

1                   A bill to be entitled  
2           An act relating to criminal justice; providing a short  
3           title; amending s. 16.56, F.S.; providing for jurisdiction  
4           of the Office of the Statewide Prosecutor over certain  
5           obscenity offenses; providing for jurisdiction over  
6           offenses facilitated by or connected to the use of the  
7           Internet; creating s. 775.0847, F.S.; providing  
8           definitions; providing for reclassification of certain  
9           offenses involving child pornography; amending s. 827.071,  
10          F.S.; providing for the effect of certain prosecutions;  
11          amending s. 847.0135, F.S.; making editorial changes;  
12          revising prohibitions on use of certain computer services  
13          to facilitate certain sexual conduct to include electronic  
14          storage devices, additional persons, and additional  
15          conduct; providing for charging each conversation in which  
16          specified conduct occurs as a separate offense;  
17          prohibiting traveling to meet minors for certain purposes;  
18          providing criminal penalties; revising a provision  
19          relating to state criminal jurisdiction; providing for  
20          effect of certain prosecutions; amending s. 905.34, F.S.;  
21          providing additional subject matter jurisdiction for the  
22          statewide grand jury; amending s. 910.15, F.S.; revising  
23          provisions relating to offenses facilitated by  
24          communication systems; amending s. 921.0022, F.S.;  
25          conforming the Criminal Punishment Code offense severity  
26          ranking chart; amending s. 775.21, F.S.; providing  
27          definitions; requiring sexual predators to include certain  
28          information during the registration process; requiring

29 sexual predators to report changes in certain information;  
30 requiring sexual predators to include certain information  
31 during the reregistration process; providing penalties for  
32 failing to provide certain information; amending s.  
33 943.0435, F.S.; providing definitions; requiring sexual  
34 offenders to include certain information during the  
35 registration process; requiring sexual offenders to report  
36 changes in certain information; requiring sexual offenders  
37 to include certain information during the reregistration  
38 process; amending s. 944.606, F.S.; providing definitions;  
39 requiring the Department of Corrections to provide certain  
40 information regarding sexual offenders who are being  
41 released after serving a period of incarceration to  
42 certain entities; amending s. 944.607, F.S.; providing  
43 definitions; requiring sexual offenders under the  
44 supervision of the Department of Corrections to include  
45 certain information during the registration process;  
46 requiring sexual offenders to include certain information  
47 during the reregistration process; providing legislative  
48 intent; creating s. 943.0437, F.S.; providing definitions;  
49 providing penalties for sexual offenders who fail to  
50 report certain information; permitting the Department of  
51 Law Enforcement to provide electronic mail address and  
52 instant message information in the sexual offender  
53 registry to commercial social networking websites and  
54 certain others; providing that certain statutory  
55 provisions do not impose civil liability on commercial

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56 social networking websites for specified actions;  
57 providing an effective date.

58

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

60

61 Section 1. This act may be cited as the "Cybercrimes  
62 Against Children Act of 2007."

63 Section 2. Subsection (1) of section 16.56, Florida  
64 Statutes, is amended to read:

65 16.56 Office of Statewide Prosecution.--

66 (1) There is created in the Department of Legal Affairs an  
67 Office of Statewide Prosecution. The office shall be a separate  
68 "budget entity" as that term is defined in chapter 216. The  
69 office may:

70 (a) Investigate and prosecute the offenses of:

71 1. Bribery, burglary, criminal usury, extortion, gambling,  
72 kidnapping, larceny, murder, prostitution, perjury, robbery,  
73 carjacking, and home-invasion robbery;

74 2. Any crime involving narcotic or other dangerous drugs;

75 3. Any violation of the provisions of the Florida RICO  
76 (Racketeer Influenced and Corrupt Organization) Act, including  
77 any offense listed in the definition of racketeering activity in  
78 s. 895.02(1)(a), providing such listed offense is investigated  
79 in connection with a violation of s. 895.03 and is charged in a  
80 separate count of an information or indictment containing a  
81 count charging a violation of s. 895.03, the prosecution of  
82 which listed offense may continue independently if the

83 prosecution of the violation of s. 895.03 is terminated for any  
 84 reason;

85 4. Any violation of the provisions of the Florida Anti-  
 86 Fencing Act;

87 5. Any violation of the provisions of the Florida  
 88 Antitrust Act of 1980, as amended;

89 6. Any crime involving, or resulting in, fraud or deceit  
 90 upon any person;

91 7. Any violation of s. 847.0135, relating to computer  
 92 pornography and child exploitation prevention, or any offense  
 93 related to a violation of s. 847.0135 or any violation of  
 94 chapter 827 where the crime is facilitated by or connected to  
 95 the use of the Internet or any device capable of electronic data  
 96 storage or transmission;

97 8. Any violation of the provisions of chapter 815;

98 9. Any criminal violation of part I of chapter 499;

99 10. Any violation of the provisions of the Florida Motor  
 100 Fuel Tax Relief Act of 2004;

101 11. Any criminal violation of s. 409.920 or s. 409.9201;  
 102 or

103 12. Any crime involving voter registration, voting, or  
 104 candidate or issue petition activities;

105  
 106 or any attempt, solicitation, or conspiracy to commit any of the  
 107 crimes specifically enumerated above. The office shall have such  
 108 power only when any such offense is occurring, or has occurred,  
 109 in two or more judicial circuits as part of a related  
 110 transaction, or when any such offense is connected with an

111 organized criminal conspiracy affecting two or more judicial  
112 circuits.

113 (b) Investigate and prosecute any crime facilitated by or  
114 connected to the use of the Internet. Any such crime is a crime  
115 occurring in every judicial circuit within the state.

