

1 A bill to be entitled
2 An act relating to sexual offenders and predators;
3 amending s. 775.21, F.S.; revising sexual predator
4 criteria; correcting a cross-reference; requiring sexual
5 predators to register with the Department of Law
6 Enforcement through a sheriff's office; deleting
7 provisions allowing certain predators to have predator
8 designation removed after a specified period; revising
9 references to applicable federal law; revising provisions
10 relating to verification of addresses; providing specified
11 immunity to the Department of Juvenile Justice; amending
12 s. 775.261, F.S.; conforming provisions; providing for
13 application of a conforming amendment; amending s.
14 943.0435, F.S.; revising criteria for sexual offender
15 designation; revising the definition of the term
16 "conviction"; revising reporting requirements; revising
17 references to applicable federal law; revising provisions
18 relating to verification of addresses; providing specified
19 immunity to the Department of Juvenile Justice; revising
20 provisions relating to petitions to allow certain
21 offenders to remove the offender designation after a
22 specified period; creating s. 943.44353, F.S.; requiring
23 development and maintenance of a system to provide
24 automatic notification of registration information
25 regarding sexual predators and sexual offenders to the
26 public; amending s. 943.0515, F.S.; requiring retention of
27 records of minors adjudicated delinquent of specified
28 sexual offenses; amending s. 944.606, F.S.; revising

29 criteria for sexual offender designation; providing
30 registration and notification duties for a custodian of a
31 local jail regarding sexual offenders; amending s.
32 944.607, F.S.; revising the definition of a sexual
33 offender for notification purposes; revising duties of
34 clerks of court; revising registration requirements;
35 providing registration and notification duties for a
36 custodian of a local jail regarding sexual offenders;
37 providing specified immunity to the Department of Juvenile
38 Justice; requiring more frequent reregistration for
39 specified offenders; amending s. 985.04, F.S.; providing
40 that specified sexual predator and offender registration
41 information is public record; amending s. 985.045, F.S.;
42 conforming a provision; creating s. 985.481, F.S.;
43 providing for notification upon release of specified
44 juvenile sexual offenders; providing for availability of
45 specified information concerning such offenders; providing
46 immunity for specified officials; creating s. 985.4815,
47 F.S.; providing for notification to the Department of Law
48 Enforcement concerning specified juvenile sexual
49 offenders; providing definitions; providing duties of
50 clerks of court; providing registration requirements;
51 requiring specified information to be made available to
52 the Department of Law Enforcement; providing duties of a
53 custodian of a local jail; providing for forwarding of
54 information for specified offenders under federal
55 supervision; providing penalties for failure to comply
56 with requirements; providing venue for prosecution of

57 | specified offenses; providing for the effect of certain
 58 | actions; providing that registration following certain
 59 | actions does not provide a defense to specified charges;
 60 | providing immunity for specified agencies and persons for
 61 | certain actions; prohibiting certain acts concerning
 62 | offenders; providing criminal penalties; providing
 63 | reporting requirements for offenders; providing an
 64 | effective date.

65 |

66 | Be It Enacted by the Legislature of the State of Florida:

67 |

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

72 | 775.21 The Florida Sexual Predators Act.--

73 | (4) SEXUAL PREDATOR CRITERIA.--

74 | (a) For a current offense committed on or after October 1,
 75 | 1993, upon conviction, an offender shall be designated as a
 76 | "sexual predator" under subsection (5), and subject to
 77 | registration under subsection (6) and community and public
 78 | notification under subsection (7) if:

79 | 1. The felony is:

80 | a. A capital, life, or first-degree felony violation, or
 81 | any attempt thereof, of s. 787.01 or s. 787.02, where the victim
 82 | is a minor and the defendant is not the victim's parent or
 83 | guardian, or of chapter 794, s. 800.04, or s. 847.0145, or a
 84 | violation of a similar law of another jurisdiction; or

