

By the Committee on Criminal Justice; and Senator Argenziano

591-2134-07

1                                   A bill to be entitled  
2           An act relating to sexual offenders and  
3           predators; amending s. 775.21, F.S.; revising  
4           criteria for designation as a sexual predator;  
5           correcting a cross-reference; requiring sexual  
6           predators to register with the Department of  
7           Law Enforcement through a sheriff's office;  
8           requiring a sexual predator who is supervised  
9           by the Department of Corrections but not  
10          incarcerated to register within a specified  
11          period; requiring that the custodian of a local  
12          jail register a sexual predator within a  
13          specified period after intake; deleting  
14          provisions allowing certain predators to have  
15          predator designation removed after a specified  
16          period; revising references to applicable  
17          federal law; revising provisions relating to  
18          verification of addresses; providing specified  
19          immunity to the Department of Juvenile Justice;  
20          amending s. 943.0435, F.S.; revising criteria  
21          for sexual offender designation; revising the  
22          definition of the term "conviction"; revising  
23          reporting requirements; revising references to  
24          applicable federal law; revising provisions  
25          relating to verification of addresses;  
26          providing specified immunity to the Department  
27          of Juvenile Justice; revising provisions  
28          relating to petitions to allow certain  
29          offenders to remove the offender designation  
30          after a specified period; creating s.  
31          943.04354, F.S.; allowing certain sexual

1 predators and sexual offenders to petition for  
2 the removal of the registration requirement;  
3 providing that a court may grant the petition  
4 if certain criteria are met and removal of the  
5 registration requirement will not conflict with  
6 federal law; creating s. 943.44353, F.S.;  
7 requiring development and maintenance of a  
8 system to provide automatic notification of  
9 registration information regarding sexual  
10 predators and sexual offenders to the public;  
11 amending s. 943.0515, F.S.; requiring retention  
12 of records of minors adjudicated delinquent of  
13 specified sexual offenses; amending s. 944.606,  
14 F.S.; revising criteria for designation as a  
15 sexual offender; providing registration and  
16 notification duties for a custodian of a local  
17 jail regarding sexual offenders; amending s.  
18 944.607, F.S.; revising the definition of a  
19 sexual offender for notification purposes;  
20 revising duties of clerks of court; revising  
21 registration requirements; providing  
22 registration and notification duties for a  
23 custodian of a local jail regarding sexual  
24 offenders; providing specified immunity to the  
25 Department of Juvenile Justice; requiring more  
26 frequent reregistration for specified  
27 offenders; amending s. 985.04, F.S.; providing  
28 that specified sexual predator and offender  
29 registration information is a public record;  
30 amending s. 985.045, F.S.; conforming a  
31 provision; creating s. 985.481, F.S.; providing

1 for notification upon release of specified  
2 juvenile sexual offenders; providing for  
3 availability of specified information  
4 concerning such offenders; providing immunity  
5 for specified officials; creating s. 985.4815,  
6 F.S.; providing for notification to the  
7 Department of Law Enforcement concerning  
8 specified juvenile sexual offenders; providing  
9 definitions; providing duties of clerks of  
10 court; providing registration requirements;  
11 requiring specified information to be made  
12 available to the Department of Law Enforcement;  
13 providing duties of a custodian of a local  
14 jail; providing for forwarding of information  
15 for specified offenders under federal  
16 supervision; providing penalties for failure to  
17 comply with requirements; providing venue for  
18 prosecution of specified offenses; providing  
19 for the effect of certain actions; providing  
20 that registration following certain actions  
21 does not provide a defense to specified  
22 charges; providing immunity for specified  
23 agencies and persons for certain actions;  
24 prohibiting certain acts concerning offenders;  
25 providing criminal penalties; providing  
26 reporting requirements for offenders; amending  
27 s. 921.0022, F.S.; ranking within the offense  
28 severity ranking chart of the Criminal  
29 Punishment Code certain offenses relating to  
30 the registration requirements for sexual  
31 offenders; providing an effective date.

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

2

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

7 775.21 The Florida Sexual Predators Act.--

8 (4) SEXUAL PREDATOR CRITERIA.--

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

14 1. The felony is:

15 a. A capital, life, or first-degree felony violation,  
16 or any attempt thereof, of s. 787.01 or s. 787.02, where the  
17 victim is a minor and the defendant is not the victim's parent  
18 or guardian, or s. 794.011 ~~of chapter 794~~, s. 800.04, or s.  
19 847.0145, or a violation of a similar law of another  
20 jurisdiction; or

21 b. Any felony violation, or any attempt thereof, of s.  
22 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
23 minor and the defendant is not the victim's parent or  
24 guardian; s. 794.011 ~~chapter 794~~, excluding s. ~~ss-~~  
25 794.011(10); s. 794.05 ~~and 794.0235~~; s. 796.03; s. 796.035; s.  
26 800.04; s. 825.1025(2)(b); s. 827.071; s. 847.0145; or s.  
27 985.701(1); or a violation of a similar law of another  
28 jurisdiction, and the offender has previously been convicted  
29 of or found to have committed, or has pled nolo contendere or  
30 guilty to, regardless of adjudication, any violation of s.  
31 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a

1 minor and the defendant is not the victim's parent or  
2 guardian; s. 794.011, excluding s. 794.011(10) s. 794.011(2),  
3 ~~(3), (4), (5), or (8)~~; s. 794.05; s. 796.03; s. 796.035; s.  
4 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,  
5 excluding s. 847.0135(4); s. 847.0145; or s. 985.701(1); or a  
6 violation of a similar law of another jurisdiction;  
7         2. The offender has not received a pardon for any  
8 felony or similar law of another jurisdiction that is  
9 necessary for the operation of this paragraph; and  
10         3. A conviction of a felony or similar law of another  
11 jurisdiction necessary to the operation of this paragraph has  
12 not been set aside in any postconviction proceeding.  
13         (c) If an offender has been registered as a sexual  
14 predator by the Department of Corrections, the department, or  
15 any other law enforcement agency and if:  
16             1. The court did not, for whatever reason, make a  
17 written finding at the time of sentencing that the offender  
18 was a sexual predator; or  
19             2. The offender was administratively registered as a  
20 sexual predator because the Department of Corrections, the  
21 department, or any other law enforcement agency obtained  
22 information that indicated that the offender met the criteria  
23 for designation as a sexual predator based on a violation of a  
24 similar law in another jurisdiction,  
25  
26 the department shall remove that offender from the  
27 department's list of sexual predators and, for an offender  
28 described under subparagraph 1., shall notify the state  
29 attorney who prosecuted the offense that met the criteria for  
30 administrative designation as a sexual predator, and, for an  
31 offender described under this paragraph ~~subparagraph~~, shall

1 | notify the state attorney of the county where the offender  
2 | establishes or maintains a permanent or temporary residence.  
3 | The state attorney shall bring the matter to the court's  
4 | attention in order to establish that the offender meets the  
5 | criteria for designation as a sexual predator. If the court  
6 | makes a written finding that the offender is a sexual  
7 | predator, the offender must be designated as a sexual  
8 | predator, must register or be registered as a sexual predator  
9 | with the department as provided in subsection (6), and is  
10 | subject to the community and public notification as provided  
11 | in subsection (7). If the court does not make a written  
12 | finding that the offender is a sexual predator, the offender  
13 | may not be designated as a sexual predator with respect to  
14 | that offense and is not required to register or be registered  
15 | as a sexual predator with the department.

