagraph (1)(a)2.~~ must maintain registration with the  
9 department for the duration of his or her life until the  
10 person provides the department with an order issued by the  
11 court that designated the person as a sexual predator, as a  
12 sexually violent predator, or by another sexual offender  
13 designation in the state or jurisdiction in which the order  
14 was issued which states that such designation has been removed  
15 or demonstrates to the department that such designation, if  
16 not imposed by a court, has been removed by operation of law  
17 or court order in the state or jurisdiction in which the  
18 designation was made, and provided such person no longer meets  
19 the criteria for registration as a sexual offender under the  
20 laws of this state.

21           (14)(a) A sexual offender must report in person each  
22 year during the month of the sexual offender's birthday and  
23 during the sixth month following the sexual offender's birth  
24 month to the sheriff's office in the county in which he or she  
25 resides or is otherwise located to reregister.

26           (b) However, a sexual offender who is required to  
27 register as a result of a conviction for a violation of s.  
28 787.01 or s. 787.02 where the victim is a minor and the  
29 offender is not the victim's parent or guardian; a violation  
30 of chapter 794, excluding ss. 794.011(10), 794.0235, 794.024,  
31 794.027, 794.03, 794.05, 794.065, and 794.075; any violation

1 of s. 800.04 where the court finds the use of force, threat,  
2 or coercion by the offender, or resulting physical injury to  
3 the victim, or that the victim was unconscious, substantially  
4 impaired, or suffered a physical or mental disability  
5 resulting in a failure to appraise or control the situation; a  
6 violation of s. 800.04(5)(b); or any attempt or conspiracy to  
7 commit such offense or a violation of a similar law of another  
8 jurisdiction must reregister each year during the month of the  
9 sexual offender's birthday and every third month thereafter.

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

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

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

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

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

11 |         4. Any sexual offender who fails to report in person  
12 | as required at the sheriff's office, or who fails to respond  
13 | to any address verification correspondence from the department  
14 | within 3 weeks of the date of the correspondence, commits a  
15 | felony of the third degree, punishable as provided in s.  
16 | 775.082, s. 775.083, or s. 775.084.

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

22 |         Section 5. Section 943.44353, Florida Statutes, is  
23 | created to read:

24 |         943.44353 Automatic notification of registration  
25 | information regarding sexual predators and offenders.--

26 |         (1) The department shall develop and maintain a system  
27 | to provide automatic notification of registration information  
28 | regarding sexual predators and sexual offenders to the public.

29 |         (2) In accordance with the federal Adam Walsh Child  
30 | Protection and Safety Act of 2006, schools, public housing  
31 | agencies, agencies responsible for conducting



1 employment-related background checks under s. 3 of the  
2 National Child Protection Act of 1993, 42 U.S.C. s. 5119a, as  
3 amended, social service entities responsible for protecting  
4 minors in the child welfare system, volunteer organizations in  
5 which contact with minors or other vulnerable individuals  
6 might occur, and any other such organization, company, or  
7 individual shall have access to the notification system.

8 Section 6. Subsection (3) is added to section  
9 943.0515, Florida Statutes, to read:

10 943.0515 Retention of criminal history records of  
11 minors.--

12 (3) Notwithstanding any other provision of this  
13 section, the Criminal Justice Information Program shall retain  
14 the criminal history record of a minor adjudicated delinquent  
15 for a violation committed on or after July 1, 2007, of chapter  
16 794, excluding ss. 794.0235, 794.024, 794.027, 794.03, 794.05,  
17 794.065, and 794.075; any violation of s. 800.04 where the  
18 court finds the use of force, threat, or coercion by the  
19 offender, or resulting physical injury to the victim, or that  
20 the victim was unconscious, substantially impaired, or  
21 suffered a physical or mental disability resulting in a  
22 failure to appraise or control the situation; or any attempt  
23 or conspiracy to commit such offense, when the minor was 14  
24 years of age or older at the time of the offense. Such records  
25 shall not be destroyed and must be merged with the person's  
26 adult criminal history record and retained as a part of the  
27 person's adult record.

