

1
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 ss. 947.005 and 948.001,
9 F.S.; revising the definition of the term
10 "qualified practitioner" for purposes of
11 certain sex offender treatment programs;
12 amending s. 985.04, F.S.; providing that
13 specified sexual predator and offender
14 registration information is a public record;
15 amending s. 985.045, F.S.; conforming a
16 provision; creating s. 985.481, F.S.; providing
17 definitions; providing for notification upon
18 release of specified juvenile sexual offenders;
19 providing for availability of specified
20 information concerning such offenders;
21 providing immunity for specified officials;
22 creating s. 985.4815, F.S.; providing for
23 notification to the Department of Law
24 Enforcement concerning specified juvenile
25 sexual offenders; providing definitions;
26 providing duties of clerks of court; providing
27 registration requirements; requiring specified
28 information to be made available to the
29 Department of Law Enforcement; providing duties
30 of a custodian of a local jail; providing for
31 forwarding of information for specified

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

17
18 Be It Enacted by the Legislature of the State of Florida:

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

24 775.21 The Florida Sexual Predators Act.--

25 (4) SEXUAL PREDATOR CRITERIA.--

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

31 1. The felony is:

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

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

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

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

1 may not be designated as a sexual predator with respect to
2 that offense and is not required to register or be registered
3 as a sexual predator with the department.

4 (6) REGISTRATION.--

5 (a) A sexual predator must register with the
6 department through the sheriff's office by providing the
7 following information to the department:

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

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

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

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

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

1 shall notify the department if the sexual predator escapes or
2 absconds from custody or supervision or if the sexual predator
3 dies.

4 (c) If the sexual predator is in the custody of a
5 local jail, the custodian of the local jail shall register the
6 sexual predator within 3 business days after intake of the
7 sexual predator for any reason and upon release, and shall
8 forward the registration information to the department. The
9 custodian of the local jail shall also take a digitized
10 photograph of the sexual predator while the sexual predator
11 remains in custody and shall provide the digitized photograph
12 to the department. The custodian shall notify the department
13 if the sexual predator escapes from custody or dies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (10) PENALTIES.--

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

1 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 2 the victim is a minor and the defendant is not the victim's
 3 parent or guardian; s. 794.011, excluding s. 794.011(10) s-
 4 794.011(2), (3), (4), (5), or (8); s. 794.05; s. 796.03; s.
 5 796.035; s. 800.04; s. 827.071; s. 847.0133; s. 847.0145; or
 6 s. 985.701(1); or a violation of a similar law of another
 7 jurisdiction when the victim of the offense was a minor, and
 8 who works, whether for compensation or as a volunteer, at any
 9 business, school, day care center, park, playground, or other
 10 place where children regularly congregate, commits a felony of
 11 the third degree, punishable as provided in s. 775.082, s.
 12 775.083, or s. 775.084.

13 Section 2. Paragraphs (a) and (b) of subsection (1)
 14 and subsections (2), (6), (10), (11), and (14) of section
 15 943.0435, Florida Statutes, are amended to read:

16 943.0435 Sexual offenders required to register with
 17 the department; penalty.--

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

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

23 a.(I)1.a. Has been convicted of committing, or
 24 attempting, soliciting, or conspiring to commit, any of the
 25 criminal offenses proscribed in the following statutes in this
 26 state or similar offenses in another jurisdiction: s. 787.01,
 27 s. 787.02, or s. 787.025(2)(c), where the victim is a minor
 28 and the defendant is not the victim's parent or guardian; s.
 29 794.011 chapter 794, excluding s. s- 794.011(10); s. 794.05
 30 and 794.0235; s. 796.03; s. 796.035; s. 800.04; s. 825.1025;
 31 s. 827.071; s. 847.0133; s. 847.0135, excluding s.