116 (c) ~~(b)~~ Upon request, cooperate with and assist state  
117 attorneys and state and local law enforcement officials in their  
118 efforts against organized crimes.

119 (d) ~~(e)~~ Request and receive from any department, division,  
120 board, bureau, commission, or other agency of the state, or of  
121 any political subdivision thereof, cooperation and assistance in  
122 the performance of its duties.

123 Section 3. Section 775.0847, Florida Statutes, is created  
124 to read:

125 775.0847 Possession or promotion of certain images of  
126 child pornography; reclassification.--

127 (1) For purposes of this section:

128 (a) "Child" means any person, whose identity is known or  
129 unknown, less than 18 years of age.

130 (b) "Child pornography" means any image depicting a minor  
131 engaged in sexual conduct.

132 (c) "Sadomasochistic abuse" means flagellation or torture  
133 by or upon a person or the condition of being fettered, bound,  
134 or otherwise physically restrained, for the purpose of deriving  
135 sexual satisfaction, or satisfaction brought about as a result  
136 of sadistic violence, from inflicting harm on another or  
137 receiving such harm oneself.

138 (d) "Sexual battery" means oral, anal, or vaginal

139 penetration by, or union with, the sexual organ of another or  
 140 the anal or vaginal penetration of another by any other object;  
 141 however, sexual battery does not include an act done for a bona  
 142 fide medical purpose.

143 (e) "Sexual bestiality" means any sexual act, actual or  
 144 simulated, between a person and an animal involving the sex  
 145 organ of the one and the mouth, anus, or vagina of the other.

146 (f) "Sexual conduct" means actual or simulated sexual  
 147 intercourse, deviate sexual intercourse, sexual bestiality,  
 148 masturbation, or sadomasochistic abuse; actual lewd exhibition  
 149 of the genitals; actual physical contact with a person's clothed  
 150 or unclothed genitals, pubic area, buttocks, or, if such person  
 151 is a female, breast with the intent to arouse or gratify the  
 152 sexual desire of either party; or any act or conduct which  
 153 constitutes sexual battery or simulates that sexual battery is  
 154 being or will be committed. A mother's breastfeeding of her baby  
 155 does not under any circumstance constitute "sexual conduct."

156 (2) A violation of s. 827.071, s. 847.0135, s. 847.0137,  
 157 or s. 847.0138 shall be reclassified to the next higher degree  
 158 as provided in subsection (3) if:

159 (a) The offender possesses 10 or more images of any form  
 160 of child pornography regardless of content; and

161 (b) The content of at least one image contains one or more  
 162 of the following:

- 163 1. A child who is younger than the age of 5.
- 164 2. Sadomasochistic abuse involving a child.
- 165 3. Sexual battery involving a child.
- 166 4. Sexual bestiality involving a child.

167 5. Any movie involving a child, regardless of length and  
 168 regardless of whether the movie contains sound.

169 (3) (a) In the case of a felony of the third degree, the  
 170 offense is reclassified to a felony of the second degree.

171 (b) In the case of a felony of the second degree, the  
 172 offense is reclassified to a felony of the first degree.

173  
 174 For purposes of sentencing under chapter 921 and determining  
 175 incentive gain-time eligibility under chapter 944, a felony  
 176 offense that is reclassified under this section is ranked one  
 177 level above the ranking under s. 921.0022 or s. 921.0023 of the  
 178 offense committed.

179 Section 4. Subsection (6) is added to section 827.071,  
 180 Florida Statutes, to read:

181 827.071 Sexual performance by a child; penalties.--

182 (6) Prosecution of any person for an offense under this  
 183 section shall not prohibit prosecution of that person in this  
 184 state for a violation of any law of this state, including a law  
 185 providing for greater penalties than prescribed in this section  
 186 or any other crime punishing the sexual performance or the  
 187 sexual exploitation of children.

188 Section 5. Section 847.0135, Florida Statutes, is amended  
 189 to read:

190 847.0135 Computer pornography; traveling to meet minor;  
 191 penalties.--

192 (1) SHORT TITLE.--This section shall be known and may be  
 193 cited as the "Computer Pornography and Child Exploitation  
 194 Prevention Act ~~of 1986.~~"

195 (2) COMPUTER PORNOGRAPHY.--A person who:  
 196 (a) Knowingly compiles, enters into, or transmits by use  
 197 of computer;  
 198 (b) Makes, prints, publishes, or reproduces by other  
 199 computerized means;  
 200 (c) Knowingly causes or allows to be entered into or  
 201 transmitted by use of computer; or  
 202 (d) Buys, sells, receives, exchanges, or disseminates,  
 203  
 204 any notice, statement, or advertisement of any minor's name,  
 205 telephone number, place of residence, physical characteristics,  
 206 or other descriptive or identifying information for purposes of  
 207 facilitating, encouraging, offering, or soliciting sexual  
 208 conduct of or with any minor, or the visual depiction of such  
 209 conduct, commits a felony of the third degree, punishable as  
 210 provided in s. 775.082, s. 775.083, or s. 775.084. The fact that  
 211 an undercover operative or law enforcement officer was involved  
 212 in the detection and investigation of an offense under this  
 213 section shall not constitute a defense to a prosecution under  
 214 this section.  
 215 (3) CERTAIN USES OF COMPUTER SERVICES OR DEVICES  
 216 PROHIBITED.--Any person who knowingly uses ~~utilizes~~ a computer  
 217 on-line service, Internet service, ~~or~~ local bulletin board  
 218 service, or any other device capable of electronic data storage  
 219 or transmission to:  
 220 (a) Seduce, solicit, lure, or entice, or attempt to  
 221 seduce, solicit, lure, or entice, a child or another person  
 222 believed by the person to be a child, to commit any illegal act