16 |         (6) REGISTRATION.--

17 |         (a) A sexual predator must register with the  
18 | department through the sheriff's office by providing the  
19 | following information to the department:

20 |             1. Name, social security number, age, race, sex, date  
21 | of birth, height, weight, hair and eye color, photograph,  
22 | address of legal residence and address of any current  
23 | temporary residence, within the state or out of state,  
24 | including a rural route address and a post office box, date  
25 | and place of any employment, date and place of each  
26 | conviction, fingerprints, and a brief description of the crime  
27 | or crimes committed by the offender. A post office box shall  
28 | not be provided in lieu of a physical residential address.

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

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

12 |         b. 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. Each change in enrollment or  
18 | employment status shall be reported in person at the sheriff's  
19 | office, or the Department of Corrections if the sexual  
20 | predator is in the custody or control of or under the  
21 | supervision of the Department of Corrections, within 48 hours  
22 | after any change in status. The sheriff or the Department of  
23 | Corrections shall promptly notify each institution of the  
24 | sexual predator's presence and any change in the sexual  
25 | predator's enrollment or employment status.

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

30 |         (b) If the sexual predator is in the custody or  
31 | control of, or under the supervision of, the Department of

1 Corrections, or is in the custody of a private correctional  
2 facility, the sexual predator must register with the  
3 Department of Corrections. A sexual predator who is under the  
4 supervision of the Department of Corrections but who is not  
5 incarcerated must register with the Department of Corrections  
6 within 3 business days after the court finds the offender to  
7 be a sexual predator. The Department of Corrections shall  
8 provide to the department registration information and the  
9 location of, and local telephone number for, any Department of  
10 Corrections office that is responsible for supervising the  
11 sexual predator. In addition, the Department of Corrections  
12 shall notify the department if the sexual predator escapes or  
13 absconds from custody or supervision or if the sexual predator  
14 dies.

15 (c) If the sexual predator is in the custody of a  
16 local jail, the custodian of the local jail shall register the  
17 sexual predator within 3 business days after intake of the  
18 sexual predator for any reason and upon release, and shall  
19 forward the registration information to the department. The  
20 custodian of the local jail shall also take a digitized  
21 photograph of the sexual predator while the sexual predator  
22 remains in custody and shall provide the digitized photograph  
23 to the department. The custodian shall notify the department  
24 if the sexual predator escapes from custody or dies.

25 (e)1. If the sexual predator is not in the custody or  
26 control of, or under the supervision of, the Department of  
27 Corrections, ~~or is not in the custody of a private~~  
28 correctional facility, the sexual predator shall register in  
29 person:  
30  
31



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

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

7           ~~2. and establishes or maintains a residence in the~~  
8 ~~state, the sexual predator shall register in person at the~~  
9 ~~sheriff's office in the county in which the predator~~  
10 ~~establishes or maintains a residence, within 48 hours after~~  
11 ~~establishing permanent or temporary residence in this state.~~

12 Any change in the sexual predator's permanent or temporary  
13 residence or name, after the sexual predator registers in  
14 person at the sheriff's office as provided in subparagraph 1.,  
15 shall be accomplished in the manner provided in paragraphs  
16 (g), (i), and (j). When a sexual predator registers with the  
17 sheriff's office, the sheriff shall take a photograph and a  
18 set of fingerprints of the predator and forward the  
19 photographs and fingerprints to the department, along with the  
20 information that the predator is required to provide pursuant  
21 to this section.

22           (1) A sexual predator must maintain registration with  
23 the department for the duration of his or her life, unless the  
24 sexual predator has received a full pardon or has had a  
25 conviction set aside in a postconviction proceeding for any  
26 offense that met the criteria for the sexual predator  
27 designation. ~~However, a sexual predator who was designated as~~  
28 ~~a sexual predator by a court before October 1, 1998, and who~~  
29 ~~has been lawfully released from confinement, supervision, or~~  
30 ~~sanction, whichever is later, for at least 10 years and has~~  
31 ~~not been arrested for any felony or misdemeanor offense since~~

1 ~~release, may petition the criminal division of the circuit~~  
2 ~~court in the circuit in which the sexual predator resides for~~  
3 ~~the purpose of removing the sexual predator designation. A~~  
4 ~~sexual predator who was designated a sexual predator by a~~  
5 ~~court on or after October 1, 1998, who has been lawfully~~  
6 ~~released from confinement, supervision, or sanction, whichever~~  
7 ~~is later, for at least 20 years, and who has not been arrested~~  
8 ~~for any felony or misdemeanor offense since release may~~  
9 ~~petition the criminal division of the circuit court in the~~  
10 ~~circuit in which the sexual predator resides for the purpose~~  
11 ~~of removing the sexual predator designation. A sexual predator~~  
12 ~~who was designated as a sexual predator by a court on or after~~  
13 ~~September 1, 2005, who has been lawfully released from~~  
14 ~~confinement, supervision, or sanction, whichever is later, for~~  
15 ~~at least 30 years, and who has not been arrested for any~~  
16 ~~felony or misdemeanor offense since release may petition the~~  
17 ~~criminal division of the circuit court in the circuit in which~~  
18 ~~the sexual predator resides for the purpose of removing the~~  
19 ~~sexual predator designation. The court may grant or deny such~~  
20 ~~relief if the petitioner demonstrates to the court that he or~~  
21 ~~she has not been arrested for any crime since release, the~~  
22 ~~requested relief complies with the provisions of the federal~~  
23 ~~Jacob Wetterling Act, as amended, and any other federal~~  
24 ~~standards applicable to the removal of the designation as a~~  
25 ~~sexual predator or required to be met as a condition for the~~  
26 ~~receipt of federal funds by the state, and the court is~~  
27 ~~otherwise satisfied that the petitioner is not a current or~~  
28 ~~potential threat to public safety. The state attorney in the~~  
29 ~~circuit in which the petition is filed must be given notice of~~  
30 ~~the petition at least 3 weeks before the hearing on the~~  
31 ~~matter. The state attorney may present evidence in opposition~~

1 ~~to the requested relief or may otherwise demonstrate the~~  
2 ~~reasons why the petition should be denied. If the court denies~~  
3 ~~the petition, the court may set a future date at which the~~  
4 ~~sexual predator may again petition the court for relief,~~  
5 ~~subject to the standards for relief provided in this~~  
6 ~~paragraph. Unless specified in the order, a sexual predator~~  
7 ~~who is granted relief under this paragraph must comply with~~  
8 ~~the requirements for registration as a sexual offender and~~  
9 ~~other requirements provided under s. 943.0435 or s. 944.607.~~  
10 ~~If a petitioner obtains an order from the court that imposed~~  
11 ~~the order designating the petitioner as a sexual predator~~  
12 ~~which removes such designation, the petitioner shall forward a~~  
13 ~~certified copy of the written findings or order to the~~  
14 ~~department in order to have the sexual predator designation~~  
15 ~~removed from the sexual predator registry.~~

16  
17 The sheriff shall promptly provide to the department the  
18 information received from the sexual predator.

