

By the Committees on Judiciary; Criminal Justice; and Senator  
Argenziano

590-2362-07

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; requiring the  
 14                                sexual predator to register in the county where  
 15                                designated as a sexual predator; deleting  
 16                                provisions allowing certain predators to have  
 17                                predator designation removed after a specified  
 18                                period; revising references to applicable  
 19                                federal law; revising provisions relating to  
 20                                verification of addresses; increasing frequency  
 21                                of a reregistration requirement for a sexual  
 22                                predator; providing specified immunity to the  
 23                                Department of Juvenile Justice; amending s.  
 24                                943.0435, F.S.; revising criteria for sexual  
 25                                offender designation; providing conditions  
 26                                under which juveniles are designated as sexual  
 27                                offenders; requiring the court to make certain  
 28                                written findings related to violations of  
 29                                sexual offender qualifying offenses; revising  
 30                                the definition of the term "conviction";  
 31                                revising reporting requirements; revising

1 references to applicable federal law; revising  
2 provisions relating to verification of  
3 addresses; providing specified immunity to the  
4 Department of Juvenile Justice; revising  
5 provisions relating to petitions to allow  
6 certain offenders to remove the offender  
7 designation after a specified period;  
8 increasing frequency of reregistration  
9 requirement for certain sexual offenders;  
10 creating s. 943.04354, F.S.; allowing certain  
11 sexual predators and sexual offenders to  
12 petition for the removal of the registration  
13 requirement; providing that a court may grant  
14 the petition if certain criteria are met and  
15 removal of the registration requirement will  
16 not conflict with federal law; creating s.  
17 943.44353, F.S.; requiring development and  
18 maintenance of a system to provide automatic  
19 notification of registration information  
20 regarding sexual predators and sexual offenders  
21 to the public; amending s. 943.0515, F.S.;  
22 requiring retention of records of minors  
23 adjudicated delinquent of specified sexual  
24 offenses; amending s. 944.606, F.S.; revising  
25 criteria for designation as a sexual offender;  
26 providing registration and notification duties  
27 for a custodian of a local jail regarding  
28 sexual offenders; amending s. 944.607, F.S.;  
29 revising the definition of a sexual offender  
30 for notification purposes; requiring a sexual  
31 offender who is supervised by the Department of

1 Corrections but not incarcerated to register  
2 within a specified period; providing  
3 registration and notification duties for a  
4 custodian of a local jail regarding sexual  
5 offenders; providing specified immunity to the  
6 Department of Juvenile Justice; requiring more  
7 frequent reregistration for specified  
8 offenders; amending s. 985.04, F.S.; providing  
9 that specified sexual predator and offender  
10 registration information is a public record;  
11 amending s. 985.045, F.S.; conforming a  
12 provision; creating s. 985.481, F.S.; providing  
13 definitions; providing for notification upon  
14 release of specified juvenile sexual offenders;  
15 providing for availability of specified  
16 information concerning such offenders;  
17 providing immunity for specified officials;  
18 creating s. 985.4815, F.S.; providing for  
19 notification to the Department of Law  
20 Enforcement concerning specified juvenile  
21 sexual offenders; providing definitions;  
22 providing duties of clerks of court; providing  
23 registration requirements; requiring specified  
24 information to be made available to the  
25 Department of Law Enforcement; providing duties  
26 of a custodian of a local jail; providing for  
27 forwarding of information for specified  
28 offenders under federal supervision; providing  
29 penalties for failure to comply with  
30 requirements; providing venue for prosecution  
31 of specified offenses; providing for the effect

1 of certain actions; providing that registration  
2 following certain actions does not provide a  
3 defense to specified charges; providing  
4 immunity for specified agencies and persons for  
5 certain actions; prohibiting certain acts  
6 concerning offenders; providing criminal  
7 penalties; providing reporting requirements for  
8 offenders; amending s. 921.0022, F.S.; ranking  
9 within the offense severity ranking chart of  
10 the Criminal Punishment Code certain offenses  
11 relating to the registration requirements for  
12 sexual offenders; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16 Section 1. Paragraphs (a) and (c) of subsection (4),  
17 paragraphs (a), (b), (c), (e), and (l) of subsection (6),  
18 subsections (8) and (9), and paragraph (b) of subsection (10)  
19 of section 775.21, Florida Statutes, are amended to read:

20 775.21 The Florida Sexual Predators Act.--

21 (4) SEXUAL PREDATOR CRITERIA.--

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

27 1. The felony is:

28 a. A capital, life, or first-degree felony violation,  
29 or any attempt thereof, of s. 787.01 or s. 787.02, where the  
30 victim is a minor and the defendant is not the victim's parent  
31 or guardian, or s. 794.011 ~~of chapter 794~~, s. 800.04, or s.