85 b. Any felony violation, or any attempt thereof, of s.
 86 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
 87 minor and the defendant is not the victim's parent or guardian;
 88 chapter 794, excluding ss. 794.011(10) and 794.0235; s. 796.03;
 89 s. 796.035; s. 800.04; s. 825.1025(2)(b); s. 827.071; s.
 90 847.0145; or s. 985.701(1); or a violation of a similar law of
 91 another jurisdiction, and the offender has previously been
 92 convicted of or found to have committed, or has pled nolo
 93 contendere or guilty to, regardless of adjudication, any
 94 violation of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 95 the victim is a minor and the defendant is not the victim's
 96 parent or guardian; s. 794.011(2), (3), (4), (5), or (8); s.
 97 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s.
 98 827.071; s. 847.0133; s. 847.0135; s. 847.0145; or s.
 99 985.701(1); or a violation of a similar law of another
 100 jurisdiction;

101 2. The offender has not received a pardon for any felony
 102 or similar law of another jurisdiction that is necessary for the
 103 operation of this paragraph; and

104 3. A conviction of a felony or similar law of another
 105 jurisdiction necessary to the operation of this paragraph has
 106 not been set aside in any postconviction proceeding.

107 (c) If an offender has been registered as a sexual
 108 predator by the Department of Corrections, the department, or
 109 any other law enforcement agency and if:

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

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113 2. The offender was administratively registered as a
114 sexual predator because the Department of Corrections, the
115 department, or any other law enforcement agency obtained
116 information that indicated that the offender met the criteria
117 for designation as a sexual predator based on a violation of a
118 similar law in another jurisdiction,
119
120 the department shall remove that offender from the department's
121 list of sexual predators and, for an offender described under
122 subparagraph 1., shall notify the state attorney who prosecuted
123 the offense that met the criteria for administrative designation
124 as a sexual predator, and, for an offender described under this
125 paragraph ~~subparagraph~~, shall notify the state attorney of the
126 county where the offender establishes or maintains a permanent
127 or temporary residence. The state attorney shall bring the
128 matter to the court's attention in order to establish that the
129 offender meets the criteria for designation as a sexual
130 predator. If the court makes a written finding that the offender
131 is a sexual predator, the offender must be designated as a
132 sexual predator, must register or be registered as a sexual
133 predator with the department as provided in subsection (6), and
134 is subject to the community and public notification as provided
135 in subsection (7). If the court does not make a written finding
136 that the offender is a sexual predator, the offender may not be
137 designated as a sexual predator with respect to that offense and
138 is not required to register or be registered as a sexual
139 predator with the department.

140 (6) REGISTRATION.--

141 (a) A sexual predator must register with the department
142 through the sheriff's office by providing the following
143 information to the department:

144 1. Name, social security number, age, race, sex, date of
145 birth, height, weight, hair and eye color, photograph, address
146 of legal residence and address of any current temporary
147 residence, within the state or out of state, including a rural
148 route address and a post office box, date and place of any
149 employment, date and place of each conviction, fingerprints, and
150 a brief description of the crime or crimes committed by the
151 offender. A post office box shall not be provided in lieu of a
152 physical residential address.

153 a. If the sexual predator's place of residence is a motor
154 vehicle, trailer, mobile home, or manufactured home, as defined
155 in chapter 320, the sexual predator shall also provide to the
156 department written notice of the vehicle identification number;
157 the license tag number; the registration number; and a
158 description, including color scheme, of the motor vehicle,
159 trailer, mobile home, or manufactured home. If a sexual
160 predator's place of residence is a vessel, live-aboard vessel,
161 or houseboat, as defined in chapter 327, the sexual predator
162 shall also provide to the department written notice of the hull
163 identification number; the manufacturer's serial number; the
164 name of the vessel, live-aboard vessel, or houseboat; the
165 registration number; and a description, including color scheme,
166 of the vessel, live-aboard vessel, or houseboat.

167 b. If the sexual predator is enrolled, employed, or
168 carrying on a vocation at an institution of higher education in

169 | this state, the sexual predator shall also provide to the
 170 | department the name, address, and county of each institution,
 171 | including each campus attended, and the sexual predator's
 172 | enrollment or employment status. Each change in enrollment or
 173 | employment status shall be reported in person at the sheriff's
 174 | office, or the Department of Corrections if the sexual predator
 175 | is in the custody or control of or under the supervision of the
 176 | Department of Corrections, within 48 hours after any change in
 177 | status. The sheriff or the Department of Corrections shall
 178 | promptly notify each institution of the sexual predator's
 179 | presence and any change in the sexual predator's enrollment or
 180 | employment status.

181 | 2. Any other information determined necessary by the
 182 | department, including criminal and corrections records;
 183 | nonprivileged personnel and treatment records; and evidentiary
 184 | genetic markers when available.