19 (8) VERIFICATION.--The department and the Department  
20 of Corrections shall implement a system for verifying the  
21 addresses of sexual predators. The system must be consistent  
22 with the provisions of the federal Adam Walsh Child Protection  
23 and Safety Act of 2006 ~~Jacob Wetterling Act, as amended,~~ and  
24 any other federal standards applicable to such verification or  
25 required to be met as a condition for the receipt of federal  
26 funds by the state. The Department of Corrections shall verify  
27 the addresses of sexual predators who are not incarcerated but  
28 who reside in the community under the supervision of the  
29 Department of Corrections and shall report to the department  
30 any failure by a sexual predator to comply with registration  
31 requirements. County and local law enforcement agencies, in

1 conjunction with the department, shall verify the addresses of  
2 sexual predators who are not under the care, custody, control,  
3 or supervision of the Department of Corrections. Local law  
4 enforcement agencies shall report to the department any  
5 failure by a sexual predator to comply with registration  
6 requirements.

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

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

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

31

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

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

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

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

10 |       (10) PENALTIES.--

11 |       (b) A sexual predator who has been convicted of or  
12 | found to have committed, or has pled nolo contendere or guilty  
13 | to, regardless of adjudication, any violation, or attempted  
14 | violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
15 | the victim is a minor and the defendant is not the victim's  
16 | parent or guardian; s. 794.011, excluding s. 794.011(10) s-  
17 | 794.011(2), (3), (4), (5), or (8); s. 794.05; s. 796.03; s.  
18 | 796.035; s. 800.04; s. 827.071; s. 847.0133; s. 847.0145; or  
19 | s. 985.701(1); or a violation of a similar law of another  
20 | jurisdiction when the victim of the offense was a minor, and  
21 | who works, whether for compensation or as a volunteer, at any  
22 | business, school, day care center, park, playground, or other  
23 | place where children regularly congregate, commits a felony of  
24 | the third degree, punishable as provided in s. 775.082, s.  
25 | 775.083, or s. 775.084.

26 |       Section 2. Paragraphs (a) and (b) of subsection (1)  
27 | and subsections (2), (6), (10), (11), and (14) of section  
28 | 943.0435, Florida Statutes, are amended to read:

29 |       943.0435 Sexual offenders required to register with  
30 | the department; penalty.--

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

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

5           a.(I)1.a. Has been convicted of committing, or  
6 attempting, soliciting, or conspiring to commit, any of the  
7 criminal offenses proscribed in the following statutes in this  
8 state or similar offenses in another jurisdiction: s. 787.01,  
9 s. 787.02, or s. 787.025(2)(c), where the victim is a minor  
10 and the defendant is not the victim's parent or guardian; s.  
11 794.011 chapter 794, excluding ~~s. ss.~~ 794.011(10); s. 794.075  
12 ~~and 794.0235;~~ s. 796.03; s. 796.035; s. 800.04; s. 825.1025;  
13 s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
14 847.0135(4); s. 847.0137; s. 847.0138; s. 847.0145; or s.  
15 985.701(1); or any similar offense committed in this state  
16 which has been redesignated from a former statute number to  
17 one of those listed in this sub-sub-subparagraph  
18 ~~sub-subparagraph;~~ and

19           (II)b. Has been released on or after October 1, 1997,  
20 from the sanction imposed for any conviction of an offense  
21 described in sub-sub-subparagraph (I) ~~sub-subparagraph a.~~ For  
22 purposes of sub-sub-subparagraph (I) ~~sub-subparagraph a.,~~ a  
23 sanction imposed in this state or in any other jurisdiction  
24 includes, but is not limited to, a fine, probation, community  
25 control, parole, conditional release, control release, or  
26 incarceration in a state prison, federal prison, private  
27 correctional facility, or local detention facility;

28           b.2. Establishes or maintains a residence in this  
29 state and who has not been designated as a sexual predator by  
30 a court of this state but who has been designated as a sexual  
31 predator, as a sexually violent predator, or by another sexual

1 offender designation in another state or jurisdiction and was,  
2 as a result of such designation, subjected to registration or  
3 community or public notification, or both, or would be if the  
4 person were a resident of that state or jurisdiction, without  
5 regard to whether the person otherwise meets the criteria for  
6 registration as a sexual offender; ~~or~~

7 c.3. Establishes or maintains a residence in this  
8 state who is in the custody or control of, or under the  
9 supervision of, any other state or jurisdiction as a result of  
10 a conviction for committing, or attempting, soliciting, or  
11 conspiring to commit, any of the criminal offenses proscribed  
12 in the following statutes or similar offense in another  
13 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
14 the victim is a minor and the defendant is not the victim's  
15 parent or guardian; s. 794.011 ~~chapter 794~~, excluding ~~s. ss.~~  
16 794.011(10); s. 794.075 and 794.0235; s. 796.03; s. 796.035;  
17 s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,  
18 excluding s. 847.0135(4); s. 847.0137; s. 847.0138; s.  
19 847.0145; or s. 985.701(1); or any similar offense committed  
20 in this state which has been redesignated from a former  
21 statute number to one of those listed in this  
22 sub-subparagraph; or subparagraph.

23 d. On or after July 1, 2007, has been adjudicated  
24 delinquent for committing, or attempting, soliciting, or  
25 conspiring to commit, any of the criminal offenses proscribed  
26 in the following statutes in this state or similar offenses in  
27 another jurisdiction when the juvenile was 14 years of age or  
28 older at the time of the offense:

29 (I) Section 794.011, excluding s. 794.011(10);  
30  
31



1           (II) Section 800.04(4)(b) where the victim is under 12  
2 years of age or where the court finds sexual activity by the  
3 use of force or coercion;

4           (III) Section 800.04(5)(c)1. where the court finds  
5 molestation involving unclothed genitals; or

6           (IV) Section 800.04(5)(d) where the court finds the  
7 use of force or coercion and unclothed genitals.

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

11  
12 For each violation of a qualifying offense listed in this  
13 subsection, the court shall make a written finding of the age  
14 of the victim at the time of the offense. For a violation of  
15 s. 800.04(4), the court shall additionally make a written  
16 finding indicating that the offense did or did not involve  
17 sexual activity and indicating that the offense did or did not  
18 involve force or coercion. For a violation of s. 800.04(5),  
19 the court shall additionally make a written finding that the  
20 offense did or did not involve unclothed genitals or genital  
21 area and that the offense did or did not involve the use of  
22 force or coercion.

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

28 Conviction of a similar offense includes, but is not limited  
29 to, a conviction by a federal or military tribunal, including  
30 courts-martial conducted by the Armed Forces of the United  
31 States, and includes a conviction or entry of a plea of guilty

1 or nolo contendere resulting in a sanction in any state of the  
2 United States or other jurisdiction. A sanction includes, but  
3 is not limited to, a fine, probation, community control,  
4 parole, conditional release, control release, or incarceration  
5 in a state prison, federal prison, private correctional  
6 facility, or local detention facility.

7 (2) A sexual offender shall:

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

9 1. In the county in which the offender establishes or  
10 maintains a permanent or temporary residence, ~~within 48 hours~~  
11 after:

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

14 b. Being released from the custody, control, or  
15 supervision of the Department of Corrections or from the  
16 custody of a private correctional facility; ~~or-~~

17 2. In the county where he or she was convicted within  
18 48 hours after being convicted for a qualifying offense for  
19 registration under this section if the offender is not in the  
20 custody or control of, or under the supervision of, the  
21 Department of Corrections, or is not in the custody of a  
22 private correctional facility.

23  
24 Any change in the sexual offender's permanent or temporary  
25 residence or name, after the sexual offender reports in person  
26 at the sheriff's office, shall be accomplished in the manner  
27 provided in subsections (4), (7), and (8).