1 ~~847.0135(4)~~; s. 847.0137; s. 847.0138; s. 847.0145; or s.
2 985.701(1); or any similar offense committed in this state
3 which has been redesignated from a former statute number to
4 one of those listed in this sub-sub-subparagraph
5 ~~sub-subparagraph~~; and
6 (II)b- Has been released on or after October 1, 1997,
7 from the sanction imposed for any conviction of an offense
8 described in sub-sub-subparagraph (I) sub-subparagraph a-. For
9 purposes of sub-sub-subparagraph (I) sub-subparagraph a-, a
10 sanction imposed in this state or in any other jurisdiction
11 includes, but is not limited to, a fine, probation, community
12 control, parole, conditional release, control release, or
13 incarceration in a state prison, federal prison, private
14 correctional facility, or local detention facility;
15 b.2- Establishes or maintains a residence in this
16 state and who has not been designated as a sexual predator by
17 a court of this state but who has been designated as a sexual
18 predator, as a sexually violent predator, or by another sexual
19 offender designation in another state or jurisdiction and was,
20 as a result of such designation, subjected to registration or
21 community or public notification, or both, or would be if the
22 person were a resident of that state or jurisdiction, without
23 regard to whether the person otherwise meets the criteria for
24 registration as a sexual offender; ~~or~~
25 c.3- Establishes or maintains a residence in this
26 state who is in the custody or control of, or under the
27 supervision of, any other state or jurisdiction as a result of
28 a conviction for committing, or attempting, soliciting, or
29 conspiring to commit, any of the criminal offenses proscribed
30 in the following statutes or similar offense in another
31 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where

1 the victim is a minor and the defendant is not the victim's
2 parent or guardian; s. 794.011 chapter 794, excluding s. ss-
3 794.011(10); s. 794.05 and 794.0235; s. 796.03; s. 796.035; s.
4 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
5 excluding s. 847.0135(4); s. 847.0137; s. 847.0138; s.
6 847.0145; or s. 985.701(1); or any similar offense committed
7 in this state which has been redesignated from a former
8 statute number to one of those listed in this
9 sub-subparagraph; or subparagraph.
10 d. On or after July 1, 2007, has been adjudicated
11 delinquent for committing, or attempting, soliciting, or
12 conspiring to commit, any of the criminal offenses proscribed
13 in the following statutes in this state or similar offenses in
14 another jurisdiction when the juvenile was 14 years of age or
15 older at the time of the offense:
16 (I) Section 794.011, excluding s. 794.011(10);
17 (II) Section 800.04(4)(b) where the victim is under 12
18 years of age or where the court finds sexual activity by the
19 use of force or coercion;
20 (III) Section 800.04(5)(c)1. where the court finds
21 molestation involving unclothed genitals; or
22 (IV) Section 800.04(5)(d) where the court finds the
23 use of force or coercion and unclothed genitals.
24 2. For all qualifying offenses listed in
25 sub-subparagraph (1)(a)1.d., the court shall make a written
26 finding of the age of the offender at the time of the offense.
27
28 For each violation of a qualifying offense listed in this
29 subsection, the court shall make a written finding of the age
30 of the victim at the time of the offense. For a violation of
31 s. 800.04(4), the court shall additionally make a written

1 finding indicating that the offense did or did not involve
2 sexual activity and indicating that the offense did or did not
3 involve force or coercion. For a violation of s. 800.04(5),
4 the court shall additionally make a written finding that the
5 offense did or did not involve unclothed genitals or genital
6 area and that the offense did or did not involve the use of
7 force or coercion.

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

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

23 (2) A sexual offender shall:

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

25 1. In the county in which the offender establishes or
26 maintains a permanent or temporary residence~~7~~, within 48 hours
27 after:

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

30
31

1 **b.** Being released from the custody, control, or
2 supervision of the Department of Corrections or from the
3 custody of a private correctional facility; ~~or-~~

4 **2.** In the county where he or she was convicted within
5 48 hours after being convicted for a qualifying offense for
6 registration under this section if the offender is not in the
7 custody or control of, or under the supervision of, the
8 Department of Corrections, or is not in the custody of a
9 private correctional facility.

10
11 Any change in the sexual offender's permanent or temporary
12 residence or name, after the sexual offender reports in person
13 at the sheriff's office, shall be accomplished in the manner
14 provided in subsections (4), (7), and (8).