28 Section 7. Paragraph (b) of subsection (1) and  
29 paragraph (a) of subsection (3) of section 944.606, Florida  
30 Statutes, are amended to read:

31 944.606 Sexual offenders; notification upon release.--

1 (1) As used in this section:

2 (b) "Sexual offender" means a person who has been  
3 convicted of committing, or attempting, soliciting, or  
4 conspiring to commit, any of the criminal offenses proscribed  
5 in the following statutes in this state or similar offenses in  
6 another jurisdiction: s. 787.01, s. 787.02, or s.  
7 787.025(2)(c), where the victim is a minor and the defendant  
8 is not the victim's parent or guardian; chapter 794, excluding  
9 ss. 794.011(10) and 794.0235; s. 796.03; s. 796.035; s.  
10 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135; s.  
11 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any  
12 similar offense committed in this state which has been  
13 redesignated from a former statute number to one of those  
14 listed in this subsection, when the department has received  
15 verified information regarding such conviction; an offender's  
16 computerized criminal history record is not, in and of itself,  
17 verified information.

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

21 1. The department must provide: the sexual offender's  
22 name, any change in the offender's name by reason of marriage  
23 or other legal process, and any alias, if known; the  
24 correctional facility from which the sexual offender is  
25 released; the sexual offender's social security number, race,  
26 sex, date of birth, height, weight, and hair and eye color;  
27 date and county of sentence and each crime for which the  
28 offender was sentenced; a copy of the offender's fingerprints  
29 and a digitized photograph taken within 60 days before  
30 release; the date of release of the sexual offender; and the  
31 offender's intended residence address, if known. The

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

16 2. The department may provide any other information  
17 deemed necessary, including criminal and corrections records,  
18 nonprivileged personnel and treatment records, when available.

19 Section 8. Paragraph (a) of subsection (1) and  
20 subsections (3), (4), (7), (11), and (13) of section 944.607,  
21 Florida Statutes, are amended to read:

22 944.607 Notification to Department of Law Enforcement  
23 of information on sexual offenders.--

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

25 (a) "Sexual offender" means a person who is in the  
26 custody or control of, or under the supervision of, the  
27 department or is in the custody of a private correctional  
28 facility:

29 1. On or after October 1, 1997, as a result of a  
30 conviction for committing, or attempting, soliciting, or  
31 conspiring to commit, any of the criminal offenses proscribed

1 | in the following statutes in this state or similar offenses in  
2 | another jurisdiction: s. 787.01, s. 787.02, or s.  
3 | 787.025(2)(c), where the victim is a minor and the defendant  
4 | is not the victim's parent or guardian; chapter 794, excluding  
5 | ss. 794.011(10), ~~and~~ 794.0235, 794.024, 794.027, 794.03,  
6 | 794.05, 794.065, and 794.075; s. 796.03; s. 796.035; s.  
7 | 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135; s.  
8 | 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any  
9 | similar offense committed in this state which has been  
10 | redesignated from a former statute number to one of those  
11 | listed in this paragraph; or

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

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

29 |         (4) A sexual offender, as described in this section,  
30 | who is under the supervision of the Department of Corrections  
31 | but is not incarcerated must register with the Department of

1 Corrections within 3 business days after sentencing for a  
2 registerable offense and otherwise provide information as  
3 required by this subsection.

4 (a) The sexual offender shall provide his or her name;  
5 date of birth; social security number; race; sex; height;  
6 weight; hair and eye color; tattoos or other identifying  
7 marks; and permanent or legal residence and address of  
8 temporary residence within the state or out of state while the  
9 sexual offender is under supervision in this state, including  
10 any rural route address or post office box. The Department of  
11 Corrections shall verify the address of each sexual offender  
12 in the manner described in ss. 775.21 and 943.0435. The  
13 department shall report to the Department of Law Enforcement  
14 any failure by a sexual predator or sexual offender to comply  
15 with registration requirements.