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

1 or address of any current temporary residence, within the  
2 state and out of state, including a rural route address and a  
3 post office box, date and place of each conviction, and a  
4 brief description of the crime or crimes committed by the  
5 offender. A post office box shall not be provided in lieu of a  
6 physical residential address.

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

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

1 | change in the sexual offender's enrollment or employment  
2 | status.

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

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

21 |         (10) The department, the Department of Highway Safety  
22 | and Motor Vehicles, the Department of Corrections, the  
23 | Department of Juvenile Justice, any law enforcement agency in  
24 | this state, and the personnel of those departments; an elected  
25 | or appointed official, public employee, or school  
26 | administrator; or an employee, agency, or any individual or  
27 | entity acting at the request or upon the direction of any law  
28 | enforcement agency is immune from civil liability for damages  
29 | for good faith compliance with the requirements of this  
30 | section or for the release of information under this section,  
31 | and shall be presumed to have acted in good faith in

1 compiling, recording, reporting, or releasing the information.  
2 The presumption of good faith is not overcome if a technical  
3 or clerical error is made by the department, the Department of  
4 Highway Safety and Motor Vehicles, the Department of  
5 Corrections, the Department of Juvenile Justice, the personnel  
6 of those departments, or any individual or entity acting at  
7 the request or upon the direction of any of those departments  
8 in compiling or providing information, or if information is  
9 incomplete or incorrect because a sexual offender fails to  
10 report or falsely reports his or her current place of  
11 permanent or temporary residence.

12 (11) Except as provided in s. 943.04354, a sexual  
13 offender must maintain registration with the department for  
14 the duration of his or her life, unless the sexual offender  
15 has received a full pardon or has had a conviction set aside  
16 in a postconviction proceeding for any offense that meets the  
17 criteria for classifying the person as a sexual offender for  
18 purposes of registration. However, a sexual offender:

19 (a)1. Who has been lawfully released from confinement,  
20 supervision, or sanction, whichever is later, for at least 25  
21 ~~20~~ years and has not been arrested for any felony or  
22 misdemeanor offense since release, provided that the sexual  
23 offender's requirement to register was not based upon an adult  
24 conviction:

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

26 b. For a violation of s. 794.011, excluding s.  
27 794.011(10);

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

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

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

3           f. For any attempt or conspiracy to commit any such  
4 offense; or

5           g. For a violation of similar law of another  
6 jurisdiction, ~~;~~ or

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

14  
15 may petition the criminal division of the circuit court of the  
16 circuit in which the sexual offender resides for the purpose  
17 of removing the requirement for registration as a sexual  
18 offender.

19           2. The court may grant or deny ~~such~~ relief if the  
20 offender demonstrates to the court that he or she has not been  
21 arrested for any crime since release; the requested relief  
22 complies with the provisions of the federal Adam Walsh Child  
23 Protection and Safety Act of 2006 ~~Jacob Wetterling Act, as~~  
24 ~~amended~~, and any other federal standards applicable to the  
25 removal of registration requirements for a sexual offender or  
26 required to be met as a condition for the receipt of federal  
27 funds by the state; and the court is otherwise satisfied that  
28 the offender is not a current or potential threat to public  
29 safety. The state attorney in the circuit in which the  
30 petition is filed must be given notice of the petition at  
31 least 3 weeks before the hearing on the matter. The state

1 attorney may present evidence in opposition to the requested  
2 relief or may otherwise demonstrate the reasons why the  
3 petition should be denied. If the court denies the petition,  
4 the court may set a future date at which the sexual offender  
5 may again petition the court for relief, subject to the  
6 standards for relief provided in this subsection.

7 3. The department shall remove an offender from  
8 classification as a sexual offender for purposes of  
9 registration if the offender provides to the department a  
10 certified copy of the court's written findings or order that  
11 indicates that the offender is no longer required to comply  
12 with the requirements for registration as a sexual offender.

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

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

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

3           1. Section 787.01 or s. 787.02 where the victim is a  
4 minor and the offender is not the victim's parent or guardian;

5           2. Section 794.011, excluding s. 794.011(10);

6           3. Section 800.04(4)(b) where the court finds the  
7 offense involved a victim under 12 years of age or sexual  
8 activity by the use of force or coercion;

9           4. Section 800.04(5)(b);

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

12           6. Section 800.04(5)c.2. where the court finds  
13 molestation involving unclothed genitals or genital area;

14           7. Section 800.04(5)(d) where the court finds the use  
15 of force or coercion and unclothed genitals or genital area;

16           8. Any attempt or conspiracy to commit such offense;

17 or

18           9. A violation of a similar law of another  
19 jurisdiction,

20  
21 must reregister each year during the month of the sexual  
22 offender's birthday and every third month thereafter.

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

28           1. Name; social security number; age; race; sex; date  
29 of birth; height; weight; hair and eye color; address of any  
30 permanent residence and address of any current temporary  
31 residence, within the state or out of state, including a rural



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

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

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

24         4. Any sexual offender who fails to report in person  
25 as required at the sheriff's office, or who fails to respond  
26 to any address verification correspondence from the department  
27 within 3 weeks of the date of the correspondence, commits a  
28 felony of the third degree, punishable as provided in s.  
29 775.082, s. 775.083, or s. 775.084.

30         ~~(d)(b)~~ The sheriff's office shall, within 2 working  
31 days, electronically submit and update all information

1 provided by the sexual offender to the department in a manner  
2 prescribed by the department. ~~This procedure shall be~~  
3 ~~implemented by December 1, 2005.~~

4 Section 3. Section 943.04354, Florida Statutes, is  
5 created to read:

6 943.04354 Removal of the requirement to register as a  
7 sexual offender or sexual predator in special circumstances.--

8 (1) For purposes of this section, a person shall be  
9 considered for removal of the requirement to register as a  
10 sexual offender or sexual predator only if the person:

11 (a) Was or will be convicted or adjudicated delinquent  
12 of a violation of s. 794.011 or s. 800.04, or the person  
13 committed a violation of s. 794.011 or s. 800.04 for which  
14 adjudication of guilt was or will be withheld, and the person  
15 does not have any other conviction, adjudication of  
16 delinquency, or withhold of adjudication of guilt for a  
17 violation of s. 794.011 or s. 800.04;

18 (b) Is required to register as a sexual offender or  
19 sexual predator solely on the basis of this violation; and

20 (c) Is not more than 4 years older than the victim of  
21 this violation who was 14 years of age or older but not more  
22 than 17 years of age at the time the person committed this  
23 violation.

24 (2) If a person meets the criteria in subsection (1)  
25 and the violation of s. 794.011 or s. 800.04 was committed on  
26 or after July 1, 2007, the person may move the court that will  
27 sentence or dispose of this violation to remove the  
28 requirement that the person register as a sexual offender or  
29 sexual predator. The person must allege in the motion that he  
30 or she meets the criteria in subsection (1) and that removal  
31 of the registration requirement will not conflict with federal

1 law. The state attorney must be given notice of the motion at  
2 least 21 days before the date of sentencing or disposition of  
3 this violation, and may present evidence in opposition to the  
4 requested relief or may otherwise demonstrate why the motion  
5 should be denied. At sentencing or disposition of this  
6 violation, the court shall rule on this motion and, if the  
7 court determines the person meets the criteria in subsection  
8 (1) and the removal of the registration requirement will not  
9 conflict with federal law, it may grant the motion and order  
10 the removal of the registration requirement. If the court  
11 denies the motion, the person is not authorized under this  
12 section to petition for removal of the registration  
13 requirement.