185 | (e)1. If the sexual predator is not in the custody or
 186 | control of, or under the supervision of, the Department of
 187 | Corrections, or is not in the custody of a private correctional
 188 | facility, the sexual predator shall register:

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

192 | b. At the sheriff's office in the county where he or she
 193 | establishes or maintains a residence within 48 hours after
 194 | establishing or maintaining a residence in the state.

195 | ~~2. and establishes or maintains a residence in the state,~~
 196 | ~~the sexual predator shall register in person at the sheriff's~~

197 ~~office in the county in which the predator establishes or~~
198 ~~maintains a residence, within 48 hours after establishing~~
199 ~~permanent or temporary residence in this state. Any change in~~
200 the sexual predator's permanent or temporary residence or name,
201 after the sexual predator registers in person at the sheriff's
202 office, shall be accomplished in the manner provided in
203 paragraphs (g), (i), and (j). When a sexual predator registers
204 with the sheriff's office, the sheriff shall take a photograph
205 and a set of fingerprints of the predator and forward the
206 photographs and fingerprints to the department, along with the
207 information that the predator is required to provide pursuant to
208 this section.

209 (1) A sexual predator must maintain registration with the
210 department for the duration of his or her life, unless the
211 sexual predator has received a full pardon or has had a
212 conviction set aside in a postconviction proceeding for any
213 offense that met the criteria for the sexual predator
214 designation. ~~However, a sexual predator who was designated as a~~
215 ~~sexual predator by a court before October 1, 1998, and who has~~
216 ~~been lawfully released from confinement, supervision, or~~
217 ~~sanction, whichever is later, for at least 10 years and has not~~
218 ~~been arrested for any felony or misdemeanor offense since~~
219 ~~release, may petition the criminal division of the circuit court~~
220 ~~in the circuit in which the sexual predator resides for the~~
221 ~~purpose of removing the sexual predator designation. A sexual~~
222 ~~predator who was designated a sexual predator by a court on or~~
223 ~~after October 1, 1998, who has been lawfully released from~~
224 ~~confinement, supervision, or sanction, whichever is later, for~~

225 ~~at least 20 years, and who has not been arrested for any felony~~
226 ~~or misdemeanor offense since release may petition the criminal~~
227 ~~division of the circuit court in the circuit in which the sexual~~
228 ~~predator resides for the purpose of removing the sexual predator~~
229 ~~designation. A sexual predator who was designated as a sexual~~
230 ~~predator by a court on or after September 1, 2005, who has been~~
231 ~~lawfully released from confinement, supervision, or sanction,~~
232 ~~whichever is later, for at least 30 years, and who has not been~~
233 ~~arrested for any felony or misdemeanor offense since release may~~
234 ~~petition the criminal division of the circuit court in the~~
235 ~~circuit in which the sexual predator resides for the purpose of~~
236 ~~removing the sexual predator designation. The court may grant or~~
237 ~~deny such relief if the petitioner demonstrates to the court~~
238 ~~that he or she has not been arrested for any crime since~~
239 ~~release, the requested relief complies with the provisions of~~
240 ~~the federal Jacob Wetterling Act, as amended, and any other~~
241 ~~federal standards applicable to the removal of the designation~~
242 ~~as a sexual predator or required to be met as a condition for~~
243 ~~the receipt of federal funds by the state, and the court is~~
244 ~~otherwise satisfied that the petitioner is not a current or~~
245 ~~potential threat to public safety. The state attorney in the~~
246 ~~circuit in which the petition is filed must be given notice of~~
247 ~~the petition at least 3 weeks before the hearing on the matter.~~
248 ~~The state attorney may present evidence in opposition to the~~
249 ~~requested relief or may otherwise demonstrate the reasons why~~
250 ~~the petition should be denied. If the court denies the petition,~~
251 ~~the court may set a future date at which the sexual predator may~~
252 ~~again petition the court for relief, subject to the standards~~

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253 ~~for relief provided in this paragraph. Unless specified in the~~
254 ~~order, a sexual predator who is granted relief under this~~
255 ~~paragraph must comply with the requirements for registration as~~
256 ~~a sexual offender and other requirements provided under s.~~
257 ~~943.0435 or s. 944.607. If a petitioner obtains an order from~~
258 ~~the court that imposed the order designating the petitioner as a~~
259 ~~sexual predator which removes such designation, the petitioner~~
260 ~~shall forward a certified copy of the written findings or order~~
261 ~~to the department in order to have the sexual predator~~
262 ~~designation removed from the sexual predator registry.~~

263
264 The sheriff shall promptly provide to the department the
265 information received from the sexual predator.