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

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

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

29           (6) REGISTRATION.--  
30  
31

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

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

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

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

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

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

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

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



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

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

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

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

20 ~~2. and establishes or maintains a residence in the~~  
21 ~~state, the sexual predator shall register in person at the~~  
22 ~~sheriff's office in the county in which the predator~~  
23 ~~establishes or maintains a residence, within 48 hours after~~  
24 ~~establishing permanent or temporary residence in this state.~~  
25 Any change in the sexual predator's permanent or temporary  
26 residence or name, after the sexual predator registers in  
27 person at the sheriff's office as provided in subparagraph 1.,  
28 shall be accomplished in the manner provided in paragraphs  
29 (g), (i), and (j). When a sexual predator registers with the  
30 sheriff's office, the sheriff shall take a photograph and a  
31 set of fingerprints of the predator and forward the

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

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

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

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

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

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

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

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

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

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

31

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

23           (10) PENALTIES.--

24           (b) A sexual predator who has been convicted of or  
25 found to have committed, or has pled nolo contendere or guilty  
26 to, regardless of adjudication, any violation, or attempted  
27 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
28 the victim is a minor and the defendant is not the victim's  
29 parent or guardian; s. 794.011, excluding s. 794.011(10) ~~s.~~  
30 ~~794.011(2), (3), (4), (5), or (8);~~ s. 794.05; s. 796.03; s.  
31 796.035; s. 800.04; s. 827.071; s. 847.0133; s. 847.0145; or

1 s. 985.701(1); or a violation of a similar law of another  
2 jurisdiction when the victim of the offense was a minor, and  
3 who works, whether for compensation or as a volunteer, at any  
4 business, school, day care center, park, playground, or other  
5 place where children regularly congregate, commits a felony of  
6 the third degree, punishable as provided in s. 775.082, s.  
7 775.083, or s. 775.084.

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

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

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

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

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

1           ~~(II)b-~~ Has been released on or after October 1, 1997,  
2 from the sanction imposed for any conviction of an offense  
3 described in sub-sub-subparagraph (I) ~~sub-subparagraph a.~~ For  
4 purposes of sub-sub-subparagraph (I) ~~sub-subparagraph a.~~, a  
5 sanction imposed in this state or in any other jurisdiction  
6 includes, but is not limited to, a fine, probation, community  
7 control, parole, conditional release, control release, or  
8 incarceration in a state prison, federal prison, private  
9 correctional facility, or local detention facility;

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

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



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

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

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

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

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

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

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

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

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

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

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

18 (2) A sexual offender shall:

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

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

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

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

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

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

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

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

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

1 a description, including color scheme, of the vessel,  
2 live-aboard vessel, or houseboat.

3 2. 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 also provide to the  
6 department through the sheriff's office the name, address, and  
7 county of each institution, including each campus attended,  
8 and the sexual offender's enrollment or employment status.  
9 Each change in enrollment or employment status shall be  
10 reported in person at the sheriff's office, within 48 hours  
11 after any change in status. The sheriff shall promptly notify  
12 each institution of the sexual offender's presence and any  
13 change in the sexual offender's enrollment or employment  
14 status.

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

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

31

1 agencies shall report to the department any failure by a  
2 sexual offender to comply with registration requirements.

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

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

1           (a)1. Who has been lawfully released from confinement,  
2 supervision, or sanction, whichever is later, for at least 25  
3 ~~20~~ years and has not been arrested for any felony or  
4 misdemeanor offense since release, provided that the sexual  
5 offender's requirement to register was not based upon an adult  
6 conviction:  
7           a. For a violation of s. 787.01 or s. 787.02;  
8           b. For a violation of s. 794.011, excluding s.  
9 794.011(10);  
10           c. For a violation of s. 800.04(4)(b) where the court  
11 finds the offense involved a victim under 12 years of age or  
12 sexual activity by the use of force or coercion;  
13           d. For a violation of s. 800.04(5)(b);  
14           e. For a violation of s. 800.04(5)c.2. where the court  
15 finds the offense involved unclothed genitals or genital area;  
16           f. For any attempt or conspiracy to commit any such  
17 offense; or  
18           g. For a violation of similar law of another  
19 jurisdiction, ~~or~~  
20           ~~(b) Who was 18 years of age or under at the time the~~  
21 ~~offense was committed and the victim was 12 years of age or~~  
22 ~~older and adjudication was withheld for that offense, who is~~  
23 ~~released from all sanctions, who has had 10 years elapse since~~  
24 ~~having been placed on probation, and who has not been arrested~~  
25 ~~for any felony or misdemeanor offense since the date of~~  
26 ~~conviction of the qualifying offense~~  
27  
28 may petition the criminal division of the circuit court of the  
29 circuit in which the sexual offender resides for the purpose  
30 of removing the requirement for registration as a sexual  
31 offender.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 or

31



1           9. A violation of a similar law of another  
2 jurisdiction,

3  
4 must reregister each year during the month of the sexual  
5 offender's birthday and every third month thereafter.

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

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

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

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

1 is a vessel, live-aboard vessel, or houseboat, as defined in  
2 chapter 327, the sexual offender shall also provide the hull  
3 identification number; the manufacturer's serial number; the  
4 name of the vessel, live-aboard vessel, or houseboat; the  
5 registration number; and a description, including color  
6 scheme, of the vessel, live-aboard vessel or houseboat.

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

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

18 Section 3. Section 943.04354, Florida Statutes, is  
19 created to read:

20 943.04354 Removal of the requirement to register as a  
21 sexual offender or sexual predator in special circumstances.--

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

25 (a) Was or will be convicted or adjudicated delinquent  
26 of a violation of s. 794.011 or s. 800.04, or the person  
27 committed a violation of s. 794.011 or s. 800.04 for which  
28 adjudication of guilt was or will be withheld, and the person  
29 does not have any other conviction, adjudication of  
30 delinquency, or withhold of adjudication of guilt for a  
31 violation of s. 794.011 or s. 800.04;

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

3           (c) Is not more than 4 years older than the victim of  
4 this violation who was 14 years of age or older but not more  
5 than 17 years of age at the time the person committed this  
6 violation.