14 (3)(a) This subsection applies to a person who:

15 1. Is not a person described in subsection (2) because  
16 the violation of s. 794.011 or s. 800.04 was not committed on  
17 or after July 1, 2007;

18 2. Is subject to registration as a sexual offender or  
19 sexual predator for a violation of s. 794.011 or s. 800.04;  
20 and

21 3. Meets the criteria in subsection (1).

22 (b) A person may petition the court in which the  
23 sentence or disposition for the violation of s. 794.011 or s.  
24 800.04 occurred for removal of the requirement to register as  
25 a sexual offender or sexual predator. The person must allege  
26 in the petition that he or she meets the criteria in  
27 subsection (1) and removal of the registration requirement  
28 will not conflict with federal law. The state attorney must be  
29 given notice of the petition at least 21 days before the  
30 hearing on the petition and, may present evidence in  
31 opposition to the requested relief or may otherwise

1 demonstrate why the petition should be denied. The court shall  
2 rule on the petition and, if the court determines the person  
3 meets the criteria in subsection (1) and removal of the  
4 registration requirement will not conflict with federal law,  
5 it may grant the petition and order the removal of the  
6 registration requirement. If the court denies the petition,  
7 the person is not authorized under this section to file any  
8 further petition for removal of the registration requirement.

9       (4) If a person provides to the Department of Law  
10 Enforcement a certified copy of the court's order removing the  
11 requirement that the person register as a sexual offender or  
12 sexual predator for the violation of s. 794.011 or s. 800.04,  
13 the registration requirement will not apply to the person and  
14 the department shall remove all information about the person  
15 from the public registry of sexual offenders and sexual  
16 predators maintained by the department. However, the removal  
17 of this information from the public registry does not mean  
18 that the public is denied access to information about the  
19 person's criminal history or record that is otherwise  
20 available as a public record.

21       Section 4. Section 943.44353, Florida Statutes, is  
22 created to read:

23       943.44353 Automatic notification of registration  
24 information regarding sexual predators and offenders.--

25       (1) No later than January 1, 2008, the department  
26 shall develop and maintain a system to provide automatic  
27 notification of registration information regarding sexual  
28 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 5. 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, as  
16 provided in s. 943.0435(1)(d)1.d. Such records may not be  
17 destroyed and must be merged with the person's adult criminal  
18 history record and retained as a part of the person's adult  
19 record.

20 Section 6. Paragraph (b) of subsection (1) and  
21 paragraph (a) of subsection (3) of section 944.606, Florida  
22 Statutes, are amended to read:

23 944.606 Sexual offenders; notification upon release.--

24 (1) As used in this section:

25 (b) "Sexual offender" means a person who has been  
26 convicted of committing, or attempting, soliciting, or  
27 conspiring to commit, any of the criminal offenses proscribed  
28 in the following statutes in this state or similar offenses in  
29 another jurisdiction: s. 787.01, s. 787.02, or s.  
30 787.025(2)(c), where the victim is a minor and the defendant  
31 is not the victim's parent or guardian; s. 794.011 ~~chapter~~

1 | ~~794~~, excluding ~~s. ss.~~ 794.011(10); s. 794.05 and ~~794.0235~~; s.  
2 | 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.  
3 | 847.0133; s. 847.0135, excluding s. 847.0135(4); s. 847.0137;  
4 | s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar  
5 | offense committed in this state which has been redesignated  
6 | from a former statute number to one of those listed in this  
7 | subsection, when the department has received verified  
8 | information regarding such conviction; an offender's  
9 | computerized criminal history record is not, in and of itself,  
10 | verified information.

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

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

1 offender is in the custody of a local jail, the custodian of  
2 the local jail shall register the offender within 3 business  
3 days after intake of the offender for any reason and upon  
4 release, and shall notify the Department of Law Enforcement of  
5 the sexual offender's release and provide to the Department of  
6 Law Enforcement the information specified in this paragraph  
7 and any information specified in subparagraph 2. that the  
8 Department of Law Enforcement requests.

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

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

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

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

18           (a) "Sexual offender" means a person who is in the  
19 custody or control of, or under the supervision of, the  
20 department or is in the custody of a private correctional  
21 facility:

22           1. On or after October 1, 1997, as a result of a  
23 conviction for committing, or attempting, soliciting, or  
24 conspiring to commit, any of the criminal offenses proscribed  
25 in the following statutes in this state or similar offenses in  
26 another jurisdiction: s. 787.01, s. 787.02, or s.  
27 787.025(2)(c), where the victim is a minor and the defendant  
28 is not the victim's parent or guardian; s. 794.011 ~~chapter~~  
29 ~~794~~, excluding ~~s. ss.~~ 794.011(10); s. 794.05 ~~and 794.0235~~; s.  
30 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.  
31 847.0133; s. 847.0135, excluding s. 847.0135(4); s. 847.0137;

1 s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar  
2 offense committed in this state which has been redesignated  
3 from a former statute number to one of those listed in this  
4 paragraph; or

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

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

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



1 any failure by a sexual predator or sexual offender to comply  
2 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 of Corrections 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 (7) If the sexual offender is in the custody of a  
15 local jail, the custodian of the local jail shall register the  
16 offender within 3 business days after intake of the offender  
17 for any reason and upon release, and shall forward the  
18 information to the Department of Law Enforcement. The  
19 custodian of the local jail shall also take a digitized  
20 photograph of the sexual offender while the offender remains  
21 in custody and shall provide the digitized photograph to the  
22 Department of Law Enforcement.

23 (11) The department, the Department of Highway Safety  
24 and Motor Vehicles, the Department of Law Enforcement, the  
25 Department of Corrections, the Department of Juvenile Justice,  
26 personnel of those departments, and any individual or entity  
27 acting at the request or upon the direction of those  
28 departments are immune from civil liability for damages for  
29 good faith compliance with this section, and shall be presumed  
30 to have acted in good faith in compiling, recording,  
31 reporting, or providing information. The presumption of good

1 faith is not overcome if technical or clerical errors are made  
2 by the department, the Department of Highway Safety and Motor  
3 Vehicles, the Department of Law Enforcement, the Department of  
4 Juvenile Justice, personnel of those departments, or any  
5 individual or entity acting at the request or upon the  
6 direction of those departments in compiling, recording,  
7 reporting, or providing information, or, if the information is  
8 incomplete or incorrect because the information has not been  
9 provided by a person or agency required to provide the  
10 information, or because the information was not reported or  
11 was falsely reported.

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

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

19 1. Section 787.01 or s. 787.02 where the victim is a  
20 minor and the offender is not the victim's parent or guardian;

21 2. Section 794.011, excluding s. 794.011(10);

22 3. Section 800.04(4)(b) where the victim is under 12  
23 years of age or where the court finds sexual activity by the  
24 use of force or coercion;

25 4. Section 800.04(5)(b);

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

28 6. Section 800.04(5)c.2. where the court finds  
29 molestation involving unclothed genitals or genital area;

30 7. Section 800.04(5)(d) where the court finds the use  
31 of force or coercion and unclothed genitals or genital area;

1           8. Any attempt or conspiracy to commit such offense;  
2 or  
3           9. A violation of a similar law of another  
4 jurisdiction,

5  
6 must reregister each year during the month of the sexual  
7 offender's birthday and every third month thereafter.