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

25 1. 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 to the department through the sheriff's office written notice
29 of the vehicle identification number; the license tag number;
30 the registration number; and a description, including color
31 scheme, of the motor vehicle, trailer, mobile home, or

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

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

21
22 When a sexual offender reports at the sheriff's office, the
23 sheriff shall take a photograph and a set of fingerprints of
24 the offender and forward the photographs and fingerprints to
25 the department, along with the information provided by the
26 sexual offender. The sheriff shall promptly provide to the
27 department the information received from the sexual offender.

28 (6) County and local law enforcement agencies, in
29 conjunction with the department, shall verify the addresses of
30 sexual offenders who are not under the care, custody, control,
31 or supervision of the Department of Corrections in a manner

1 that is consistent with the provisions of the federal Adam
2 Walsh Child Protection and Safety Act of 2006 ~~Jacob Wetterling~~
3 ~~Act, as amended,~~ and any other federal standards applicable to
4 such verification or required to be met as a condition for the
5 receipt of federal funds by the state. Local law enforcement
6 agencies shall report to the department any failure by a
7 sexual offender to comply with registration requirements.

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

30 (11) Except as provided in s. 943.04354, a sexual
31 offender must maintain registration with the department for

1 the duration of his or her life, unless the sexual offender
2 has received a full pardon or has had a conviction set aside
3 in a postconviction proceeding for any offense that meets the
4 criteria for classifying the person as a sexual offender for
5 purposes of registration. However, a sexual offender:

6 (a)1. Who has been lawfully released from confinement,
7 supervision, or sanction, whichever is later, for at least 25
8 ~~20~~ years and has not been arrested for any felony or
9 misdemeanor offense since release, provided that the sexual
10 offender's requirement to register was not based upon an adult
11 conviction:

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

13 b. For a violation of s. 794.011, excluding s.
14 794.011(10);

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

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

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

21 f. For any attempt or conspiracy to commit any such
22 offense; or

23 g. For a violation of similar law of another
24 jurisdiction, ~~or~~

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

1
2 may petition the criminal division of the circuit court of the
3 circuit in which the sexual offender resides for the purpose
4 of removing the requirement for registration as a sexual
5 offender.

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

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

31

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

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

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

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

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

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

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

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

31

1 6. Section 800.04(5)c.2. where the court finds
2 molestation involving unclothed genitals or genital area;
3 7. Section 800.04(5)(d) where the court finds the use
4 of force or coercion and unclothed genitals or genital area;
5 8. Any attempt or conspiracy to commit such offense;
6 or
7 9. A violation of a similar law of another
8 jurisdiction,
9
10 must reregister each year during the month of the sexual
11 offender's birthday and every third month thereafter.
12 (c) The sheriff's office may determine the appropriate
13 times and days for reporting by the sexual offender, which
14 shall be consistent with the reporting requirements of this
15 subsection ~~paragraph~~. Reregistration shall include any changes
16 to the following information:
17 1. Name; social security number; age; race; sex; date
18 of birth; height; weight; hair and eye color; address of any
19 permanent residence and address of any current temporary
20 residence, within the state or out of state, including a rural
21 route address and a post office box; date and place of any
22 employment; vehicle make, model, color, and license tag
23 number; fingerprints; and photograph. A post office box shall
24 not be provided in lieu of a physical residential address.
25 2. If the sexual offender is enrolled, employed, or
26 carrying on a vocation at an institution of higher education
27 in this state, the sexual offender shall also provide to the
28 department the name, address, and county of each institution,
29 including each campus attended, and the sexual offender's
30 enrollment or employment status.
31

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

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

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

25 Section 3. Section 943.04354, Florida Statutes, is
26 created to read:

27 943.04354 Removal of the requirement to register as a
28 sexual offender or sexual predator in special circumstances.--

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

1 (a) Was or will be convicted or adjudicated delinquent
2 of a violation of s. 794.011 or s. 800.04, or the person
3 committed a violation of s. 794.011 or s. 800.04 for which
4 adjudication of guilt was or will be withheld, and the person
5 does not have any other conviction, adjudication of
6 delinquency, or withhold of adjudication of guilt for a
7 violation of s. 794.011 or s. 800.04;

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

10 (c) Is not more than 4 years older than the victim of
11 this violation who was 14 years of age or older but not more
12 than 17 years of age at the time the person committed this
13 violation.