7           (2) If a person meets the criteria in subsection (1)  
8 and the violation of s. 794.011 or s. 800.04 was committed on  
9 or after July 1, 2007, the person may move the court that will  
10 sentence or dispose of this violation to remove the  
11 requirement that the person register as a sexual offender or  
12 sexual predator. The person must allege in the motion that he  
13 or she meets the criteria in subsection (1) and that removal  
14 of the registration requirement will not conflict with federal  
15 law. The state attorney must be given notice of the motion at  
16 least 21 days before the date of sentencing or disposition of  
17 this violation, and may present evidence in opposition to the  
18 requested relief or may otherwise demonstrate why the motion  
19 should be denied. At sentencing or disposition of this  
20 violation, the court shall rule on this motion and, if the  
21 court determines the person meets the criteria in subsection  
22 (1) and the removal of the registration requirement will not  
23 conflict with federal law, it may grant the motion and order  
24 the removal of the registration requirement. If the court  
25 denies the motion, the person is not authorized under this  
26 section to petition for removal of the registration  
27 requirement.

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

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

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

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

5           (b) A person may petition the court in which the  
6 sentence or disposition for the violation of s. 794.011 or s.  
7 800.04 occurred for removal of the requirement to register as  
8 a sexual offender or sexual predator. The person must allege  
9 in the petition that he or she meets the criteria in  
10 subsection (1) and removal of the registration requirement  
11 will not conflict with federal law. The state attorney must be  
12 given notice of the petition at least 21 days before the  
13 hearing on the petition and, may present evidence in  
14 opposition to the requested relief or may otherwise  
15 demonstrate why the petition should be denied. The court shall  
16 rule on the petition and, if the court determines the person  
17 meets the criteria in subsection (1) and removal of the  
18 registration requirement will not conflict with federal law,  
19 it may grant the petition and order the removal of the  
20 registration requirement. If the court denies the petition,  
21 the person is not authorized under this section to file any  
22 further petition for removal of the registration requirement.

23           (4) If a person provides to the Department of Law  
24 Enforcement a certified copy of the court's order removing the  
25 requirement that the person register as a sexual offender or  
26 sexual predator for the violation of s. 794.011 or s. 800.04,  
27 the registration requirement will not apply to the person and  
28 the department shall remove all information about the person  
29 from the public registry of sexual offenders and sexual  
30 predators maintained by the department. However, the removal  
31 of this information from the public registry does not mean

1 that the public is denied access to information about the  
2 person's criminal history or record that is otherwise  
3 available as a public record.

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

6 943.44353 Automatic notification of registration  
7 information regarding sexual predators and offenders.--

8 (1) No later than January 1, 2008, the department  
9 shall develop and maintain a system to provide automatic  
10 notification of registration information regarding sexual  
11 predators and sexual offenders to the public.

12 (2) In accordance with the federal Adam Walsh Child  
13 Protection and Safety Act of 2006, schools, public housing  
14 agencies, agencies responsible for conducting  
15 employment-related background checks under s. 3 of the  
16 National Child Protection Act of 1993, 42 U.S.C. s. 5119a, as  
17 amended, social service entities responsible for protecting  
18 minors in the child welfare system, volunteer organizations in  
19 which contact with minors or other vulnerable individuals  
20 might occur, and any other such organization, company, or  
21 individual shall have access to the notification system.

22 Section 5. Subsection (3) is added to section  
23 943.0515, Florida Statutes, to read:

24 943.0515 Retention of criminal history records of  
25 minors.--

26 (3) Notwithstanding any other provision of this  
27 section, the Criminal Justice Information Program shall retain  
28 the criminal history record of a minor adjudicated delinquent  
29 for a violation committed on or after July 1, 2007, as  
30 provided in s. 943.0435(1)(d)1.d. Such records may not be  
31 destroyed and must be merged with the person's adult criminal

1 history record and retained as a part of the person's adult  
2 record.

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

6           944.606 Sexual offenders; notification upon release.--

7           (1) As used in this section:

8           (b) "Sexual offender" means a person who has been  
9 convicted of committing, or attempting, soliciting, or  
10 conspiring to commit, any of the criminal offenses proscribed  
11 in the following statutes in this state or similar offenses in  
12 another jurisdiction: s. 787.01, s. 787.02, or s.  
13 787.025(2)(c), where the victim is a minor and the defendant  
14 is not the victim's parent or guardian; s. 794.011 ~~chapter~~  
15 ~~794~~, excluding ~~s. ss.~~ s. 794.011(10); s. 794.05 ~~and 794.0235~~; s.  
16 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.  
17 847.0133; s. 847.0135, excluding s. 847.0135(4); s. 847.0137;  
18 s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar  
19 offense committed in this state which has been redesignated  
20 from a former statute number to one of those listed in this  
21 subsection, when the department has received verified  
22 information regarding such conviction; an offender's  
23 computerized criminal history record is not, in and of itself,  
24 verified information.

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

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

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

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

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

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

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

1 (a) "Sexual offender" means a person who is in the  
2 custody or control of, or under the supervision of, the  
3 department or is in the custody of a private correctional  
4 facility:

5 1. On or after October 1, 1997, as a result of a  
6 conviction for committing, or attempting, soliciting, or  
7 conspiring to commit, any of the criminal offenses proscribed  
8 in the following statutes in this state or similar offenses in  
9 another jurisdiction: s. 787.01, s. 787.02, or s.