8           (c) 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 ~~paragraph~~. Reregistration shall include any changes  
12 to the 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; date and place of any  
18 employment; vehicle make, model, color, and license tag  
19 number; fingerprints; and photograph. A post office box shall  
20 not be provided in lieu of a physical residential address.

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

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

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

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

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

21 |         Section 8. Subsection (6) of section 985.04, Florida  
22 | Statutes, is amended to read:

23 |         985.04 Oaths; records; confidential information.--

24 |         (6)(a) Records maintained by the department, including  
25 | copies of records maintained by the court, which pertain to a  
26 | child found to have committed a delinquent act which, if  
27 | committed by an adult, would be a crime specified in ss.  
28 | 435.03 and 435.04 may not be destroyed under this section for  
29 | a period of 25 years after the youth's final referral to the  
30 | department, except in cases of the death of the child. Such  
31 | records, however, shall be sealed by the court for use only in

1 meeting the screening requirements for personnel in s.  
2 402.3055 and the other sections cited above, or under  
3 departmental rule; however, current criminal history  
4 information must be obtained from the Department of Law  
5 Enforcement in accordance with s. 943.053. The information  
6 shall be released to those persons specified in the above  
7 cited sections for the purposes of complying with those  
8 sections. The court may punish by contempt any person who  
9 releases or uses the records for any unauthorized purpose.

10 (b) Sexual offender and predator registration  
11 information as required in ss. 775.21, 943.0435, 944.606,  
12 944.607, 985.481, and 985.4815 is a public record pursuant to  
13 s. 119.07(1) and as otherwise provided by law.

14 Section 9. Subsection (2) of section 985.045, Florida  
15 Statutes, is amended to read:

16 985.045 Court records.--

17 (2) The clerk shall keep all official records required  
18 by this section separate from other records of the circuit  
19 court, except those records pertaining to motor vehicle  
20 violations, which shall be forwarded to the Department of  
21 Highway Safety and Motor Vehicles. Except as provided in ss.  
22 943.053, 985.04(6)(b), and 985.04(7), official records  
23 required by this chapter are not open to inspection by the  
24 public, but may be inspected only upon order of the court by  
25 persons deemed by the court to have a proper interest therein,  
26 except that a child and the parents, guardians, or legal  
27 custodians of the child and their attorneys, law enforcement  
28 agencies, the Department of Juvenile Justice and its  
29 designees, the Parole Commission, the Department of  
30 Corrections, and the Justice Administrative Commission shall  
31 always have the right to inspect and copy any official record

1 | pertaining to the child. The court may permit authorized  
2 | representatives of recognized organizations compiling  
3 | statistics for proper purposes to inspect, and make abstracts  
4 | from, official records under whatever conditions upon the use  
5 | and disposition of such records the court may deem proper and  
6 | may punish by contempt proceedings any violation of those  
7 | conditions.

8 |       Section 10. Section 985.481, Florida Statutes, is  
9 | created to read:

10 |       985.481 Sexual offenders adjudicated delinquent;  
11 | notification upon release.--

12 |       (1) As used in this section:

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

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

17 |       (2) The Legislature finds that certain juvenile sexual  
18 | offenders pose a high risk of engaging in sexual offenses even  
19 | after being released from commitment and that protection of  
20 | the public from sexual offenders is a paramount governmental  
21 | interest. Sexual offenders have a reduced expectation of  
22 | privacy because of the public's interest in public safety and  
23 | in the effective operation of government. Releasing sexual  
24 | offender information to law enforcement agencies, to persons  
25 | who request such information, and to the public by a law  
26 | enforcement agency or public agency will further the  
27 | governmental interests of public safety.

28 |       (3)(a) The department must provide information  
29 | regarding any sexual offender who is being released after  
30 | -serving a period of residential commitment under the  
31 | department for any offense, as follows:

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

26           2. The department may provide any other information  
27 considered necessary, including criminal and delinquency  
28 records, when available.

29           (b) No later than November 1, 2007, the department  
30 must make the information described in subparagraph (a)1.  
31 available electronically to the Department of Law Enforcement

1 in its database and in a format that is compatible with the  
2 requirements of the Florida Crime Information Center.

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

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

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

26 Section 11. Section 985.4815, Florida Statutes, is  
27 created to read:

28 985.4815 Notification to Department of Law Enforcement  
29 of information on juvenile sexual offenders.--

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



1           (a) "Change in enrollment or employment status" means  
2 the commencement or termination of enrollment or employment or  
3 a change in location of enrollment or employment.

4           (b) "Conviction" has the same meaning as provided in  
5 s. 943.0435.

6           (c) "Institution of higher education" means a career  
7 center, community college, college, state university, or  
8 independent postsecondary institution.

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

13           1. Has been adjudicated delinquent as provided in s.  
14 943.0435(1)(a)1.d.; or

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

25           (2) The clerk of the court that adjudicated and  
26 entered a disposition regarding the sexual offender for the  
27 offense or offenses for which he or she was convicted shall  
28 forward to the department and the Department of Law  
29 Enforcement a certified copy of any order entered by the court  
30 imposing any special condition or restriction on the sexual  
31 offender which restricts or prohibits access to the victim, if

1 the victim is a minor, or to other minors. The Department of  
2 Law Enforcement may include on its Internet website such  
3 special conditions or restrictions.

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

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

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

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

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

7 (5) In addition to notification and transmittal  
8 requirements imposed by any other provision of law, the  
9 department shall compile information on any sexual offender  
10 and provide the information to the Department of Law  
11 Enforcement. No later than November 1, 2007, the department  
12 must make the information available electronically to the  
13 Department of Law Enforcement in its database in a format that  
14 is compatible with the requirements of the Florida Crime  
15 Information Center.

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

18 1. The information obtained from the sexual offender  
19 under subsection (4).

20 2. The sexual offender's most current address and  
21 place of permanent or temporary residence within the state or  
22 out of state while the sexual offender is in the care or  
23 custody or under the jurisdiction or supervision of the  
24 department in this state, including the name of the county or  
25 municipality in which the offender permanently or temporarily  
26 resides and, if known, the intended place of permanent or  
27 temporary residence upon satisfaction of all sanctions.

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

30  
31

1           4. The location of, and local telephone number for,  
2 any department office that is responsible for supervising the  
3 sexual offender.

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

7           6. The offense or offenses at adjudication and  
8 disposition that resulted in the determination of the  
9 offender's status as a sex offender.

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

26           (b) If any information provided by the department  
27 changes during the time the sexual offender is under the  
28 department's care, control, custody, or supervision, including  
29 any change in the offender's name by reason of marriage or  
30 other legal process, the department shall, in a timely manner,  
31

1 update the information and provide it to the Department of Law  
2 Enforcement in the manner prescribed in subsection (5).

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

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

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

31

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

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

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

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

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

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

27           (a) Withholds information from, or does not notify,  
28 the law enforcement agency about the sexual offender's  
29 noncompliance with the requirements of this section and, if  
30 known, the whereabouts of the sexual offender;  
31

1           (b) Harbors, attempts to harbor, or assists another  
2 person in harboring or attempting to harbor the sexual  
3 offender;

4           (c) Conceals, attempts to conceal, or assists another  
5 person in concealing or attempting to conceal the sexual  
6 offender; or

7           (d) Provides information to the law enforcement agency  
8 regarding the sexual offender that the person knows to be  
9 false

10  
11 commits a felony of the third degree, punishable as provided  
12 in s. 775.082, s. 775.083, or s. 775.084. This subsection does  
13 not apply if the sexual offender is incarcerated in or is in  
14 the custody of a state correctional facility, a private  
15 correctional facility, a local jail, or a federal correctional  
16 facility.