223 ~~described in chapter 794, relating to sexual battery,~~ chapter  
 224 ~~800, relating to lewdness and indecent exposure,~~ or chapter 827,  
 225 or to otherwise engage in any unlawful sexual conduct with a  
 226 child or with another person believed by the person to be a  
 227 child; or

228 (b) Solicit, lure, or entice, or attempt to solicit, lure,  
 229 or entice a parent, legal guardian, or custodian of a child or a  
 230 person believed to be a parent, legal guardian, or custodian of  
 231 a child to consent to the participation of such child in any act  
 232 described in chapter 794, chapter 800, or chapter 827, or to  
 233 otherwise engage in any sexual conduct,

234  
 235 ~~relating to child abuse,~~ commits a felony of the third degree,  
 236 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 237 Any person who, in violating this subsection, misrepresents his  
 238 or her age, commits a felony of the second degree, punishable as  
 239 provided in s. 775.082, s. 775.083, or s. 775.084. Each separate  
 240 use of a computer on-line service, Internet service, local  
 241 bulletin board service, or any other device capable of  
 242 electronic data storage or transmission wherein an offense  
 243 described in this section is committed may be charged as a  
 244 separate offense.

245 (4) TRAVELING TO MEET A MINOR.--Any person who travels any  
 246 distance either within this state, to this state, or from this  
 247 state by any means, who attempts to do so, or who causes another  
 248 to do so or to attempt to do so for the purpose of engaging in  
 249 any illegal act described in chapter 794, chapter 800, or  
 250 chapter 827, or to otherwise engage in other unlawful sexual

251 conduct with a child or with another person believed by the  
 252 person to be a child after using a computer on-line service,  
 253 Internet service, local bulletin board service, or any other  
 254 device capable of electronic data storage or transmission to:

255 (a) Seduce, solicit, lure, or entice or attempt to seduce,  
 256 solicit, lure, or entice a child or another person believed by  
 257 the person to be a child, to engage in any illegal act described  
 258 in chapter 794, chapter 800, or chapter 827, or to otherwise  
 259 engage in other unlawful sexual conduct with a child; or

260 (b) Solicit, lure, or entice or attempt to solicit, lure,  
 261 or entice a parent, legal guardian, or custodian of a child or a  
 262 person believed to be a parent, legal guardian, or custodian of  
 263 a child to consent to the participation of such child in any act  
 264 described in chapter 794, chapter 800, or chapter 827, or to  
 265 otherwise engage in any sexual conduct,

266  
 267 commits a felony of the second degree, punishable as provided in  
 268 s. 775.082, s. 775.083, or s. 775.084.

269 (5)-(4) OWNERS OR OPERATORS OF COMPUTER SERVICES  
 270 LIABLE.--It is unlawful for any owner or operator of a computer  
 271 on-line service, Internet service, or local bulletin board  
 272 service knowingly to permit a subscriber to use utilize the  
 273 service to commit a violation of this section. Any person who  
 274 violates this section commits a misdemeanor of the first degree,  
 275 punishable by a fine not exceeding \$2,000.

276 (6)-(5) STATE CRIMINAL JURISDICTION.--A person is subject  
 277 to prosecution in this state pursuant to chapter 910 for any  
 278 conduct proscribed by this section which the person engages in,

279 while either within or outside this state, if by such conduct  
 280 the person commits a violation of this section involving a child  
 281 residing in this state, a child's guardian, or another person  
 282 believed by the person to be a child or a child's guardian  
 283 residing in this state.

284 (7) EFFECT OF PROSECUTION.--Prosecution of any person for  
 285 an offense under this section shall not prohibit prosecution of  
 286 that person in this state or another jurisdiction for a  
 287 violation of any law of this state, including a law providing  
 288 for greater penalties than prescribed in this section or any  
 289 other crime punishing the sexual performance or the sexual  
 290 exploitation of children.

291 Section 6. Subsection (8) of section 905.34, Florida  
 292 Statutes, is amended to read:

293 905.34 Powers and duties; law applicable.--The  
 294 jurisdiction of a statewide grand jury impaneled under this  
 295 chapter shall extend throughout the state. The subject matter  
 296 jurisdiction of the statewide grand jury shall be limited to the  
 297 offenses of:

298 (8) Any violation of s. 847.0135, s. 847.0137, or s.  
 299 847.0138 relating to computer pornography and child exploitation  
 300 prevention, or any offense related to a violation of s.  
 301 847.0135, s. 847.0137, or s. 847.0138 or any violation of  
 302 chapter 827 where the crime is facilitated by or connected to  
 303 the use of the Internet or any device capable of electronic data  
 304 storage or transmission;  
 305

306 or any attempt, solicitation, or conspiracy to commit any  
 307 violation of the crimes specifically enumerated above, when any  
 308 such offense is occurring, or has occurred, in two or more  
 309 judicial circuits as part of a related transaction or when any  
 310 such offense is connected with an organized criminal conspiracy  
 311 affecting two or more judicial circuits. The statewide grand  
 312 jury may return indictments and presentments irrespective of the  
 313 county or judicial circuit where the offense is committed or  
 314 triable. If an indictment is returned, it shall be certified and  
 315 transferred for trial to the county where the offense was  
 316 committed. The powers and duties of, and law applicable to,  
 317 county grand juries shall apply to a statewide grand jury except  
 318 when such powers, duties, and law are inconsistent with the  
 319 provisions of ss. 905.31-905.40.