10 787.025(2)(c), where the victim is a minor and the defendant  
11 is not the victim's parent or guardian; s. 794.011 ~~chapter~~  
12 ~~794~~, excluding ~~s. ss.~~ s. 794.011(10); s. 794.05 ~~and 794.0235~~; s.  
13 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.  
14 847.0133; s. 847.0135, excluding s. 847.0135(4); s. 847.0137;  
15 s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar  
16 offense committed in this state which has been redesignated  
17 from a former statute number to one of those listed in this  
18 paragraph; or

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

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



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

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

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

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

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

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

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

30 |           (b) However, a sexual offender who is required to  
31 | register as a result of a conviction for:

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

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

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

7           4. Section 800.04(5)(b);

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

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

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

14           8. Any attempt or conspiracy to commit such offense;  
15 or

16           9. A violation of a similar law of another  
17 jurisdiction,

18  
19 must reregister each year during the month of the sexual  
20 offender's birthday and every third month thereafter.

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

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

1 number; fingerprints; and photograph. A post office box shall  
2 not be provided in lieu of a physical residential address.

3         2. 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 also provide to the  
6 department the name, address, and county of each institution,  
7 including each campus attended, and the sexual offender's  
8 enrollment or employment status.

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

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

28         ~~(d)(b)~~ The sheriff's office shall, within 2 working  
29 days, electronically submit and update all information  
30 provided by the sexual offender to the Florida Department of  
31 Law Enforcement in a manner prescribed by the Florida

1 Department of Law Enforcement. ~~This procedure shall be~~  
2 ~~implemented by December 1, 2005.~~

3 Section 8. Subsection (6) of section 985.04, Florida  
4 Statutes, is amended to read:

5 985.04 Oaths; records; confidential information.--

6 (6)(a) Records maintained by the department, including  
7 copies of records maintained by the court, which pertain to a  
8 child found to have committed a delinquent act which, if  
9 committed by an adult, would be a crime specified in ss.  
10 435.03 and 435.04 may not be destroyed under this section for  
11 a period of 25 years after the youth's final referral to the  
12 department, except in cases of the death of the child. Such  
13 records, however, shall be sealed by the court for use only in  
14 meeting the screening requirements for personnel in s.  
15 402.3055 and the other sections cited above, or under  
16 departmental rule; however, current criminal history  
17 information must be obtained from the Department of Law  
18 Enforcement in accordance with s. 943.053. The information  
19 shall be released to those persons specified in the above  
20 cited sections for the purposes of complying with those  
21 sections. The court may punish by contempt any person who  
22 releases or uses the records for any unauthorized purpose.

23 (b) Sexual offender and predator registration  
24 information as required in ss. 775.21, 943.0435, 944.606,  
25 944.607, 985.481, and 985.4815 is a public record pursuant to  
26 s. 119.07(1) and as otherwise provided by law.

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

29 985.045 Court records.--

30 (2) The clerk shall keep all official records required  
31 by this section separate from other records of the circuit

1 court, except those records pertaining to motor vehicle  
2 violations, which shall be forwarded to the Department of  
3 Highway Safety and Motor Vehicles. Except as provided in ss.  
4 943.053, 985.04(6)(b), and 985.04(7), official records  
5 required by this chapter are not open to inspection by the  
6 public, but may be inspected only upon order of the court by  
7 persons deemed by the court to have a proper interest therein,  
8 except that a child and the parents, guardians, or legal  
9 custodians of the child and their attorneys, law enforcement  
10 agencies, the Department of Juvenile Justice and its  
11 designees, the Parole Commission, the Department of  
12 Corrections, and the Justice Administrative Commission shall  
13 always have the right to inspect and copy any official record  
14 pertaining to the child. The court may permit authorized  
15 representatives of recognized organizations compiling  
16 statistics for proper purposes to inspect, and make abstracts  
17 from, official records under whatever conditions upon the use  
18 and disposition of such records the court may deem proper and  
19 may punish by contempt proceedings any violation of those  
20 conditions.

21 Section 10. Section 985.481, Florida Statutes, is  
22 created to read:

23 985.481 Sexual offenders adjudicated delinquent;  
24 notification upon release.--

25 (1) As used in this section:

26 (a) "Convicted" has the same meaning as provided in  
27 s. 943.0435.

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

30 (2) The Legislature finds that certain juvenile sexual  
31 offenders pose a high risk of engaging in sexual offenses even

1 after being released from commitment and that protection of  
2 the public from sexual offenders is a paramount governmental  
3 interest. Sexual offenders have a reduced expectation of  
4 privacy because of the public's interest in public safety and  
5 in the effective operation of government. Releasing sexual  
6 offender information to law enforcement agencies, to persons  
7 who request such information, and to the public by a law  
8 enforcement agency or public agency will further the  
9 governmental interests of public safety.

10 (3)(a) The department must provide information  
11 regarding any sexual offender who is being released after  
12 serving a period of residential commitment under the  
13 department 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 disposition and each crime for which there  
21 was a disposition; a copy of the offender's fingerprints and a  
22 digitized photograph taken within 60 days before release; the  
23 date of release of the sexual offender; and the offender's  
24 intended residence address, if known. The department shall  
25 notify the Department of Law Enforcement if the sexual  
26 offender escapes, absconds, or dies. If the sexual offender is  
27 in the custody of a private correctional facility, the  
28 facility shall take the digitized photograph of the sexual  
29 offender within 60 days before the sexual offender's release  
30 and also place it in the sexual offender's file. If the sexual  
31 offender is in the custody of a local jail, the custodian of

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

8 2. The department may provide any other information  
9 considered necessary, including criminal and delinquency  
10 records, when available.