17           (13)(a) A sexual offender must report in person each  
18 year during the month of the sexual offender's birthday and  
19 during every third month thereafter to the sheriff's office in  
20 the county in which he or she resides or is otherwise located  
21 to reregister.

22           (b) The sheriff's office may determine the appropriate  
23 times and days for reporting by the sexual offender, which  
24 shall be consistent with the reporting requirements of this  
25 subsection. Reregistration shall include any changes to the  
26 following information:

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



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

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

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

24 4. Any sexual offender who fails to report in person  
25 as required at the sheriff's office, or who fails to respond  
26 to any address verification correspondence from the department  
27 within 3 weeks after the date of the correspondence, commits a  
28 felony of the third degree, punishable as provided in s.  
29 775.082, s. 775.083, and s. 775.084.

30 (c) The sheriff's office shall, within 2 working days,  
31 electronically submit and update all information provided by

1 the sexual offender to the Department of Law Enforcement in a  
2 manner prescribed by that department.

3 Section 12. Paragraph (g) of subsection (3) of section  
4 921.0022, Florida Statutes, is amended to read:

5 921.0022 Criminal Punishment Code; offense severity  
6 ranking chart.--

7 (3) OFFENSE SEVERITY RANKING CHART

8	9 Florida	Felony	
10	Statute	Degree	Description
11			
12			
13			(g) LEVEL 7
14	316.027(1)(b)	1st	Accident involving death, failure
15			to stop; leaving scene.
16	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
17			injury.
18	316.1935(3)(b)	1st	Causing serious bodily injury or
19			death to another person; driving
20			at high speed or with wanton
21			disregard for safety while
22			fleeing or attempting to elude
23			law enforcement officer who is in
24			a patrol vehicle with siren and
25			lights activated.
26	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
27			bodily injury.
28			
29			
30			
31			

1	402.319(2)	2nd	Misrepresentation and negligence
2			or intentional act resulting in
3			great bodily harm, permanent
4			disfiguration, permanent
5			disability, or death.
6	409.920(2)	3rd	Medicaid provider fraud.
7	456.065(2)	3rd	Practicing a health care
8			profession without a license.
9	456.065(2)	2nd	Practicing a health care
10			profession without a license
11			which results in serious bodily
12			injury.
13	458.327(1)	3rd	Practicing medicine without a
14			license.
15	459.013(1)	3rd	Practicing osteopathic medicine
16			without a license.
17	460.411(1)	3rd	Practicing chiropractic medicine
18			without a license.
19	461.012(1)	3rd	Practicing podiatric medicine
20			without a license.
21	462.17	3rd	Practicing naturopathy without a
22			license.
23	463.015(1)	3rd	Practicing optometry without a
24			license.
25	464.016(1)	3rd	Practicing nursing without a
26			license.
27	465.015(2)	3rd	Practicing pharmacy without a
28			license.
29	466.026(1)	3rd	Practicing dentistry or dental
30			hygiene without a license.
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1	467.201	3rd	Practicing midwifery without a
2			license.
3	468.366	3rd	Delivering respiratory care
4			services without a license.
5	483.828(1)	3rd	Practicing as clinical laboratory
6			personnel without a license.
7	483.901(9)	3rd	Practicing medical physics
8			without a license.
9	484.013(1)(c)	3rd	Preparing or dispensing optical
10			devices without a prescription.
11	484.053	3rd	Dispensing hearing aids without a
12			license.
13	494.0018(2)	1st	Conviction of any violation of
14			ss. 494.001-494.0077 in which the
15			total money and property
16			unlawfully obtained exceeded
17			\$50,000 and there were five or
18			more victims.
19	560.123(8)(b)1.	3rd	Failure to report currency or
20			payment instruments exceeding
21			\$300 but less than \$20,000 by
22			money transmitter.
23	560.125(5)(a)	3rd	Money transmitter business by
24			unauthorized person, currency or
25			payment instruments exceeding
26			\$300 but less than \$20,000.
27	655.50(10)(b)1.	3rd	Failure to report financial
28			transactions exceeding \$300 but
29			less than \$20,000 by financial
30			institution.
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1	775.21(10)(a)	3rd	Sexual predator; failure to
2			register; failure to renew
3			driver's license or
4			identification card; other
5			registration violations.
6	775.21(10)(b)	3rd	Sexual predator working where
7			children regularly congregate.
8	775.21(10)(g)	3rd	Failure to report or providing
9			false information about a sexual
10			predator; harbor or conceal a
11			sexual predator.
12	782.051(3)	2nd	Attempted felony murder of a
13			person by a person other than the
14			perpetrator or the perpetrator of
15			an attempted felony.
16	782.07(1)	2nd	Killing of a human being by the
17			act, procurement, or culpable
18			negligence of another
19			(manslaughter).
20	782.071	2nd	Killing of human being or viable
21			fetus by the operation of a motor
22			vehicle in a reckless manner
23			(vehicular homicide).
24	782.072	2nd	Killing of a human being by the
25			operation of a vessel in a
26			reckless manner (vessel
27			homicide).
28	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
29			causing great bodily harm or
30			disfigurement.
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1	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
2			weapon.
3	784.045(1)(b)	2nd	Aggravated battery; perpetrator
4			aware victim pregnant.
5	784.048(4)	3rd	Aggravated stalking; violation of
6			injunction or court order.
7	784.048(7)	3rd	Aggravated stalking; violation of
8			court order.
9	784.07(2)(d)	1st	Aggravated battery on law
10			enforcement officer.
11	784.074(1)(a)	1st	Aggravated battery on sexually
12			violent predators facility staff.
13	784.08(2)(a)	1st	Aggravated battery on a person 65
14			years of age or older.
15	784.081(1)	1st	Aggravated battery on specified
16			official or employee.
17	784.082(1)	1st	Aggravated battery by detained
18			person on visitor or other
19			detainee.
20	784.083(1)	1st	Aggravated battery on code
21			inspector.
22	790.07(4)	1st	Specified weapons violation
23			subsequent to previous conviction
24			of s. 790.07(1) or (2).
25	790.16(1)	1st	Discharge of a machine gun under
26			specified circumstances.
27	790.165(2)	2nd	Manufacture, sell, possess, or
28			deliver hoax bomb.
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1	790.165(3)	2nd	Possessing, displaying, or
2			threatening to use any hoax bomb
3			while committing or attempting to
4			commit a felony.
5	790.166(3)	2nd	Possessing, selling, using, or
6			attempting to use a hoax weapon
7			of mass destruction.
8	790.166(4)	2nd	Possessing, displaying, or
9			threatening to use a hoax weapon
10			of mass destruction while
11			committing or attempting to
12			commit a felony.
13	796.03	2nd	Procuring any person under 16
14			years for prostitution.
15	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
16			victim less than 12 years of age;
17			offender less than 18 years.
18	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
19			victim 12 years of age or older
20			but less than 16 years; offender
21			18 years or older.
22	806.01(2)	2nd	Maliciously damage structure by
23			fire or explosive.
24	810.02(3)(a)	2nd	Burglary of occupied dwelling;
25			unarmed; no assault or battery.
26	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
27			unarmed; no assault or battery.
28	810.02(3)(d)	2nd	Burglary of occupied conveyance;
29			unarmed; no assault or battery.
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1	812.014(2)(a)1.	1st	Property stolen, valued at
2			\$100,000 or more or a semitrailer
3			deployed by a law enforcement
4			officer; property stolen while
5			causing other property damage;
6			1st degree grand theft.
7	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
8			less than \$50,000, grand theft in
9			2nd degree.
10	812.014(2)(b)3.	2nd	Property stolen, emergency
11			medical equipment; 2nd degree
12			grand theft.
13	812.0145(2)(a)	1st	Theft from person 65 years of age
14			or older; \$50,000 or more.
15	812.019(2)	1st	Stolen property; initiates,
16			organizes, plans, etc., the theft
17			of property and traffics in
18			stolen property.
19	812.131(2)(a)	2nd	Robbery by sudden snatching.
20	812.133(2)(b)	1st	Carjacking; no firearm, deadly
21			weapon, or other weapon.
22	817.234(8)(a)	2nd	Solicitation of motor vehicle
23			accident victims with intent to
24			defraud.
25	817.234(9)	2nd	Organizing, planning, or
26			participating in an intentional
27			motor vehicle collision.
28	817.234(11)(c)	1st	Insurance fraud; property value
29			\$100,000 or more.
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1	817.2341(2)(b)&		
2	(3)(b)	1st	Making false entries of material
3			fact or false statements
4			regarding property values
5			relating to the solvency of an
6			insuring entity which are a
7			significant cause of the
8			insolvency of that entity.
9	825.102(3)(b)	2nd	Neglecting an elderly person or
10			disabled adult causing great
11			bodily harm, disability, or
12			disfigurement.
13	825.103(2)(b)	2nd	Exploiting an elderly person or
14			disabled adult and property is
15			valued at \$20,000 or more, but
16			less than \$100,000.
17	827.03(3)(b)	2nd	Neglect of a child causing great
18			bodily harm, disability, or
19			disfigurement.
20	827.04(3)	3rd	Impregnation of a child under 16
21			years of age by person 21 years
22			of age or older.
23	837.05(2)	3rd	Giving false information about
24			alleged capital felony to a law
25			enforcement officer.
26	838.015	2nd	Bribery.
27	838.016	2nd	Unlawful compensation or reward
28			for official behavior.
29	838.021(3)(a)	2nd	Unlawful harm to a public
30			servant.
31	838.22	2nd	Bid tampering.