16 (b) 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 provide the name,  
19 address, and county of each institution, including each campus  
20 attended, and the sexual offender's enrollment or employment  
21 status. Each change in enrollment or employment status shall  
22 be reported to the department within 48 hours after the change  
23 in status. The Department of Corrections shall promptly notify  
24 each institution of the sexual offender's presence and any  
25 change in the sexual offender's enrollment or employment  
26 status.

27 (7) If the sexual offender is in the custody of a  
28 local jail, the custodian of the local jail shall register the  
29 offender within 3 business days of intake of the offender for  
30 any reason and, upon release, forward the information to the  
31 Department of Law Enforcement. The custodian of the local jail

1 shall also take a digitized photograph of the sexual offender  
2 while the offender remains in custody and shall provide the  
3 digitized photograph to the Department of Law Enforcement.

4 (11) The department, the Department of Highway Safety  
5 and Motor Vehicles, the Department of Law Enforcement, the  
6 Department of Corrections, the Department of Juvenile Justice,  
7 personnel of those departments, and any individual or entity  
8 acting at the request or upon the direction of those  
9 departments are immune from civil liability for damages for  
10 good faith compliance with this section, and shall be presumed  
11 to have acted in good faith in compiling, recording,  
12 reporting, or providing information. The presumption of good  
13 faith is not overcome if technical or clerical errors are made  
14 by the department, the Department of Highway Safety and Motor  
15 Vehicles, the Department of Law Enforcement, the Department of  
16 Juvenile Justice, personnel of those departments, or any  
17 individual or entity acting at the request or upon the  
18 direction of those departments in compiling, recording,  
19 reporting, or providing information, or, if the information is  
20 incomplete or incorrect because the information has not been  
21 provided by a person or agency required to provide the  
22 information, or because the information was not reported or  
23 was falsely reported.

24 (13)(a) A sexual offender must report in person each  
25 year during the month of the sexual offender's birthday and  
26 during the sixth month following the sexual offender's birth  
27 month to the sheriff's office in the county in which he or she  
28 resides or is otherwise located to reregister.

29 (b) However, a sexual offender who is required to  
30 register as a result of a conviction for a violation of s.  
31 787.01 or s. 787.02 where the victim is a minor and the

1 offender is not the victim's parent or guardian; a violation  
2 of chapter 794, excluding ss. 794.011(10), 794.0235, 794.024,  
3 794.027, 794.03, 794.05, 794.065, and 794.075; any violation  
4 of s. 800.04 where the court finds the use of force, threat,  
5 or coercion by the offender, or resulting physical injury to  
6 the victim, or that the victim was unconscious, substantially  
7 impaired, or suffered a physical or mental disability  
8 resulting in a failure to appraise or control the situation; a  
9 violation of s. 800.04(5)(b); or any attempt or conspiracy to  
10 commit such offense or a violation of a similar law of another  
11 jurisdiction must reregister each year during the month of the  
12 sexual offender's birthday and every third month thereafter.

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

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

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

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

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

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

26           Section 9. Subsection (6) of section 985.04, Florida  
27 Statutes, is amended to read:

28           985.04 Oaths; records; confidential information.--

29           (6)(a) Records maintained by the department, including  
30 copies of records maintained by the court, which pertain to a  
31 child found to have committed a delinquent act which, if



1 committed by an adult, would be a crime specified in ss.  
2 435.03 and 435.04 may not be destroyed under this section for  
3 a period of 25 years after the youth's final referral to the  
4 department, except in cases of the death of the child. Such  
5 records, however, shall be sealed by the court for use only in  
6 meeting the screening requirements for personnel in s.  
7 402.3055 and the other sections cited above, or under  
8 departmental rule; however, current criminal history  
9 information must be obtained from the Department of Law  
10 Enforcement in accordance with s. 943.053. The information  
11 shall be released to those persons specified in the above  
12 cited sections for the purposes of complying with those  
13 sections. The court may punish by contempt any person who  
14 releases or uses the records for any unauthorized purpose.