320 Section 7. Subsection (1) of section 910.15, Florida  
 321 Statutes, is amended to read:

322 910.15 Crimes facilitated by ~~Theft and fraudulent~~  
 323 ~~practices concerning~~ communication systems.--

324 (1) A person charged with committing a crime facilitated  
 325 by communication through use of the mail, telephone, or  
 326 newspaper or by radio, television, Internet, or another means of  
 327 electronic data communication may be tried in the county in  
 328 which the dissemination originated, in which the dissemination  
 329 was made, or in which any act necessary to consummate the  
 330 offense occurred. †

331 ~~(a) A fraudulent practice in a manner in which it may~~  
 332 ~~reasonably be assumed that a communication made to facilitate~~  
 333 ~~the fraudulent practice, or a false or misleading~~

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334 ~~representation, could or would be disseminated across~~  
 335 ~~jurisdictional lines; or~~  
 336 ~~(b) A theft involving the use of the mail, telephone,~~  
 337 ~~newspaper, radio, television, or other means of communication,~~  
 338  
 339 ~~may be tried in the county in which the dissemination~~  
 340 ~~originated, in which the dissemination was made, or in which any~~  
 341 ~~act necessary to consummate the offense occurred.~~

342 Section 8. Paragraph (g) of subsection (3) of section  
 343 921.0022, Florida Statutes, is amended to read:

344 921.0022 Criminal Punishment Code; offense severity  
 345 ranking chart.--

346 (3) OFFENSE SEVERITY RANKING CHART

347

Florida Statute	Felony Degree	Description
(g) LEVEL 7		
316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while

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fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

352 327.35 (3) (c) 2. 3rd Vessel BUI resulting in serious bodily injury.

353 402.319 (2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

354 409.920 (2) 3rd Medicaid provider fraud.

355 456.065 (2) 3rd Practicing a health care profession without a license.

356 456.065 (2) 2nd Practicing a health care profession without a license which results in serious bodily injury.

357 458.327 (1) 3rd Practicing medicine without a license.

358 459.013 (1) 3rd Practicing osteopathic medicine without a license.

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360	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
361	461.012 (1)	3rd	Practicing podiatric medicine without a license.
362	462.17	3rd	Practicing naturopathy without a license.
363	463.015 (1)	3rd	Practicing optometry without a license.
364	464.016 (1)	3rd	Practicing nursing without a license.
365	465.015 (2)	3rd	Practicing pharmacy without a license.
366	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
367	467.201	3rd	Practicing midwifery without a license.
368	468.366	3rd	Delivering respiratory care services without a license.
369	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.

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370	483.901 (9)	3rd	Practicing medical physics without a license.
371	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
372	484.053	3rd	Dispensing hearing aids without a license.
373	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
374	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
375	560.125 (5) (a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial



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institution.

376	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
377	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
378	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
379	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
380	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
381	782.071	2nd	Killing of human being or viable fetus by the operation of a

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			motor vehicle in a reckless manner (vehicular homicide).
382	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
383	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
384	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
385	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
386	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
387	784.048 (7)	3rd	Aggravated stalking; violation of court order.
388	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
389	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.

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390	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
391	784.081 (1)	1st	Aggravated battery on specified official or employee.
392	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
393	784.083 (1)	1st	Aggravated battery on code inspector.
394	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
395	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
396	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
397	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
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399	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
400	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
401	796.03	2nd	Procuring any person under 16 years for prostitution.
402	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
403	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
404	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
405	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling;

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			unarmed; no assault or battery.
406	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
407	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
408	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
409	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
410	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
411	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
412	812.131 (2) (a)	2nd	Robbery by sudden snatching.

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413	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
414	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
415	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
416	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
417	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
418	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
419	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is

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			valued at \$20,000 or more, but less than \$100,000.
420	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
421	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
422	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
423	838.015	2nd	Bribery.
424	838.016	2nd	Unlawful compensation or reward for official behavior.
425	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
426	838.22	2nd	Bid tampering.
427	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
428	<u>847.0135 (4)</u>	<u>2nd</u>	<u>Traveling to meet a minor to</u>

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commit an unlawful sex act.

429

872.06 2nd

Abuse of a dead human body.

430

893.13 (1) (c) 1. 1st

Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

431

893.13 (1) (e) 1. 1st

Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4., within 1,000 feet of property used for religious services or a specified business site.

432

893.13 (4) (a) 1st

Deliver to minor cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).

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434	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
435	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
436	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
437	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
438	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
439	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
440	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1

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			kilogram or more, less than 5 kilograms.
441	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
442	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
443	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
444	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
445	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
446	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with

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			reporting requirements.
447	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
448	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
449	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
450	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
451	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
452	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
453	944.607(13)	3rd	Sexual offender; failure to

report and reregister; failure  
to respond to address  
verification.

454

455 Section 9. Paragraphs (j) and (k) are added to subsection  
456 (2) of section 775.21, Florida Statutes, and paragraphs (a),  
457 (e), and (g) of subsection (6), subsection (8), and paragraph  
458 (a) of subsection (10) of that section are amended, to read:

459 775.21 The Florida Sexual Predators Act.--

460 (2) DEFINITIONS.--As used in this section, the term:

461 (j) "Electronic mail address" has the same meaning as  
462 provided in s. 668.602.

463 (k) "Instant message name" means an identifier that allows  
464 a person to communicate in real time with another person using  
465 the Internet.

466 (6) REGISTRATION.--

467 (a) A sexual predator must register with the department by  
468 providing the following information to the department:

469 1. Name, social security number, age, race, sex, date of  
470 birth, height, weight, hair and eye color, photograph, address  
471 of legal residence and address of any current temporary  
472 residence, within the state or out of state, including a rural  
473 route address and a post office box, any electronic mail address  
474 and any instant message name required to be provided pursuant to  
475 subparagraph (g)4., date and place of any employment, date and  
476 place of each conviction, fingerprints, and a brief description  
477 of the crime or crimes committed by the offender. A post office  
478 box shall not be provided in lieu of a physical residential

479 address.