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

16 (c) Upon receiving information regarding a sexual  
17 offender from the department, the Department of Law  
18 Enforcement, the sheriff, or the chief of police shall provide  
19 the information described in subparagraph (a)1. to any  
20 individual who requests such information and may release the  
21 information to the public in any manner considered  
22 appropriate, unless the information so received is  
23 confidential or exempt from s. 119.07(1) and s. 24(a), Art. I  
24 of the State Constitution.

25 (4) This section authorizes the department or any law  
26 enforcement agency to notify the community and the public of a  
27 sexual offender's presence in the community. However, with  
28 respect to a sexual offender who has been found to be a sexual  
29 predator under chapter 775, the Department of Law Enforcement  
30 or any other law enforcement agency must inform the community  
31



1 and the public of the sexual predator's presence in the  
2 community as provided in chapter 775.

3 (5) An elected or appointed official, public employee,  
4 school administrator or employee, or agency, or any individual  
5 or entity acting at the request or upon the direction of any  
6 law enforcement agency, is immune from civil liability for  
7 damages resulting from the release of information under this  
8 section.

9 Section 11. Section 985.4815, Florida Statutes, is  
10 created to read:

11 985.4815 Notification to Department of Law Enforcement  
12 of information on juvenile sexual offenders.--

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

14 (a) "Change in enrollment or employment status" means  
15 the commencement or termination of enrollment or employment or  
16 a change in location of enrollment or employment.

17 (b) "Conviction" has the same meaning as provided in  
18 s. 943.0435.

19 (c) "Institution of higher education" means a career  
20 center, community college, college, state university, or  
21 independent postsecondary institution.

22 (d) "Sexual offender" means a person who is in the  
23 care or custody or under the jurisdiction or supervision of  
24 the department or is in the custody of a private correctional  
25 facility and who:

26 1. Has been adjudicated delinquent as provided in s.  
27 943.0435(1)(a)1.d.; or

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

1 designation in another state or jurisdiction and was, as a  
2 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.

7       (2) The clerk of the court that adjudicated and  
8 entered a disposition regarding the sexual offender for the  
9 offense or offenses for which he or she was convicted shall  
10 forward to the department and the Department of Law  
11 Enforcement a certified copy of any order entered by the court  
12 imposing any special condition or restriction on the sexual  
13 offender which restricts or prohibits access to the victim, if  
14 the victim is a minor, or to other minors. The Department of  
15 Law Enforcement may include on its Internet website such  
16 special conditions or restrictions.

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

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

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

1 marks; and permanent or legal residence and address of  
2 temporary residence within the state or out of state while the  
3 sexual offender is in the care or custody or under the  
4 jurisdiction or supervision of the department in this state,  
5 including any rural route address or post office box, and the  
6 name and address of each school attended. The department shall  
7 verify the address of each sexual offender and shall report to  
8 the Department of Law Enforcement any failure by a sexual  
9 offender to comply with registration requirements.

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

20 (5) In addition to notification and transmittal  
21 requirements imposed by any other provision of law, the  
22 department shall compile information on any sexual offender  
23 and provide the information to the Department of Law  
24 Enforcement. No later than November 1, 2007, the department  
25 must make the information available electronically to the  
26 Department of Law Enforcement in its database in a format that  
27 is compatible with the requirements of the Florida Crime  
28 Information Center.

29 (6)(a) The information provided to the Department of  
30 Law Enforcement must include the following:  
31

- 1           1. The information obtained from the sexual offender  
2 under subsection (4).
- 3           2. The sexual offender's most current address and  
4 place of permanent or temporary residence within the state or  
5 out of state while the sexual offender is in the care or  
6 custody or under the jurisdiction or supervision of the  
7 department in this state, including the name of the county or  
8 municipality in which the offender permanently or temporarily  
9 resides and, if known, the intended place of permanent or  
10 temporary residence upon satisfaction of all sanctions.
- 11           3. The legal status of the sexual offender and the  
12 scheduled termination date of that legal status.
- 13           4. The location of, and local telephone number for,  
14 any department office that is responsible for supervising the  
15 sexual offender.
- 16           5. An indication of whether the victim of the offense  
17 that resulted in the offender's status as a sexual offender  
18 was a minor.
- 19           6. The offense or offenses at adjudication and  
20 disposition that resulted in the determination of the  
21 offender's status as a sex offender.
- 22           7. A digitized photograph of the sexual offender,  
23 which must have been taken within 60 days before the offender  
24 was released from the custody of the department or a private  
25 correctional facility by expiration of sentence under s.  
26 944.275, or within 60 days after the onset of the department's  
27 supervision of any sexual offender who is on probation,  
28 postcommitment probation, residential commitment,  
29 nonresidential commitment, licensed child-caring commitment,  
30 community control, conditional release, parole, provisional  
31 release, or control release or who is supervised by the

1 department under the Interstate Compact Agreement for  
2 Probationers and Parolees. If the sexual offender is in the  
3 custody of a private correctional facility, the facility shall  
4 take a digitized photograph of the sexual offender within the  
5 time period provided in this subparagraph and shall provide  
6 the photograph to the department.