15 (b) Sexual offender and predator registration  
16 information as required in ss. 775.21, 943.0435, 944.606,  
17 944.607, 985.481, and 985.4815 is public record pursuant to s.  
18 119.07(1) and as otherwise provided by law.

19 Section 10. Subsection (2) of section 985.045, Florida  
20 Statutes, is amended to read:

21 985.045 Court records.--

22 (2) The clerk shall keep all official records required  
23 by this section separate from other records of the circuit  
24 court, except those records pertaining to motor vehicle  
25 violations, which shall be forwarded to the Department of  
26 Highway Safety and Motor Vehicles. Except as provided in ss.  
27 943.053, 985.04(6)(b), and 985.04(7), official records  
28 required by this chapter are not open to inspection by the  
29 public, but may be inspected only upon order of the court by  
30 persons deemed by the court to have a proper interest therein,  
31 except that a child and the parents, guardians, or legal

1 | custodians of the child and their attorneys, law enforcement  
2 | agencies, the Department of Juvenile Justice and its  
3 | designees, the Parole Commission, the Department of  
4 | Corrections, and the Justice Administrative Commission shall  
5 | always have the right to inspect and copy any official record  
6 | pertaining to the child. The court may permit authorized  
7 | representatives of recognized organizations compiling  
8 | statistics for proper purposes to inspect, and make abstracts  
9 | from, official records under whatever conditions upon the use  
10 | and disposition of such records the court may deem proper and  
11 | may punish by contempt proceedings any violation of those  
12 | conditions.

13 |       Section 11. Section 985.481, Florida Statutes, is  
14 | created to read:

15 |       985.481 Sexual offenders adjudicated delinquent;  
16 | notification upon release.--

17 |       (1) As used in this section:

18 |       (a) "Convicted" has the same meaning as provided in  
19 | s. 943.0435.

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

22 |       (2) The Legislature finds that sexual offenders,  
23 | especially those who have committed their offenses against  
24 | minors, often pose a high risk of engaging in sexual offenses  
25 | even after being released from incarceration or commitment and  
26 | that protection of the public from sexual offenders is a  
27 | paramount governmental interest. Sexual offenders have a  
28 | reduced expectation of privacy because of the public's  
29 | interest in public safety and in the effective operation of  
30 | government. Releasing sexual offender information to law  
31 | enforcement agencies, to persons who request such information,

1 and to the public by a law enforcement agency or public agency  
2 will further the governmental interests of public safety.

3 (3)(a) The department must provide information  
4 regarding any sexual offender who is being released after  
5 serving a period of residential commitment or other detention  
6 under the department for any offense, as follows:

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

1 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 delinquency records,  
5 when available.

6 (b) The department must provide the information  
7 described in subparagraph (a)1. to the following:

8 1. The sheriff of the county from where the sexual  
9 offender offense was disposed.

10 2. The sheriff of the county and, if applicable, the  
11 police chief of the municipality where the sexual offender  
12 plans to reside.

13 3. The Department of Law Enforcement.

14 4. When requested, the victim of the offense, the  
15 victim's parent or legal guardian if the victim is a minor,  
16 the lawful representative of the victim or of the victim's  
17 parent or guardian if the victim is a minor, or the next of  
18 kin if the victim is a homicide victim.

19 5. Any person who requests such information, either  
20 within 6 months prior to the anticipated release of a sexual  
21 offender or as soon as possible if an offender is released  
22 earlier than anticipated. All such information provided to the  
23 Department of Law Enforcement must be available electronically  
24 as soon as the information is in the agency's database and  
25 must be in a format that is compatible with the requirements  
26 of the Florida Crime Information Center.

27 (c) Upon request, the department must provide the  
28 information described in subparagraph (a)2. to the following:

29 1. The sheriff of the county from where the sexual  
30 offender was sentenced.

31

1           2. The sheriff of the county and, if applicable, the  
2 police chief of the municipality where the sexual offender  
3 plans to reside, either within 6 months prior to the  
4 anticipated release of a sexual offender or as soon as  
5 possible if an offender is released earlier than anticipated.