480 a. If the sexual predator's place of residence is a motor  
481 vehicle, trailer, mobile home, or manufactured home, as defined  
482 in chapter 320, the sexual predator shall also provide to the  
483 department written notice of the vehicle identification number;  
484 the license tag number; the registration number; and a  
485 description, including color scheme, of the motor vehicle,  
486 trailer, mobile home, or manufactured home. If a sexual  
487 predator's place of residence is a vessel, live-aboard vessel,  
488 or houseboat, as defined in chapter 327, the sexual predator  
489 shall also provide to the department written notice of the hull  
490 identification number; the manufacturer's serial number; the  
491 name of the vessel, live-aboard vessel, or houseboat; the  
492 registration number; and a description, including color scheme,  
493 of the vessel, live-aboard vessel, or houseboat.

494 b. If the sexual predator is enrolled, employed, or  
495 carrying on a vocation at an institution of higher education in  
496 this state, the sexual predator shall also provide to the  
497 department the name, address, and county of each institution,  
498 including each campus attended, and the sexual predator's  
499 enrollment or employment status. Each change in enrollment or  
500 employment status shall be reported in person at the sheriff's  
501 office, or the Department of Corrections if the sexual predator  
502 is in the custody or control of or under the supervision of the  
503 Department of Corrections, within 48 hours after any change in  
504 status. The sheriff or the Department of Corrections shall  
505 promptly notify each institution of the sexual predator's  
506 presence and any change in the sexual predator's enrollment or

507 employment status.

508 2. Any other information determined necessary by the  
509 department, including criminal and corrections records;  
510 nonprivileged personnel and treatment records; and evidentiary  
511 genetic markers when available.

512 (e) If the sexual predator is not in the custody or  
513 control of, or under the supervision of, the Department of  
514 Corrections, or is not in the custody of a private correctional  
515 facility, and establishes or maintains a residence in the state,  
516 the sexual predator shall register in person at the sheriff's  
517 office in the county in which the predator establishes or  
518 maintains a residence, within 48 hours after establishing  
519 permanent or temporary residence in this state. Any change in  
520 the sexual predator's permanent or temporary residence, ~~or~~ name,  
521 or any electronic mail address and any instant message name  
522 required to be provided pursuant to subparagraph (g)4., after  
523 the sexual predator registers in person at the sheriff's office,  
524 shall be accomplished in the manner provided in paragraphs (g),  
525 (i), and (j). When a sexual predator registers with the  
526 sheriff's office, the sheriff shall take a photograph and a set  
527 of fingerprints of the predator and forward the photographs and  
528 fingerprints to the department, along with the information that  
529 the predator is required to provide pursuant to this section.

530 (g)1. Each time a sexual predator's driver's license or  
531 identification card is subject to renewal, and, without regard  
532 to the status of the predator's driver's license or  
533 identification card, within 48 hours after any change of the  
534 predator's residence or change in the predator's name by reason

535 of marriage or other legal process, the predator shall report in  
536 person to a driver's license office and shall be subject to the  
537 requirements specified in paragraph (f). The Department of  
538 Highway Safety and Motor Vehicles shall forward to the  
539 department and to the Department of Corrections all photographs  
540 and information provided by sexual predators. Notwithstanding  
541 the restrictions set forth in s. 322.142, the Department of  
542 Highway Safety and Motor Vehicles is authorized to release a  
543 reproduction of a color-photograph or digital-image license to  
544 the Department of Law Enforcement for purposes of public  
545 notification of sexual predators as provided in this section.

546 2. A sexual predator who vacates a permanent residence and  
547 fails to establish or maintain another permanent or temporary  
548 residence shall, within 48 hours after vacating the permanent  
549 residence, report in person to the sheriff's office of the  
550 county in which he or she is located. The sexual predator shall  
551 specify the date upon which he or she intends to or did vacate  
552 such residence. The sexual predator must provide or update all  
553 of the registration information required under paragraph (a).  
554 The sexual predator must provide an address for the residence or  
555 other location that he or she is or will be occupying during the  
556 time in which he or she fails to establish or maintain a  
557 permanent or temporary residence.

558 3. A sexual predator who remains at a permanent residence  
559 after reporting his or her intent to vacate such residence  
560 shall, within 48 hours after the date upon which the predator  
561 indicated he or she would or did vacate such residence, report  
562 in person to the sheriff's office to which he or she reported

563 pursuant to subparagraph 2. for the purpose of reporting his or  
564 her address at such residence. When the sheriff receives the  
565 report, the sheriff shall promptly convey the information to the  
566 department. An offender who makes a report as required under  
567 subparagraph 2. but fails to make a report as required under  
568 this subparagraph commits a felony of the second degree,  
569 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

570 4. A sexual predator must register any electronic mail  
571 address or instant message name with the department prior to  
572 using such electronic mail address or instant message name on or  
573 after October 1, 2007. The department shall establish an online  
574 system through which sexual predators may securely access and  
575 update all electronic mail address and instant message name  
576 information.

577 (8) VERIFICATION.--The department and the Department of  
578 Corrections shall implement a system for verifying the addresses  
579 of sexual predators. The system must be consistent with the  
580 provisions of the federal Jacob Wetterling Act, as amended, and  
581 any other federal standards applicable to such verification or  
582 required to be met as a condition for the receipt of federal  
583 funds by the state. The Department of Corrections shall verify  
584 the addresses of sexual predators who are not incarcerated but  
585 who reside in the community under the supervision of the  
586 Department of Corrections. County and local law enforcement  
587 agencies, in conjunction with the department, shall verify the  
588 addresses of sexual predators who are not under the care,  
589 custody, control, or supervision of the Department of  
590 Corrections.