266 (8) VERIFICATION.--The department and the Department of
267 Corrections shall implement a system for verifying the addresses
268 of sexual predators. The system must be consistent with the
269 provisions of the federal Adam Walsh Child Protection and Safety
270 Act of 2006 ~~Jacob Wetterling Act, as amended~~, and any other
271 federal standards applicable to such verification or required to
272 be met as a condition for the receipt of federal funds by the
273 state. The Department of Corrections shall verify the addresses
274 of sexual predators who are not incarcerated but who reside in
275 the community under the supervision of the Department of
276 Corrections and shall report to the department any failure by a
277 sexual predator to comply with registration requirements. County
278 and local law enforcement agencies, in conjunction with the
279 department, shall verify the addresses of sexual predators who
280 are not under the care, custody, control, or supervision of the

281 Department of Corrections. Local law enforcement agencies shall
 282 report to the department any failure by a sexual predator to
 283 comply with registration requirements.

284 (a) A sexual predator must report in person each year
 285 during the month of the sexual predator's birthday and during
 286 every third ~~the sixth~~ month thereafter ~~following the sexual~~
 287 ~~predator's birth month~~ to the sheriff's office in the county in
 288 which he or she resides or is otherwise located to reregister.
 289 The sheriff's office may determine the appropriate times and
 290 days for reporting by the sexual predator, which shall be
 291 consistent with the reporting requirements of this paragraph.
 292 Reregistration shall include any changes to the following
 293 information:

294 1. Name; social security number; age; race; sex; date of
 295 birth; height; weight; hair and eye color; address of any
 296 permanent residence and address of any current temporary
 297 residence, within the state or out of state, including a rural
 298 route address and a post office box; date and place of any
 299 employment; vehicle make, model, color, and license tag number;
 300 fingerprints; and photograph. A post office box shall not be
 301 provided in lieu of a physical residential address.

302 2. If the sexual predator is enrolled, employed, or
 303 carrying on a vocation at an institution of higher education in
 304 this state, the sexual predator shall also provide to the
 305 department the name, address, and county of each institution,
 306 including each campus attended, and the sexual predator's
 307 enrollment or employment status.

308 3. If the sexual predator's place of residence is a motor
309 vehicle, trailer, mobile home, or manufactured home, as defined
310 in chapter 320, the sexual predator shall also provide the
311 vehicle identification number; the license tag number; the
312 registration number; and a description, including color scheme,
313 of the motor vehicle, trailer, mobile home, or manufactured
314 home. If the sexual predator's place of residence is a vessel,
315 live-aboard vessel, or houseboat, as defined in chapter 327, the
316 sexual predator shall also provide the hull identification
317 number; the manufacturer's serial number; the name of the
318 vessel, live-aboard vessel, or houseboat; the registration
319 number; and a description, including color scheme, of the
320 vessel, live-aboard vessel, or houseboat.

321 (b) The sheriff's office shall, within 2 working days,
322 electronically submit and update all information provided by the
323 sexual predator to the department in a manner prescribed by the
324 department. ~~This procedure shall be implemented by December 1,~~
325 ~~2005.~~

326 (9) IMMUNITY.--The department, the Department of Highway
327 Safety and Motor Vehicles, the Department of Corrections, the
328 Department of Juvenile Justice, any law enforcement agency in
329 this state, and the personnel of those departments; an elected
330 or appointed official, public employee, or school administrator;
331 or an employee, agency, or any individual or entity acting at
332 the request or upon the direction of any law enforcement agency
333 is immune from civil liability for damages for good faith
334 compliance with the requirements of this section or for the
335 release of information under this section, and shall be presumed

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336 to have acted in good faith in compiling, recording, reporting,
337 or releasing the information. The presumption of good faith is
338 not overcome if a technical or clerical error is made by the
339 department, the Department of Highway Safety and Motor Vehicles,
340 the Department of Corrections, the Department of Juvenile
341 Justice, the personnel of those departments, or any individual
342 or entity acting at the request or upon the direction of any of
343 those departments in compiling or providing information, or if
344 information is incomplete or incorrect because a sexual predator
345 fails to report or falsely reports his or her current place of
346 permanent or temporary residence.