6           (d) Upon receiving information regarding a sexual  
7 offender from the department, the Department of Law  
8 Enforcement, the sheriff, or the chief of police shall provide  
9 the information described in subparagraph (a)1. to any  
10 individual who requests such information and may release the  
11 information to the public in any manner deemed appropriate,  
12 unless the information so received is confidential or exempt  
13 from s. 119.07(1) and s. 24(a), Art. I of the State  
14 Constitution.

15           (4) This section authorizes the department or any law  
16 enforcement agency to notify the community and the public of a  
17 sexual offender's presence in the community. However, with  
18 respect to a sexual offender who has been found to be a sexual  
19 predator under chapter 775, the Department of Law Enforcement  
20 or any other law enforcement agency must inform the community  
21 and the public of the sexual predator's presence in the  
22 community as provided in chapter 775.

23           (5) An elected or appointed official, public employee,  
24 school administrator or employee, or agency, or any individual  
25 or entity acting at the request or upon the direction of any  
26 law enforcement agency, is immune from civil liability for  
27 damages resulting from the release of information under this  
28 section.

29           Section 12. Section 985.4815, Florida Statutes, is  
30 created to read:  
31

1           985.4815 Notification to Department of Law Enforcement  
2 of information on juvenile sexual offenders.--

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

4           (a) "Change in enrollment or employment status" means  
5 the commencement or termination of enrollment or employment or  
6 a change in location of enrollment or employment.

7           (b) "Conviction" has the same meaning as provided in  
8 s. 943.0435.

9           (c) "Institution of higher education" means a career  
10 center, community college, college, state university, or  
11 independent postsecondary institution.

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

16           1. Has been adjudicated delinquent as provided in s.  
17 943.0435(1)(a)1.d.; or

18           2. Is a minor who establishes or maintains a residence  
19 in this state and has not been designated as a sexual predator  
20 by a court of this state but has been designated as a sexual  
21 predator, as a sexually violent predator, or by another sexual  
22 offender designation in another state or jurisdiction and was,  
23 as a result of such designation, subjected to registration or  
24 community or public notification, or both, or would be if the  
25 person were a resident of that state or jurisdiction, without  
26 regard to whether the person otherwise meets the criteria for  
27 registration as a sexual offender.

28           (2) The clerk of that court which adjudicated and  
29 entered a disposition regarding the sexual offender for the  
30 offense or offenses for which he or she was convicted shall  
31 forward to the department and the Department of Law

1 Enforcement a certified copy of any order entered by the court  
2 imposing any special condition or restriction on the sexual  
3 offender that restricts or prohibits access to the victim, if  
4 the victim is a minor, or to other minors. The Department of  
5 Law Enforcement may include on its Internet website such  
6 special conditions or restrictions.

7 (3) If a sexual offender is not sentenced to a term of  
8 residential commitment, the clerk of the court shall ensure  
9 that the sexual offender's fingerprints and sexual offender  
10 registration are taken and forwarded to the Department of Law  
11 Enforcement within 48 hours after the court sentences the  
12 offender. The fingerprint card shall be clearly marked "Sexual  
13 Offender Registration Card."

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

20 (a) The sexual offender shall provide his or her name;  
21 date of birth; social security number; race; sex; height;  
22 weight; hair and eye color; tattoos or other identifying  
23 marks; and permanent or legal residence and address of  
24 temporary residence within the state or out of state while the  
25 sexual offender is in the care or custody or under the  
26 jurisdiction or supervision of the department in this state,  
27 including any rural route address or post office box, and the  
28 name and address of each school attended. The department shall  
29 verify the address of each sexual offender in the manner  
30 described in ss. 775.21 and 943.0435 and shall report to the  
31

1 Department of Law Enforcement any failure by a sexual offender  
2 to comply with registration requirements.

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

13 (5) In addition to notification and transmittal  
14 requirements imposed by any other provision of law, the  
15 department shall compile information on any sexual offender  
16 and provide the information to the Department of Law  
17 Enforcement. The information shall be made available  
18 electronically to the Department of Law Enforcement as soon as  
19 this information is in the department's database and must be  
20 in a format that is compatible with the requirements of the  
21 Florida Crime Information Center.