591 (a) A sexual predator must report in person each year  
592 during the month of the sexual predator's birthday and during  
593 the sixth month following the sexual predator's birth month to  
594 the sheriff's office in the county in which he or she resides or  
595 is otherwise located to reregister. The sheriff's office may  
596 determine the appropriate times and days for reporting by the  
597 sexual predator, which shall be consistent with the reporting  
598 requirements of this paragraph. Reregistration shall include any  
599 changes to the following information:

600 1. Name; social security number; age; race; sex; date of  
601 birth; height; weight; hair and eye color; address of any  
602 permanent residence and address of any current temporary  
603 residence, within the state or out of state, including a rural  
604 route address and a post office box; any electronic mail address  
605 and any instant message name required to be provided pursuant to  
606 subparagraph (g)4.; date and place of any employment; vehicle  
607 make, model, color, and license tag number; fingerprints; and  
608 photograph. A post office box shall not be provided in lieu of a  
609 physical residential address.

610 2. If the sexual predator is enrolled, employed, or  
611 carrying on a vocation at an institution of higher education in  
612 this state, the sexual predator shall also provide to the  
613 department the name, address, and county of each institution,  
614 including each campus attended, and the sexual predator's  
615 enrollment or employment status.

616 3. If the sexual predator's place of residence is a motor  
617 vehicle, trailer, mobile home, or manufactured home, as defined  
618 in chapter 320, the sexual predator shall also provide the

619 vehicle identification number; the license tag number; the  
620 registration number; and a description, including color scheme,  
621 of the motor vehicle, trailer, mobile home, or manufactured  
622 home. If the sexual predator's place of residence is a vessel,  
623 live-aboard vessel, or houseboat, as defined in chapter 327, the  
624 sexual predator shall also provide the hull identification  
625 number; the manufacturer's serial number; the name of the  
626 vessel, live-aboard vessel, or houseboat; the registration  
627 number; and a description, including color scheme, of the  
628 vessel, live-aboard vessel, or houseboat.

629 (b) The sheriff's office shall, within 2 working days,  
630 electronically submit and update all information provided by the  
631 sexual predator to the department in a manner prescribed by the  
632 department. ~~This procedure shall be implemented by December 1,~~  
633 ~~2005.~~

634 (10) PENALTIES.--

635 (a) Except as otherwise specifically provided, a sexual  
636 predator who fails to register; who fails, after registration,  
637 to maintain, acquire, or renew a driver's license or  
638 identification card; who fails to provide required location  
639 information, electronic mail address information, instant  
640 message name information, or change-of-name information; who  
641 fails to make a required report in connection with vacating a  
642 permanent residence; who fails to reregister as required; who  
643 fails to respond to any address verification correspondence from  
644 the department within 3 weeks of the date of the correspondence;  
645 or who otherwise fails, by act or omission, to comply with the  
646 requirements of this section, commits a felony of the third

647 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
648 775.084.

649 Section 10. Paragraphs (f) and (g) are added to subsection  
650 (1) and paragraph (d) is added to subsection (4) of section  
651 943.0435, Florida Statutes, and subsections (2) and (14) of that  
652 section are amended, to read:

653 943.0435 Sexual offenders required to register with the  
654 department; penalty.--

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

656 (f) "Electronic mail address" has the same meaning as  
657 provided in s. 668.602.

658 (g) "Instant message name" means an identifier that allows  
659 a person to communicate in real time with another person using  
660 the Internet.

661 (2) A sexual offender shall:

662 (a) Report in person at the sheriff's office in the county  
663 in which the offender establishes or maintains a permanent or  
664 temporary residence, within 48 hours after establishing  
665 permanent or temporary residence in this state or within 48  
666 hours after being released from the custody, control, or  
667 supervision of the Department of Corrections or from the custody  
668 of a private correctional facility. Any change in the sexual  
669 offender's permanent or temporary residence, ~~or~~ any  
670 electronic mail address and any instant message name required to  
671 be provided pursuant to paragraph (4) (d), after the sexual  
672 offender reports in person at the sheriff's office, shall be  
673 accomplished in the manner provided in subsections (4), (7), and  
674 (8).

675 (b) Provide his or her name, date of birth, social  
676 security number, race, sex, height, weight, hair and eye color,  
677 tattoos or other identifying marks, occupation and place of  
678 employment, address of permanent or legal residence or address  
679 of any current temporary residence, within the state and out of  
680 state, including a rural route address and a post office box,  
681 any electronic mail address and any instant message name  
682 required to be provided pursuant to paragraph (4) (d), date and  
683 place of each conviction, and a brief description of the crime  
684 or crimes committed by the offender. A post office box shall not  
685 be provided in lieu of a physical residential address.

686 1. If the sexual offender's place of residence is a motor  
687 vehicle, trailer, mobile home, or manufactured home, as defined  
688 in chapter 320, the sexual offender shall also provide to the  
689 department written notice of the vehicle identification number;  
690 the license tag number; the registration number; and a  
691 description, including color scheme, of the motor vehicle,  
692 trailer, mobile home, or manufactured home. If the sexual  
693 offender's place of residence is a vessel, live-aboard vessel,  
694 or houseboat, as defined in chapter 327, the sexual offender  
695 shall also provide to the department written notice of the hull  
696 identification number; the manufacturer's serial number; the  
697 name of the vessel, live-aboard vessel, or houseboat; the  
698 registration number; and a description, including color scheme,  
699 of the vessel, live-aboard vessel, or houseboat.

700 2. If the sexual offender is enrolled, employed, or  
701 carrying on a vocation at an institution of higher education in  
702 this state, the sexual offender shall also provide to the

703 department the name, address, and county of each institution,  
704 including each campus attended, and the sexual offender's  
705 enrollment or employment status. Each change in enrollment or  
706 employment status shall be reported in person at the sheriff's  
707 office, within 48 hours after any change in status. The sheriff  
708 shall promptly notify each institution of the sexual offender's  
709 presence and any change in the sexual offender's enrollment or  
710 employment status.