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

1 denies the motion, the person is not authorized under this
2 section to petition for removal of the registration
3 requirement.

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

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

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

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

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

30 (4) If a person provides to the Department of Law
31 Enforcement a certified copy of the court's order removing the

1 requirement that the person register as a sexual offender or
2 sexual predator for the violation of s. 794.011 or s. 800.04,
3 the registration requirement will not apply to the person and
4 the department shall remove all information about the person
5 from the public registry of sexual offenders and sexual
6 predators maintained by the department. However, the removal
7 of this information from the public registry does not mean
8 that the public is denied access to information about the
9 person's criminal history or record that is otherwise
10 available as a public record.

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

13 943.44353 Automatic notification of registration
14 information regarding sexual predators and offenders.--

15 (1) No later than January 1, 2008, the department
16 shall develop and maintain a system to provide automatic
17 notification of registration information regarding sexual
18 predators and sexual offenders to the public.

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

29 Section 5. Subsection (3) is added to section
30 943.0515, Florida Statutes, to read:

31

1 943.0515 Retention of criminal history records of
2 minors.--

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

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

14 944.606 Sexual offenders; notification upon release.--

15 (1) As used in this section:

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

1 computerized criminal history record is not, in and of itself,
2 verified information.

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

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

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

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

7 944.607 Notification to Department of Law Enforcement
8 of information on sexual offenders.--

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

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

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

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

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

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

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

25 (b) If the sexual offender is enrolled, employed, or
26 carrying on a vocation at an institution of higher education
27 in this state, the sexual offender shall provide the name,
28 address, and county of each institution, including each campus
29 attended, and the sexual offender's enrollment or employment
30 status. Each change in enrollment or employment status shall
31 be reported to the department within 48 hours after the change

1 | in status. The Department of Corrections shall promptly notify
2 | each institution of the sexual offender's presence and any
3 | change in the sexual offender's enrollment or employment
4 | status.

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

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

1 information, or because the information was not reported or
2 was falsely reported.

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

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

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

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

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

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

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

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

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

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

24 or

25 9. A violation of a similar law of another
26 jurisdiction,

27
28 must reregister each year during the month of the sexual
29 offender's birthday and every third month thereafter.

30 (c) The sheriff's office may determine the appropriate
31 times and days for reporting by the sexual offender, which

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

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

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

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

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

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

13 Section 8. Subsection (9) of section 947.005, Florida
14 Statutes, is amended to read:

15 947.005 Definitions.--As used in this chapter, unless
16 the context clearly indicates otherwise:

17 (9) "Qualified practitioner" means a psychiatrist
18 licensed under chapter 458 or chapter 459, a psychologist
19 licensed under chapter 490, or a social worker, a mental
20 health counselor, or a marriage and family therapist licensed
21 under chapter 491 who practices in accordance with his or her
22 respective practice act, ~~as determined by rule of the~~
23 ~~respective boards, has the coursework, training,~~
24 ~~qualifications, and experience to evaluate and treat sex~~
25 ~~offenders.~~

26 Section 9. Subsection (6) of section 948.001, Florida
27 Statutes, is amended to read:

28 948.001 Definitions.--As used in this chapter, the
29 term:

30 (6) "Qualified practitioner" means a psychiatrist
31 licensed under chapter 458 or chapter 459, a psychologist

1 licensed under chapter 490, or a social worker, a mental
2 health counselor, or a marriage and family therapist licensed
3 under chapter 491 who practices in accordance with his or her
4 respective practice act, ~~as determined by rule of the~~
5 ~~respective boards, has the coursework, training,~~
6 ~~qualifications, and experience to evaluate and treat sex~~
7 ~~offenders.~~

8 Section 10. Subsection (6) of section 985.04, Florida
9 Statutes, is amended to read:

10 985.04 Oaths; records; confidential information.--

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

28 (b) Sexual offender and predator registration
29 information as required in ss. 775.21, 943.0435, 944.606,
30 944.607, 985.481, and 985.4815 is a public record pursuant to
31 s. 119.07(1) and as otherwise provided by law.