1	847.0135(3)	3rd	Solicitation of a child, via a
2			computer service, to commit an
3			unlawful sex act.
4	872.06	2nd	Abuse of a dead human body.
5	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
6			cocaine (or other drug prohibited
7			under s. 893.03(1)(a), (1)(b),
8			(1)(d), (2)(a), (2)(b), or
9			(2)(c)4.) within 1,000 feet of a
10			child care facility, school, or
11			state, county, or municipal park
12			or publicly owned recreational
13			facility or community center.
14	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
15			cocaine or other drug prohibited
16			under s. 893.03(1)(a), (1)(b),
17			(1)(d), (2)(a), (2)(b), or
18			(2)(c)4., within 1,000 feet of
19			property used for religious
20			services or a specified business
21			site.
22	893.13(4)(a)	1st	Deliver to minor cocaine (or
23			other s. 893.03(1)(a), (1)(b),
24			(1)(d), (2)(a), (2)(b), or
25			(2)(c)4. drugs).
26	893.135(1)(a)1.	1st	Trafficking in cannabis, more
27			than 25 lbs., less than 2,000
28			lbs.
29	893.135		
30	(1)(b)1.a.	1st	Trafficking in cocaine, more than
31			28 grams, less than 200 grams.

1	893.135		
2	(1)(c)1.a.	1st	Trafficking in illegal drugs,
3			more than 4 grams, less than 14
4			grams.
5	893.135		
6	(1)(d)1.	1st	Trafficking in phencyclidine,
7			more than 28 grams, less than 200
8			grams.
9	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
10			than 200 grams, less than 5
11			kilograms.
12	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
13			than 14 grams, less than 28
14			grams.
15	893.135		
16	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
17			grams or more, less than 14
18			grams.
19	893.135		
20	(1)(h)1.a.	1st	Trafficking in
21			gamma-hydroxybutyric acid (GHB),
22			1 kilogram or more, less than 5
23			kilograms.
24	893.135		
25	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
26			kilogram or more, less than 5
27			kilograms.
28	893.135		
29	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
30			10 grams or more, less than 200
31			grams.

1	896.101(5)(a)	3rd	Money laundering, financial
2			transactions exceeding \$300 but
3			less than \$20,000.
4	896.104(4)(a)1.	3rd	Structuring transactions to evade
5			reporting or registration
6			requirements, financial
7			transactions exceeding \$300 but
8			less than \$20,000.
9	943.0435(4)(c)	2nd	Sexual offender vacating
10			permanent residence; failure to
11			comply with reporting
12			requirements.
13	943.0435(8)	2nd	Sexual offender; remains in state
14			after indicating intent to leave;
15			failure to comply with reporting
16			requirements.
17	943.0435(9)(a)	3rd	Sexual offender; failure to
18			comply with reporting
19			requirements.
20	943.0435(13)	3rd	Failure to report or providing
21			false information about a sexual
22			offender; harbor or conceal a
23			sexual offender.
24	943.0435(14)	3rd	Sexual offender; failure to
25			report and reregister; failure to
26			respond to address verification.
27	944.607(9)	3rd	Sexual offender; failure to
28			comply with reporting
29			requirements.
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1	944.607(10)(a)	3rd	Sexual offender; failure to
2			submit to the taking of a
3			digitized photograph.
4	944.607(12)	3rd	Failure to report or providing
5			false information about a sexual
6			offender; harbor or conceal a
7			sexual offender.
8	944.607(13)	3rd	Sexual offender; failure to
9			report and reregister; failure to
10			respond to address verification.
11	<u>985.4815(10)</u>	<u>3rd</u>	<u>Sexual offender; failure to</u>
12			<u>submit to the taking of a</u>
13			<u>digitized photograph.</u>
14	<u>985.4815(12)</u>	<u>3rd</u>	<u>Failure to report or providing</u>
15			<u>false information about a sexual</u>
16			<u>offender; harbor or conceal a</u>
17			<u>sexual offender.</u>
18	<u>985.4815(13)</u>	<u>3rd</u>	<u>Sexual offender; failure to</u>
19			<u>report and reregister; failure to</u>
20			<u>respond to address verification.</u>
21	Section 13. This act shall take effect July 1, 2007.		
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1604

- Specifies that certain offenses that do not involve sexual activity are not qualifying offenses for sexual offender registration.
- Adds some registration requirements to comply with the federal Adam Walsh Act (P.L.109-248).
- Adds later implementation dates for some data provisions to allow the Florida Department of Law Enforcement and the Department of Juvenile Justice time to make necessary changes to their databases.
- Ranks in Level 7 offenses relating to adjudicated juveniles who are required to register and fail to do so and the harboring of such juveniles who fail to register.
- Clarifies criteria for those juveniles adjudicated delinquent of certain crimes who are required to register as sexual offenders.