711  
712 When a sexual offender reports at the sheriff's office, the  
713 sheriff shall take a photograph and a set of fingerprints of the  
714 offender and forward the photographs and fingerprints to the  
715 department, along with the information provided by the sexual  
716 offender. The sheriff shall promptly provide to the department  
717 the information received from the sexual offender.

718 (4)

719 (d) A sexual offender must register any electronic mail  
720 address or instant message name with the department prior to  
721 using such electronic mail address or instant message name on or  
722 after October 1, 2007. The department shall establish an online  
723 system through which sexual offenders may securely access and  
724 update all electronic mail address and instant message name  
725 information.

726 (14) (a) A sexual offender must report in person each year  
727 during the month of the sexual offender's birthday and during  
728 the sixth month following the sexual offender's birth month to  
729 the sheriff's office in the county in which he or she resides or  
730 is otherwise located to reregister. The sheriff's office may

731 determine the appropriate times and days for reporting by the  
732 sexual offender, which shall be consistent with the reporting  
733 requirements of this paragraph. Reregistration shall include any  
734 changes to the following information:

735 1. Name; social security number; age; race; sex; date of  
736 birth; height; weight; hair and eye color; address of any  
737 permanent residence and address of any current temporary  
738 residence, within the state or out of state, including a rural  
739 route address and a post office box; any electronic mail address  
740 and any instant message name required to be provided pursuant to  
741 paragraph (4) (d); date and place of any employment; vehicle  
742 make, model, color, and license tag number; fingerprints; and  
743 photograph. A post office box shall not be provided in lieu of a  
744 physical residential address.

745 2. If the sexual offender is enrolled, employed, or  
746 carrying on a vocation at an institution of higher education in  
747 this state, the sexual offender shall also provide to the  
748 department the name, address, and county of each institution,  
749 including each campus attended, and the sexual offender's  
750 enrollment or employment status.

751 3. If the sexual offender's place of residence is a motor  
752 vehicle, trailer, mobile home, or manufactured home, as defined  
753 in chapter 320, the sexual offender shall also provide the  
754 vehicle identification number; the license tag number; the  
755 registration number; and a description, including color scheme,  
756 of the motor vehicle, trailer, mobile home, or manufactured  
757 home. If the sexual offender's place of residence is a vessel,  
758 live-aboard vessel, or houseboat, as defined in chapter 327, the

759 sexual offender shall also provide the hull identification  
 760 number; the manufacturer's serial number; the name of the  
 761 vessel, live-aboard vessel, or houseboat; the registration  
 762 number; and a description, including color scheme, of the  
 763 vessel, live-aboard vessel or houseboat.

764 4. Any sexual offender who fails to report in person as  
 765 required at the sheriff's office, or who fails to respond to any  
 766 address verification correspondence from the department within 3  
 767 weeks of the date of the correspondence or who fails to report  
 768 electronic mail addresses or instant message names, commits a  
 769 felony of the third degree, punishable as provided in s.  
 770 775.082, s. 775.083, or s. 775.084.

771 (b) The sheriff's office shall, within 2 working days,  
 772 electronically submit and update all information provided by the  
 773 sexual offender to the department in a manner prescribed by the  
 774 department. ~~This procedure shall be implemented by December 1,~~  
 775 ~~2005.~~

776 Section 11. Paragraphs (c) and (d) are added to subsection  
 777 (1) of section 944.606, Florida Statutes, and paragraph (a) of  
 778 subsection (3) of that section is amended, to read:

779 944.606 Sexual offenders; notification upon release.--

780 (1) As used in this section:

781 (c) "Electronic mail address" has the same meaning as  
 782 provided in s. 668.602.

783 (d) "Instant message name" means an identifier that allows  
 784 a person to communicate in real time with another person using  
 785 the Internet.

786 (3) (a) The department must provide information regarding

787 any sexual offender who is being released after serving a period  
788 of incarceration for any offense, as follows:

789 1. The department must provide: the sexual offender's  
790 name, any change in the offender's name by reason of marriage or  
791 other legal process, and any alias, if known; the correctional  
792 facility from which the sexual offender is released; the sexual  
793 offender's social security number, race, sex, date of birth,  
794 height, weight, and hair and eye color; date and county of  
795 sentence and each crime for which the offender was sentenced; a  
796 copy of the offender's fingerprints and a digitized photograph  
797 taken within 60 days before release; the date of release of the  
798 sexual offender; any electronic mail address and any instant  
799 message name required to be provided pursuant to s.

800 943.0435(4)(d); and the offender's intended residence address,  
801 if known. The department shall notify the Department of Law  
802 Enforcement if the sexual offender escapes, absconds, or dies.  
803 If the sexual offender is in the custody of a private  
804 correctional facility, the facility shall take the digitized  
805 photograph of the sexual offender within 60 days before the  
806 sexual offender's release and provide this photograph to the  
807 Department of Corrections and also place it in the sexual  
808 offender's file. If the sexual offender is in the custody of a  
809 local jail, the custodian of the local jail shall notify the  
810 Department of Law Enforcement of the sexual offender's release  
811 and provide to the Department of Law Enforcement the information  
812 specified in this paragraph and any information specified in  
813 subparagraph 2. that the Department of Law Enforcement requests.

814 2. The department may provide any other information deemed



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815 necessary, including criminal and corrections records,  
816 nonprivileged personnel and treatment records, when available.

817 Section 12. Paragraphs (e) and (f) are added to subsection  
818 (1) of section 944.607, Florida Statutes, and paragraph (a) of  
819 subsection (4) and subsection (13) of that section are amended,  
820 to read:

821 944.607 Notification to Department of Law Enforcement of  
822 information on sexual offenders.--

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

824 (e) "Electronic mail address" has the same meaning as  
825 provided in s. 668.602.