1 Section 11. Subsection (2) of section 985.045, Florida
2 Statutes, is amended to read:

3 985.045 Court records.--

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

26 Section 12. Section 985.481, Florida Statutes, is
27 created to read:

28 985.481 Sexual offenders adjudicated delinquent;
29 notification upon release.--

30 (1) As used in this section:
31

1 (a) "Convicted" has the same meaning as provided in
2 s. 943.0435.

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

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

16 (3)(a) The department must provide information
17 regarding any sexual offender who is being released after
18 serving a period of residential commitment under the
19 department for any offense, as follows:

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

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

14 2. The department may provide any other information
15 considered necessary, including criminal and delinquency
16 records, when available.

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

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

31

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

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

15 Section 13. Section 985.4815, Florida Statutes, is
16 created to read:

17 985.4815 Notification to Department of Law Enforcement
18 of information on juvenile sexual offenders.--

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

20 (a) "Change in enrollment or employment status" means
21 the commencement or termination of enrollment or employment or
22 a change in location of enrollment or employment.

23 (b) "Conviction" has the same meaning as provided in
24 s. 943.0435.

25 (c) "Institution of higher education" means a career
26 center, community college, college, state university, or
27 independent postsecondary institution.

28 (d) "Sexual offender" means a person who is in the
29 care or custody or under the jurisdiction or supervision of
30 the department or is in the custody of a private correctional
31 facility and who:

1 1. Has been adjudicated delinquent as provided in s.
2 943.0435(1)(a)1.d.; or

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

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

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

29 (4) A sexual offender, as described in this section,
30 who is under the supervision of the department but who is not
31 committed must register with the department within 3 business

1 days after adjudication and disposition for a registerable
2 offense and otherwise provide information as required by this
3 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 in the care or custody or under the
10 jurisdiction or supervision of the department in this state,
11 including any rural route address or post office box, and the
12 name and address of each school attended. The department shall
13 verify the address of each sexual offender and shall report to
14 the Department of Law Enforcement any failure by a sexual
15 offender to comply 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 shall promptly notify each
24 institution of the sexual offender's presence and any change
25 in the sexual offender's enrollment or employment status.

26 (5) In addition to notification and transmittal
27 requirements imposed by any other provision of law, the
28 department shall compile information on any sexual offender
29 and provide the information to the Department of Law
30 Enforcement. No later than November 1, 2007, the department
31 must make the information available electronically to the

1 Department of Law Enforcement in its database in a format that
2 is compatible with the requirements of the Florida Crime
3 Information Center.

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

6 1. The information obtained from the sexual offender
7 under subsection (4).

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

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

18 4. The location of, and local telephone number for,
19 any department office that is responsible for supervising the
20 sexual offender.

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

24 6. The offense or offenses at adjudication and
25 disposition that resulted in the determination of the
26 offender's status as a sex offender.

27 7. A digitized photograph of the sexual offender,
28 which must have been taken within 60 days before the offender
29 was released from the custody of the department or a private
30 correctional facility by expiration of sentence under s.
31 944.275, or within 60 days after the onset of the department's

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

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

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

28 (8) If the sexual offender is under federal
29 supervision, the federal agency responsible for supervising
30 the sexual offender may forward to the Department of Law
31 Enforcement any information regarding the sexual offender

1 which is consistent with the information provided by the
2 department under this section and may indicate whether use of
3 the information is restricted to law enforcement purposes only
4 or may be used by the Department of Law Enforcement for
5 purposes of public notification.

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

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

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

28 (c) An arrest on charges of failure to register when
29 the offender has been provided and advised of his or her
30 statutory obligations to register under s. 943.0435(2), the
31 service of an information or a complaint for a violation of

1 this section, or an arraignment on charges for a violation of
2 this section constitutes actual notice of the duty to
3 register. A sexual offender's failure to immediately register
4 as required by this section following such arrest, service, or
5 arraignment constitutes grounds for a subsequent charge of
6 failure to register. A sexual offender charged with the crime
7 of failure to register who asserts, or intends to assert, a
8 lack of notice of the duty to register as a defense to a
9 charge of failure to register shall immediately register as
10 required by this section. A sexual offender who is charged
11 with a subsequent failure to register may not assert the
12 defense of a lack of notice of the duty to register.