347 (10) PENALTIES.--

348 (b) A sexual predator who has been convicted of or found
349 to have committed, or has pled nolo contendere or guilty to,
350 regardless of adjudication, any violation, or attempted
351 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
352 the victim is a minor and the defendant is not the victim's
353 parent or guardian; s. 794.011(2), (3), (4), (5), or (8); s.
354 794.05; s. 796.03; s. 796.035; s. 800.04; s. 827.071; s.
355 847.0133; s. 847.0145; or s. 985.701(1); or a violation of a
356 similar law of another jurisdiction when the victim of the
357 offense was a minor, and who works, whether for compensation or
358 as a volunteer, at any business, school, day care center, park,
359 playground, or other place where children regularly congregate,
360 commits a felony of the third degree, punishable as provided in
361 s. 775.082, s. 775.083, or s. 775.084.

362 Section 2. Paragraph (b) of subsection (3) of section
363 775.261, Florida Statutes, is amended to read:

364 775.261 The Florida Career Offender Registration Act.--

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

366 (b) This section does not apply to any person who has been
 367 designated as a sexual predator and required to register under
 368 s. 775.21 or who is required to register as a sexual offender
 369 under s. 943.0435 or s. 944.607. However, if a person is no
 370 longer required to register as a ~~sexual predator under s. 775.21~~
 371 ~~or as a~~ sexual offender under s. 943.0435 or s. 944.607, the
 372 person must register as a career offender under this section if
 373 the person is otherwise designated as a career offender as
 374 provided in this section.

375 Section 3. The amendment to section 775.261, Florida
 376 Statutes, made by this act applies prospectively and does not
 377 apply to a person whose requirement to register as a sexual
 378 predator under s. 775.21, Florida Statutes, was removed prior to
 379 the amendments to s. 775.21(6)(1), Florida Statutes, made by
 380 this act.

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

384 943.0435 Sexual offenders required to register with the
 385 department; penalty.--

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

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

391 a.(I)~~1.a.~~ Has been convicted of committing, or attempting,
 392 soliciting, or conspiring to commit, any of the criminal
 393 offenses proscribed in the following statutes in this state or
 394 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
 395 or s. 787.025(2)(c), where the victim is a minor and the
 396 defendant is not the victim's parent or guardian; chapter 794,
 397 excluding ss. 794.011(10), and 794.0235, 794.024, 794.027,
 398 794.03, 794.05, 794.065, and 794.075; s. 796.03; s. 796.035; s.
 399 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135; s.
 400 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any
 401 similar offense committed in this state which has been
 402 redesignated from a former statute number to one of those listed
 403 in this sub-sub-subparagraph ~~sub-subparagraph~~; and

404 (II)~~b.~~ Has been released on or after October 1, 1997, from
 405 the sanction imposed for any conviction of an offense described
 406 in sub-sub-subparagraph (I) ~~sub-subparagraph a.~~ For purposes of
 407 sub-sub-subparagraph (I) ~~sub-subparagraph a.~~, a sanction imposed
 408 in this state or in any other jurisdiction includes, but is not
 409 limited to, a fine, probation, community control, parole,
 410 conditional release, control release, or incarceration in a
 411 state prison, federal prison, private correctional facility, or
 412 local detention facility;

413 b.2. Establishes or maintains a residence in this state
 414 and who has not been designated as a sexual predator by a court
 415 of this state but who has been designated as a sexual predator,
 416 as a sexually violent predator, or by another sexual offender
 417 designation in another state or jurisdiction and was, as a
 418 result of such designation, subjected to registration or

419 community or public notification, or both, or would be if the
 420 person were a resident of that state or jurisdiction, without
 421 regard to whether the person otherwise meets the criteria for
 422 registration as a sexual offender; or

423 ~~c.3-~~ Establishes or maintains a residence in this state
 424 who is in the custody or control of, or under the supervision
 425 of, any other state or jurisdiction as a result of a conviction
 426 for committing, or attempting, soliciting, or conspiring to
 427 commit, any of the criminal offenses proscribed in the following
 428 statutes or similar offense in another jurisdiction: s. 787.01,
 429 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
 430 the defendant is not the victim's parent or guardian; chapter
 431 794, excluding ss. 794.011(10), ~~and~~ 794.0235, 794.024, 794.027,
 432 794.03, 794.05, 794.065, and 794.075; s. 796.03; s. 796.035; s.
 433 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135; s.
 434 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any
 435 similar offense committed in this state which has been
 436 redesignated from a former statute number to one of those listed
 437 in this sub-subparagraph ~~subparagraph~~.