826 (f) "Instant message name" means an identifier that allows  
827 a person to communicate in real time with another person using  
828 the Internet.

829 (4) A sexual offender, as described in this section, who  
830 is under the supervision of the Department of Corrections but is  
831 not incarcerated must register with the Department of  
832 Corrections and provide information as required by this  
833 subsection.

834 (a) The sexual offender shall provide his or her name;  
835 date of birth; social security number; race; sex; height;  
836 weight; hair and eye color; tattoos or other identifying marks;  
837 any electronic mail address and any instant message name  
838 required to be provided pursuant to s. 943.0435(4)(d); and  
839 permanent or legal residence and address of temporary residence  
840 within the state or out of state while the sexual offender is  
841 under supervision in this state, including any rural route  
842 address or post office box. The Department of Corrections shall

843 verify the address of each sexual offender in the manner  
844 described in ss. 775.21 and 943.0435.

845 (13) (a) A sexual offender must report in person each year  
846 during the month of the sexual offender's birthday and during  
847 the sixth month following the sexual offender's birth month to  
848 the sheriff's office in the county in which he or she resides or  
849 is otherwise located to reregister. The sheriff's office may  
850 determine the appropriate times and days for reporting by the  
851 sexual offender, which shall be consistent with the reporting  
852 requirements of this paragraph. Reregistration shall include any  
853 changes to the following information:

854 1. Name; social security number; age; race; sex; date of  
855 birth; height; weight; hair and eye color; address of any  
856 permanent residence and address of any current temporary  
857 residence, within the state or out of state, including a rural  
858 route address and a post office box; any electronic mail address  
859 and any instant message name required to be provided pursuant to  
860 s. 943.0435(4)(d), date and place of any employment; vehicle  
861 make, model, color, and license tag number; fingerprints; and  
862 photograph. A post office box shall not be provided in lieu of a  
863 physical residential address.

864 2. If the sexual offender is enrolled, employed, or  
865 carrying on a vocation at an institution of higher education in  
866 this state, the sexual offender shall also provide to the  
867 department the name, address, and county of each institution,  
868 including each campus attended, and the sexual offender's  
869 enrollment or employment status.

870 3. If the sexual offender's place of residence is a motor

871 vehicle, trailer, mobile home, or manufactured home, as defined  
 872 in chapter 320, the sexual offender shall also provide the  
 873 vehicle identification number; the license tag number; the  
 874 registration number; and a description, including color scheme,  
 875 of the motor vehicle, trailer, mobile home, or manufactured  
 876 home. If the sexual offender's place of residence is a vessel,  
 877 live-aboard vessel, or houseboat, as defined in chapter 327, the  
 878 sexual offender shall also provide the hull identification  
 879 number; the manufacturer's serial number; the name of the  
 880 vessel, live-aboard vessel, or houseboat; the registration  
 881 number; and a description, including color scheme, of the  
 882 vessel, live-aboard vessel, or houseboat.

883 4. Any sexual offender who fails to report in person as  
 884 required at the sheriff's office, or who fails to respond to any  
 885 address verification correspondence from the department within 3  
 886 weeks of the date of the correspondence or who fails to report  
 887 electronic mail addresses or instant message names, commits a  
 888 felony of the third degree, punishable as provided in s.  
 889 775.082, s. 775.083, and s. 775.084.

890 (b) The sheriff's office shall, within 2 working days,  
 891 electronically submit and update all information provided by the  
 892 sexual offender to the ~~Florida~~ Department of Law Enforcement in  
 893 a manner prescribed by that ~~the Florida~~ department ~~of Law~~  
 894 ~~Enforcement. This procedure shall be implemented by December 1,~~  
 895 ~~2005.~~

896 Section 13. In the express interest of the protection of  
 897 citizens, particularly children, who use the Internet, it is the  
 898 intent of the Legislature that the collection and distribution

899 of the electronic mail address and instant message name  
900 information of sexual predators and sexual offenders be  
901 maintained and distributed in a manner to maximize public safety  
902 benefits while minimizing and avoiding to the greatest extent  
903 possible any use of this information for any illegal purposes  
904 including harassment and networking among individuals for  
905 illegal purposes. Additionally, care should be taken in the  
906 distribution of this information to avoid circumstances which  
907 allow ready access to such information by minors.

908 Section 14. Section 943.0437, Florida Statutes, is created  
909 to read:

910 943.0437 Commercial social networking websites.--

911 (1) For the purpose of this section, the term "commercial  
912 social networking website" means a commercially operated  
913 Internet website that allows users to create web pages or  
914 profiles that provide information about themselves and are  
915 available publicly or to other users and that offers a mechanism  
916 for communication with other users, such as a forum, chat room,  
917 electronic mail, or instant messenger.

918 (2) The department may provide information relating to  
919 electronic mail addresses and instant message names maintained  
920 as part of the sexual offender registry to commercial social  
921 networking websites or third parties designated by commercial  
922 social networking websites. The commercial social networking  
923 website may use this information for the purpose of comparing  
924 registered users and screening potential users of the commercial  
925 social networking website against the list of electronic mail  
926 addresses and instant message names provided by the department.

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927 (3) This section shall not be construed to impose any  
928 civil liability on a commercial social networking website for:

929 (a) Any action voluntarily taken in good faith to remove  
930 or disable any profile of a registered user associated with an  
931 electronic mail address or instant message name contained in the  
932 sexual offender registry.

933 (b) Any action taken to restrict access by such registered  
934 user to the commercial social networking website.

935 Section 15. This act shall take effect October 1, 2007.