7 (b) If any information provided by the department  
8 changes during the time the sexual offender is under the  
9 department's care, control, custody, or supervision, including  
10 any change in the offender's name by reason of marriage or  
11 other legal process, the department shall, in a timely manner,  
12 update the information and provide it to the Department of Law  
13 Enforcement in the manner prescribed in subsection (5).

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 (8) If the sexual offender is under federal  
24 supervision, the federal agency responsible for supervising  
25 the sexual offender may forward to the Department of Law  
26 Enforcement any information regarding the sexual offender  
27 which is consistent with the information provided by the  
28 department under this section and may indicate whether use of  
29 the information is restricted to law enforcement purposes only  
30 or may be used by the Department of Law Enforcement for  
31 purposes of public notification.

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

11       (10)(a) The failure of a sexual offender to submit to  
12 the taking of a digitized photograph, or to otherwise comply  
13 with the requirements of this section, is a felony of the  
14 third degree, punishable as provided in s. 775.082, s.  
15 775.083, or s. 775.084.

16       (b) A sexual offender who commits any act or omission  
17 in violation of this section may be prosecuted for the act or  
18 omission in the county in which the act or omission was  
19 committed, the county of the last registered address of the  
20 sexual offender, or the county in which the adjudication and  
21 disposition occurred for the offense or offenses that meet the  
22 criteria for designating a person as a sexual offender.

23       (c) An arrest on charges of failure to register when  
24 the offender has been provided and advised of his or her  
25 statutory obligations to register under s. 943.0435(2), the  
26 service of an information or a complaint for a violation of  
27 this section, or an arraignment on charges for a violation of  
28 this section constitutes actual notice of the duty to  
29 register. A sexual offender's failure to immediately register  
30 as required by this section following such arrest, service, or  
31 arraignment constitutes grounds for a subsequent charge of

1 failure to register. A sexual offender charged with the crime  
2 of failure to register who asserts, or intends to assert, a  
3 lack of notice of the duty to register as a defense to a  
4 charge of failure to register shall immediately register as  
5 required by this section. A sexual offender who is charged  
6 with a subsequent failure to register may not assert the  
7 defense of a lack of notice of the duty to register.

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

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

29 (12) Any person who has reason to believe that a  
30 sexual offender is not complying, or has not complied, with  
31 the requirements of this section and who, with the intent to

1 assist the sexual offender in eluding a law enforcement agency  
2 that is seeking to find the sexual offender to question the  
3 sexual offender about, or to arrest the sexual offender for,  
4 his or her noncompliance with the requirements of this  
5 section:

6 (a) Withholds information from, or does not notify,  
7 the law enforcement agency about the sexual offender's  
8 noncompliance with the requirements of this section and, if  
9 known, the whereabouts of the sexual offender;

10 (b) Harbors, attempts to harbor, or assists another  
11 person in harboring or attempting to harbor the sexual  
12 offender;

13 (c) Conceals, attempts to conceal, or assists another  
14 person in concealing or attempting to conceal the sexual  
15 offender; or

16 (d) Provides information to the law enforcement agency  
17 regarding the sexual offender that the person knows to be  
18 false

19  
20 commits a felony of the third degree, punishable as provided  
21 in s. 775.082, s. 775.083, or s. 775.084. This subsection does  
22 not apply if the sexual offender is incarcerated in or is in  
23 the custody of a state correctional facility, a private  
24 correctional facility, a local jail, or a federal correctional  
25 facility.

26 (13)(a) A sexual offender must report in person each  
27 year during the month of the sexual offender's birthday and  
28 during every third month thereafter to the sheriff's office in  
29 the county in which he or she resides or is otherwise located  
30 to reregister.

31



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

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

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

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

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

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

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

13 Section 12. Paragraph (g) of subsection (3) of section  
14 921.0022, Florida Statutes, is amended to read:

15 921.0022 Criminal Punishment Code; offense severity  
16 ranking chart.--

17 (3) OFFENSE SEVERITY RANKING CHART

19 Florida	Felony		
20 Statute	Degree		Description
		(g) LEVEL 7	
24 316.027(1)(b)	1st		Accident involving death, failure 25 to stop; leaving scene.
26 316.193(3)(c)2.	3rd		DUI resulting in serious bodily 27 injury.

1	316.1935(3)(b)	1st	Causing serious bodily injury or
2			death to another person; driving
3			at high speed or with wanton
4			disregard for safety while
5			fleeing or attempting to elude
6			law enforcement officer who is in
7			a patrol vehicle with siren and
8			lights activated.
9	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
10			bodily injury.
11	402.319(2)	2nd	Misrepresentation and negligence
12			or intentional act resulting in
13			great bodily harm, permanent
14			disfiguration, permanent
15			disability, or death.
16	409.920(2)	3rd	Medicaid provider fraud.
17	456.065(2)	3rd	Practicing a health care
18			profession without a license.
19	456.065(2)	2nd	Practicing a health care
20			profession without a license
21			which results in serious bodily
22			injury.
23	458.327(1)	3rd	Practicing medicine without a
24			license.
25	459.013(1)	3rd	Practicing osteopathic medicine
26			without a license.
27	460.411(1)	3rd	Practicing chiropractic medicine
28			without a license.
29	461.012(1)	3rd	Practicing podiatric medicine
30			without a license.
31			