438 d. Has been adjudicated delinquent for a violation
 439 committed on or after July 1, 2007, of chapter 794, excluding
 440 ss. 794.011(10), 794.0235, 794.024, 794.027, 794.03, 794.05,
 441 794.065, and 794.075; any violation of s. 800.04 where the court
 442 finds the use of force, threat, or coercion by the offender, or
 443 resulting physical injury to the victim, or that the victim was
 444 unconscious, substantially impaired, or suffered a physical or
 445 mental disability resulting in a failure to appraise or control
 446 the situation; or any attempt or conspiracy to commit such

447 offense or a violation of a similar law of another jurisdiction,
448 when the juvenile was 14 years of age or older at the time of
449 the offense.

450 2. A person does not meet the criteria for sexual offender
451 designation and registration when the person was convicted of a
452 first-time offense for sexual activity, lewd or lascivious
453 molestation, or lewd or lascivious conduct in the following
454 circumstances:

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

457 b. The court makes factual findings that:

458 (I) The sexual activity, lewd or lascivious molestation,
459 or lewd or lascivious conduct did not involve the use of force,
460 threat, or coercion by the offender or result in physical injury
461 to the victim.

462 (II) The victim was not unconscious or substantially
463 impaired of physical or mental ability to appraise or control
464 the situation.

465 (b) "Convicted" means that there has been a determination
466 of guilt as a result of a trial or the entry of a plea of guilty
467 or nolo contendere, regardless of whether adjudication is
468 withheld, and includes an adjudication of delinquency of a
469 juvenile as specified in this section. Conviction of a similar
470 offense includes, but is not limited to, a conviction by a
471 federal or military tribunal, including courts-martial conducted
472 by the Armed Forces of the United States, and includes a
473 conviction or entry of a plea of guilty or nolo contendere
474 resulting in a sanction in any state of the United States or

475 other jurisdiction. A sanction includes, but is not limited to,
476 a fine, probation, community control, parole, conditional
477 release, control release, or incarceration in a state prison,
478 federal prison, private correctional facility, or local
479 detention facility.

480 (2) A sexual offender shall:

481 (a) Report in person at the sheriff's office in the county
482 in which the offender establishes or maintains a permanent or
483 temporary residence and within 48 hours after being sentenced
484 for a qualifying offense for registration under this section,
485 within 48 hours after establishing permanent or temporary
486 residence in this state, or within 48 hours after being released
487 from the custody, control, or supervision of the Department of
488 Corrections or from the custody of a private correctional
489 facility. Any change in the sexual offender's permanent or
490 temporary residence or name, after the sexual offender reports
491 in person at the sheriff's office, shall be accomplished in the
492 manner provided in subsections (4), (7), and (8).

493 (b) Provide his or her name, date of birth, social
494 security number, race, sex, height, weight, hair and eye color,
495 tattoos or other identifying marks, occupation and place of
496 employment, address of permanent or legal residence or address
497 of any current temporary residence, within the state and out of
498 state, including a rural route address and a post office box,
499 date and place of each conviction, and a brief description of
500 the crime or crimes committed by the offender. A post office box
501 shall not be provided in lieu of a physical residential address.

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502 1. If the sexual offender's place of residence is a motor
503 vehicle, trailer, mobile home, or manufactured home, as defined
504 in chapter 320, the sexual offender shall also provide to the
505 department through the sheriff's office written notice of the
506 vehicle identification number; the license tag number; the
507 registration number; and a description, including color scheme,
508 of the motor vehicle, trailer, mobile home, or manufactured
509 home. If the sexual offender's place of residence is a vessel,
510 live-aboard vessel, or houseboat, as defined in chapter 327, the
511 sexual offender shall also provide to the department written
512 notice of the hull identification number; the manufacturer's
513 serial number; the name of the vessel, live-aboard vessel, or
514 houseboat; the registration number; and a description, including
515 color scheme, of the vessel, live-aboard vessel, or houseboat.