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

24 1. The information obtained from the sexual offender  
25 under subsection (4).

26 2. The sexual offender's most current address and  
27 place of permanent or temporary residence within the state or  
28 out of state while the sexual offender is in the care or  
29 custody or under the jurisdiction or supervision of the  
30 department in this state, including the name of the county or  
31 municipality in which the offender permanently or temporarily



1 resides and, if known, the intended place of permanent or  
2 temporary residence upon satisfaction of all sanctions.

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

5 4. The location of, and local telephone number for,  
6 any department office that is responsible for supervising the  
7 sexual offender.

8 5. An indication of whether the victim of the offense  
9 that resulted in the offender's status as a sexual offender  
10 was a minor.

11 6. The offense or offenses at adjudication and  
12 disposition that resulted in the determination of the  
13 offender's status as a sex offender.

14 7. A digitized photograph of the sexual offender,  
15 which must have been taken within 60 days before the offender  
16 was released from the custody of the department or a private  
17 correctional facility by expiration of sentence under s.  
18 944.275, or within 60 days after the onset of the department's  
19 supervision of any sexual offender who is on probation,  
20 postcommitment probation, residential commitment,  
21 nonresidential commitment, licensed child-caring commitment,  
22 community control, conditional release, parole, provisional  
23 release, or control release or who is supervised by the  
24 department under the Interstate Compact Agreement for  
25 Probationers and Parolees. If the sexual offender is in the  
26 custody of a private correctional facility, the facility shall  
27 take a digitized photograph of the sexual offender within the  
28 time period provided in this subparagraph and shall provide  
29 the photograph to the department.

30 (b) If any information provided by the department  
31 changes during the time the sexual offender is under the

1 department's care, control, custody, or supervision, including  
2 any change in the offender's name by reason of marriage or  
3 other legal process, the department shall, in a timely manner,  
4 update the information and provide it to the Department of Law  
5 Enforcement in the manner prescribed in subsection (5).

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

15 (8) If the sexual offender is under federal  
16 supervision, the federal agency responsible for supervising  
17 the sexual offender may forward to the Department of Law  
18 Enforcement any information regarding the sexual offender that  
19 is consistent with the information provided by the department  
20 under this section and may indicate whether use of the  
21 information is restricted to law enforcement purposes only or  
22 may be used by the Department of Law Enforcement for purposes  
23 of public notification.

24 (9) A sexual offender, as described in this section,  
25 who is under the care, jurisdiction, or supervision of the  
26 department but who is not incarcerated shall, in addition to  
27 the registration requirements provided in subsection (4),  
28 register in the manner provided in s. 943.0435(3), (4), and  
29 (5), unless the sexual offender is a sexual predator, in which  
30 case he or she shall register as required under s. 775.21. A  
31 sexual offender who fails to comply with the requirements of

1 s. 943.0435 is subject to the penalties provided in s.  
2 943.0435(9).

3 (10)(a) The failure of a sexual offender to submit to  
4 the taking of a digitized photograph, or to otherwise comply  
5 with the requirements of this section, is a felony of the  
6 third degree, punishable as provided in s. 775.082, s.  
7 775.083, or s. 775.084.

8 (b) A sexual offender who commits any act or omission  
9 in violation of this section may be prosecuted for the act or  
10 omission in the county in which the act or omission was  
11 committed, the county of the last registered address of the  
12 sexual offender, or the county in which the adjudication and  
13 disposition occurred for the offense or offenses that meet the  
14 criteria for designating a person as a sexual offender.