1	462.17	3rd	Practicing naturopathy without a
2			license.
3	463.015(1)	3rd	Practicing optometry without a
4			license.
5	464.016(1)	3rd	Practicing nursing without a
6			license.
7	465.015(2)	3rd	Practicing pharmacy without a
8			license.
9	466.026(1)	3rd	Practicing dentistry or dental
10			hygiene without a license.
11	467.201	3rd	Practicing midwifery without a
12			license.
13	468.366	3rd	Delivering respiratory care
14			services without a license.
15	483.828(1)	3rd	Practicing as clinical laboratory
16			personnel without a license.
17	483.901(9)	3rd	Practicing medical physics
18			without a license.
19	484.013(1)(c)	3rd	Preparing or dispensing optical
20			devices without a prescription.
21	484.053	3rd	Dispensing hearing aids without a
22			license.
23	494.0018(2)	1st	Conviction of any violation of
24			ss. 494.001-494.0077 in which the
25			total money and property
26			unlawfully obtained exceeded
27			\$50,000 and there were five or
28			more victims.
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1	560.123(8)(b)1.	3rd	Failure to report currency or
2			payment instruments exceeding
3			\$300 but less than \$20,000 by
4			money transmitter.
5	560.125(5)(a)	3rd	Money transmitter business by
6			unauthorized person, currency or
7			payment instruments exceeding
8			\$300 but less than \$20,000.
9	655.50(10)(b)1.	3rd	Failure to report financial
10			transactions exceeding \$300 but
11			less than \$20,000 by financial
12			institution.
13	775.21(10)(a)	3rd	Sexual predator; failure to
14			register; failure to renew
15			driver's license or
16			identification card; other
17			registration violations.
18	775.21(10)(b)	3rd	Sexual predator working where
19			children regularly congregate.
20	775.21(10)(g)	3rd	Failure to report or providing
21			false information about a sexual
22			predator; harbor or conceal a
23			sexual predator.
24	782.051(3)	2nd	Attempted felony murder of a
25			person by a person other than the
26			perpetrator or the perpetrator of
27			an attempted felony.
28	782.07(1)	2nd	Killing of a human being by the
29			act, procurement, or culpable
30			negligence of another
31			(manslaughter).