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

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

1 has not been provided by a person or agency required to
2 provide it, was not reported, or was falsely reported.

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

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

15 (b) Harbors, attempts to harbor, or assists another
16 person in harboring or attempting to harbor the sexual
17 offender;

18 (c) Conceals, attempts to conceal, or assists another
19 person in concealing or attempting to conceal the sexual
20 offender; or

21 (d) Provides information to the law enforcement agency
22 regarding the sexual offender that the person knows to be
23 false

24
25 commits a felony of the third degree, punishable as provided
26 in s. 775.082, s. 775.083, or s. 775.084. This subsection does
27 not apply if the sexual offender is incarcerated in or is in
28 the custody of a state correctional facility, a private
29 correctional facility, a local jail, or a federal correctional
30 facility.

31

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

6 (b) 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. Reregistration shall include any changes to the
10 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; name and address of each
16 school attended; date and place of any employment; vehicle
17 make, model, color, and license tag number; fingerprints; and
18 photograph. A post office box shall not be provided in lieu of
19 a physical residential address.

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

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

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

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

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

18 Section 14. Paragraph (g) of subsection (3) of section
 19 921.0022, Florida Statutes, is amended to read:

20 921.0022 Criminal Punishment Code; offense severity
 21 ranking chart.--

22 (3) OFFENSE SEVERITY RANKING CHART

23
 24 Florida Felony
 25 Statute Degree Description

26
 27
 28 (g) LEVEL 7
 29 316.027(1)(b) 1st Accident involving death, failure
 30 to stop; leaving scene.
 31

ENROLLED

2007 Legislature

CS for CS for SB 1604, 1st Engrossed

1	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
2			injury.
3	316.1935(3)(b)	1st	Causing serious bodily injury or
4			death to another person; driving
5			at high speed or with wanton
6			disregard for safety while
7			fleeing or attempting to elude
8			law enforcement officer who is in
9			a patrol vehicle with siren and
10			lights activated.
11	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
12			bodily injury.
13	402.319(2)	2nd	Misrepresentation and negligence
14			or intentional act resulting in
15			great bodily harm, permanent
16			disfiguration, permanent
17			disability, or death.
18	409.920(2)	3rd	Medicaid provider fraud.
19	456.065(2)	3rd	Practicing a health care
20			profession without a license.
21	456.065(2)	2nd	Practicing a health care
22			profession without a license
23			which results in serious bodily
24			injury.
25	458.327(1)	3rd	Practicing medicine without a
26			license.
27	459.013(1)	3rd	Practicing osteopathic medicine
28			without a license.
29	460.411(1)	3rd	Practicing chiropractic medicine
30			without a license.
31			

ENROLLED

2007 Legislature

CS for CS for SB 1604, 1st Engrossed

1	461.012(1)	3rd	Practicing podiatric medicine
2			without a license.
3	462.17	3rd	Practicing naturopathy without a
4			license.
5	463.015(1)	3rd	Practicing optometry without a
6			license.
7	464.016(1)	3rd	Practicing nursing without a
8			license.
9	465.015(2)	3rd	Practicing pharmacy without a
10			license.
11	466.026(1)	3rd	Practicing dentistry or dental
12			hygiene without a license.
13	467.201	3rd	Practicing midwifery without a
14			license.
15	468.366	3rd	Delivering respiratory care
16			services without a license.
17	483.828(1)	3rd	Practicing as clinical laboratory
18			personnel without a license.
19	483.901(9)	3rd	Practicing medical physics
20			without a license.
21	484.013(1)(c)	3rd	Preparing or dispensing optical
22			devices without a prescription.
23	484.053	3rd	Dispensing hearing aids without a
24			license.
25	494.0018(2)	1st	Conviction of any violation of
26			ss. 494.001-494.0077 in which the
27			total money and property
28			unlawfully obtained exceeded
29			\$50,000 and there were five or
30			more victims.
31			

ENROLLED

2007 Legislature

CS for CS for SB 1604, 1st Engrossed

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.
31			

ENROLLED

2007 Legislature

CS for CS for SB 1604, 1st Engrossed

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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