15 (c) An arrest on charges of failure to register when  
16 the offender has been provided and advised of his or her  
17 statutory obligations to register under s. 943.0435(2), the  
18 service of an information or a complaint for a violation of  
19 this section, or an arraignment on charges for a violation of  
20 this section constitutes actual notice of the duty to  
21 register. A sexual offender's failure to immediately register  
22 as required by this section following such arrest, service, or  
23 arraignment constitutes grounds for a subsequent charge of  
24 failure to register. A sexual offender charged with the crime  
25 of failure to register who asserts, or intends to assert, a  
26 lack of notice of the duty to register as a defense to a  
27 charge of failure to register shall immediately register as  
28 required by this section. A sexual offender who is charged  
29 with a subsequent failure to register may not assert the  
30 defense of a lack of notice of the duty to register.

31

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

4           (11) The department, the Department of Highway Safety  
5 and Motor Vehicles, the Department of Law Enforcement, the  
6 Department of Corrections, personnel of those departments, and  
7 any individual or entity acting at the request or upon the  
8 direction of those departments are immune from civil liability  
9 for damages for good faith compliance with this section and  
10 shall be presumed to have acted in good faith in compiling,  
11 recording, reporting, or providing information. The  
12 presumption of good faith is not overcome if technical or  
13 clerical errors are made by the department, the Department of  
14 Highway Safety and Motor Vehicles, the Department of Law  
15 Enforcement, the Department of Corrections, personnel of those  
16 departments, or any individual or entity acting at the request  
17 or upon the direction of those departments in compiling,  
18 recording, reporting, or providing information, or, if the  
19 information is incomplete or incorrect because the information  
20 has not been provided by a person or agency required to  
21 provide it, was not reported, or was falsely reported.

22           (12) Any person who has reason to believe that a  
23 sexual offender is not complying, or has not complied, with  
24 the requirements of this section and who, with the intent to  
25 assist the sexual offender in eluding a law enforcement agency  
26 that is seeking to find the sexual offender to question the  
27 sexual offender about, or to arrest the sexual offender for,  
28 his or her noncompliance with the requirements of this  
29 section:

30           (a) Withholds information from, or does not notify,  
31 the law enforcement agency about the sexual offender's

1 noncompliance with the requirements of this section and, if  
2 known, the whereabouts of the sexual offender;  
3 (b) Harbors, attempts to harbor, or assists another  
4 person in harboring or attempting to harbor the sexual  
5 offender;  
6 (c) Conceals, attempts to conceal, or assists another  
7 person in concealing or attempting to conceal the sexual  
8 offender; or  
9 (d) Provides information to the law enforcement agency  
10 regarding the sexual offender that the person knows to be  
11 false  
12  
13 commits a felony of the third degree, punishable as provided  
14 in s. 775.082, s. 775.083, or s. 775.084. This subsection does  
15 not apply if the sexual offender is incarcerated in or is in  
16 the custody of a state correctional facility, a private  
17 correctional facility, a local jail, or a federal correctional  
18 facility.  
19 (13)(a) A sexual offender must report in person each  
20 year during the month of the sexual offender's birthday and  
21 during every third month thereafter to the sheriff's office in  
22 the county in which he or she resides or is otherwise located  
23 to reregister.  
24 (b) The sheriff's office may determine the appropriate  
25 times and days for reporting by the sexual offender, which  
26 shall be consistent with the reporting requirements of this  
27 subsection. Reregistration shall include any changes to the  
28 following information:  
29 1. Name; social security number; age; race; sex; date  
30 of birth; height; weight; hair and eye color; address of any  
31 permanent residence and address of any current temporary

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

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

13 3. If the sexual offender's place of residence is a  
14 motor vehicle, trailer, mobile home, or manufactured home, as  
15 defined in chapter 320, the sexual offender 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 offender's place of residence  
20 is a vessel, live-aboard vessel, or houseboat, as defined in  
21 chapter 327, the sexual offender 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 4. Any sexual offender who fails to report in person  
27 as required at the sheriff's office, or who fails to respond  
28 to any address verification correspondence from the department  
29 within 3 weeks after the date of the correspondence, commits a  
30 felony of the third degree, punishable as provided in s.  
31 775.082, s. 775.083, and s. 775.084.

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

5           Section 13. This act shall take effect July 1, 2007.  
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