1	782.071	2nd	Killing of human being or viable
2			fetus by the operation of a motor
3			vehicle in a reckless manner
4			(vehicular homicide).
5	782.072	2nd	Killing of a human being by the
6			operation of a vessel in a
7			reckless manner (vessel
8			homicide).
9	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
10			causing great bodily harm or
11			disfigurement.
12	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
13			weapon.
14	784.045(1)(b)	2nd	Aggravated battery; perpetrator
15			aware victim pregnant.
16	784.048(4)	3rd	Aggravated stalking; violation of
17			injunction or court order.
18	784.048(7)	3rd	Aggravated stalking; violation of
19			court order.
20	784.07(2)(d)	1st	Aggravated battery on law
21			enforcement officer.
22	784.074(1)(a)	1st	Aggravated battery on sexually
23			violent predators facility staff.
24	784.08(2)(a)	1st	Aggravated battery on a person 65
25			years of age or older.
26	784.081(1)	1st	Aggravated battery on specified
27			official or employee.
28	784.082(1)	1st	Aggravated battery by detained
29			person on visitor or other
30			detainee.
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1	784.083(1)	1st	Aggravated battery on code
2			inspector.
3	790.07(4)	1st	Specified weapons violation
4			subsequent to previous conviction
5			of s. 790.07(1) or (2).
6	790.16(1)	1st	Discharge of a machine gun under
7			specified circumstances.
8	790.165(2)	2nd	Manufacture, sell, possess, or
9			deliver hoax bomb.
10	790.165(3)	2nd	Possessing, displaying, or
11			threatening to use any hoax bomb
12			while committing or attempting to
13			commit a felony.
14	790.166(3)	2nd	Possessing, selling, using, or
15			attempting to use a hoax weapon
16			of mass destruction.
17	790.166(4)	2nd	Possessing, displaying, or
18			threatening to use a hoax weapon
19			of mass destruction while
20			committing or attempting to
21			commit a felony.
22	796.03	2nd	Procuring any person under 16
23			years for prostitution.
24	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
25			victim less than 12 years of age;
26			offender less than 18 years.
27	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
28			victim 12 years of age or older
29			but less than 16 years; offender
30			18 years or older.
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1	806.01(2)	2nd	Maliciously damage structure by
2			fire or explosive.
3	810.02(3)(a)	2nd	Burglary of occupied dwelling;
4			unarmed; no assault or battery.
5	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
6			unarmed; no assault or battery.
7	810.02(3)(d)	2nd	Burglary of occupied conveyance;
8			unarmed; no assault or battery.
9	812.014(2)(a)1.	1st	Property stolen, valued at
10			\$100,000 or more or a semitrailer
11			deployed by a law enforcement
12			officer; property stolen while
13			causing other property damage;
14			1st degree grand theft.
15	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
16			less than \$50,000, grand theft in
17			2nd degree.
18	812.014(2)(b)3.	2nd	Property stolen, emergency
19			medical equipment; 2nd degree
20			grand theft.
21	812.0145(2)(a)	1st	Theft from person 65 years of age
22			or older; \$50,000 or more.
23	812.019(2)	1st	Stolen property; initiates,
24			organizes, plans, etc., the theft
25			of property and traffics in
26			stolen property.
27	812.131(2)(a)	2nd	Robbery by sudden snatching.
28	812.133(2)(b)	1st	Carjacking; no firearm, deadly
29			weapon, or other weapon.
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1	817.234(8)(a)	2nd	Solicitation of motor vehicle
2			accident victims with intent to
3			defraud.
4	817.234(9)	2nd	Organizing, planning, or
5			participating in an intentional
6			motor vehicle collision.
7	817.234(11)(c)	1st	Insurance fraud; property value
8			\$100,000 or more.
9	817.2341(2)(b)&		
10	(3)(b)	1st	Making false entries of material
11			fact or false statements
12			regarding property values
13			relating to the solvency of an
14			insuring entity which are a
15			significant cause of the
16			insolvency of that entity.
17	825.102(3)(b)	2nd	Neglecting an elderly person or
18			disabled adult causing great
19			bodily harm, disability, or
20			disfigurement.
21	825.103(2)(b)	2nd	Exploiting an elderly person or
22			disabled adult and property is
23			valued at \$20,000 or more, but
24			less than \$100,000.
25	827.03(3)(b)	2nd	Neglect of a child causing great
26			bodily harm, disability, or
27			disfigurement.
28	827.04(3)	3rd	Impregnation of a child under 16
29			years of age by person 21 years
30			of age or older.
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1	837.05(2)	3rd	Giving false information about
2			alleged capital felony to a law
3			enforcement officer.
4	838.015	2nd	Bribery.
5	838.016	2nd	Unlawful compensation or reward
6			for official behavior.
7	838.021(3)(a)	2nd	Unlawful harm to a public
8			servant.
9	838.22	2nd	Bid tampering.
10	847.0135(3)	3rd	Solicitation of a child, via a
11			computer service, to commit an
12			unlawful sex act.
13	872.06	2nd	Abuse of a dead human body.
14	893.13(1)(c)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 a
19			child care facility, school, or
20			state, county, or municipal park
21			or publicly owned recreational
22			facility or community center.
23	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
24			cocaine or other drug prohibited
25			under s. 893.03(1)(a), (1)(b),
26			(1)(d), (2)(a), (2)(b), or
27			(2)(c)4., within 1,000 feet of
28			property used for religious
29			services or a specified business
30			site.
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1	893.13(4)(a)	1st	Deliver to minor cocaine (or
2			other s. 893.03(1)(a), (1)(b),
3			(1)(d), (2)(a), (2)(b), or
4			(2)(c)4. drugs).
5	893.135(1)(a)1.	1st	Trafficking in cannabis, more
6			than 25 lbs., less than 2,000
7			lbs.
8	893.135		
9	(1)(b)1.a.	1st	Trafficking in cocaine, more than
10			28 grams, less than 200 grams.
11	893.135		
12	(1)(c)1.a.	1st	Trafficking in illegal drugs,
13			more than 4 grams, less than 14
14			grams.
15	893.135		
16	(1)(d)1.	1st	Trafficking in phencyclidine,
17			more than 28 grams, less than 200
18			grams.
19	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
20			than 200 grams, less than 5
21			kilograms.
22	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
23			than 14 grams, less than 28
24			grams.
25	893.135		
26	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
27			grams or more, less than 14
28			grams.
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1	893.135		
2	(1)(h)1.a.	1st	Trafficking in
3			gamma-hydroxybutyric acid (GHB),
4			1 kilogram or more, less than 5
5			kilograms.
6	893.135		
7	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
8			kilogram or more, less than 5
9			kilograms.
10	893.135		
11	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
12			10 grams or more, less than 200
13			grams.
14	896.101(5)(a)	3rd	Money laundering, financial
15			transactions exceeding \$300 but
16			less than \$20,000.
17	896.104(4)(a)1.	3rd	Structuring transactions to evade
18			reporting or registration
19			requirements, financial
20			transactions exceeding \$300 but
21			less than \$20,000.
22	943.0435(4)(c)	2nd	Sexual offender vacating
23			permanent residence; failure to
24			comply with reporting
25			requirements.
26	943.0435(8)	2nd	Sexual offender; remains in state
27			after indicating intent to leave;
28			failure to comply with reporting
29			requirements.
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1	943.0435(9)(a)	3rd	Sexual offender; failure to
2			comply with reporting
3			requirements.
4	943.0435(13)	3rd	Failure to report or providing
5			false information about a sexual
6			offender; harbor or conceal a
7			sexual offender.
8	943.0435(14)	3rd	Sexual offender; failure to
9			report and reregister; failure to
10			respond to address verification.
11	944.607(9)	3rd	Sexual offender; failure to
12			comply with reporting
13			requirements.
14	944.607(10)(a)	3rd	Sexual offender; failure to
15			submit to the taking of a
16			digitized photograph.
17	944.607(12)	3rd	Failure to report or providing
18			false information about a sexual
19			offender; harbor or conceal a
20			sexual offender.
21	944.607(13)	3rd	Sexual offender; failure to
22			report and reregister; failure to
23			respond to address verification.
24	<u>985.4815(10)</u>	<u>3rd</u>	<u>Sexual offender; failure to</u>
25			<u>submit to the taking of a</u>
26			<u>digitized photograph.</u>
27	<u>985.4815(12)</u>	<u>3rd</u>	<u>Failure to report or providing</u>
28			<u>false information about a sexual</u>
29			<u>offender; harbor or conceal a</u>
30			<u>sexual offender.</u>
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