516 2. If the sexual offender is enrolled, employed, or
517 carrying on a vocation at an institution of higher education in
518 this state, the sexual offender shall also provide to the
519 department through the sheriff's office the name, address, and
520 county of each institution, including each campus attended, and
521 the sexual offender's enrollment or employment status. Each
522 change in enrollment or employment status shall be reported in
523 person at the sheriff's office, within 48 hours after any change
524 in status. The sheriff shall promptly notify each institution of
525 the sexual offender's presence and any change in the sexual
526 offender's enrollment or employment status.

527
528 When a sexual offender reports at the sheriff's office, the
529 sheriff shall take a photograph and a set of fingerprints of the

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530 offender and forward the photographs and fingerprints to the
531 department, along with the information provided by the sexual
532 offender. The sheriff shall promptly provide to the department
533 the information received from the sexual offender.

534 (6) County and local law enforcement agencies, in
535 conjunction with the department, shall verify the addresses of
536 sexual offenders who are not under the care, custody, control,
537 or supervision of the Department of Corrections in a manner that
538 is consistent with the provisions of the federal Adam Walsh
539 Child Protection and Safety Act of 2006 ~~Jacob Wetterling Act, as~~
540 ~~amended~~, and any other federal standards applicable to such
541 verification or required to be met as a condition for the
542 receipt of federal funds by the state. Local law enforcement
543 agencies shall report to the department any failure by a sexual
544 predator to comply with registration requirements.

545 (10) The department, the Department of Highway Safety and
546 Motor Vehicles, the Department of Corrections, the Department of
547 Juvenile Justice, any law enforcement agency in this state, and
548 the personnel of those departments; an elected or appointed
549 official, public employee, or school administrator; or an
550 employee, agency, or any individual or entity acting at the
551 request or upon the direction of any law enforcement agency is
552 immune from civil liability for damages for good faith
553 compliance with the requirements of this section or for the
554 release of information under this section, and shall be presumed
555 to have acted in good faith in compiling, recording, reporting,
556 or releasing the information. The presumption of good faith is
557 not overcome if a technical or clerical error is made by the

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558 department, the Department of Highway Safety and Motor Vehicles,
559 the Department of Corrections, the Department of Juvenile
560 Justice, the personnel of those departments, or any individual
561 or entity acting at the request or upon the direction of any of
562 those departments in compiling or providing information, or if
563 information is incomplete or incorrect because a sexual offender
564 fails to report or falsely reports his or her current place of
565 permanent or temporary residence.

566 (11) A sexual offender must maintain registration with the
567 department for the duration of his or her life, unless the
568 sexual offender has received a full pardon or has had a
569 conviction set aside in a postconviction proceeding for any
570 offense that meets the criteria for classifying the person as a
571 sexual offender for purposes of registration. However, a sexual
572 offender:

573 (a)1. Who has been lawfully released from confinement,
574 supervision, or sanction, whichever is later, for at least 25 ~~20~~
575 years and has not been arrested for any felony or misdemeanor
576 offense since release, provided that the sexual offender's
577 requirement to register was not based upon an adult conviction
578 for a violation of s. 787.01; s. 787.02; or chapter 794,
579 excluding s. 794.05; any violation of s. 800.04 where the court
580 finds the use of force, threat, or coercion by the offender, or
581 resulting physical injury to the victim, or that the victim was
582 unconscious, substantially impaired, or suffered a physical or
583 mental disability resulting in a failure to appraise or control
584 the situation; a violation of s. 800.04(5)(b); or any attempt or

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585 conspiracy to commit such offense or a violation of a similar
586 law of another jurisdiction, ~~or~~

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

594
595 may petition the criminal division of the circuit court of the
596 circuit in which the sexual offender resides for the purpose of
597 removing the requirement for registration as a sexual offender.

598 2. The court may grant or deny ~~such~~ relief if the offender
599 demonstrates to the court that he or she has not been arrested
600 for any crime since release; the requested relief complies with
601 the provisions of the federal Adam Walsh Child Protection and
602 Safety Act of 2006 ~~Jacob Wetterling Act, as amended,~~ and any
603 other federal standards applicable to the removal of
604 registration requirements for a sexual offender or required to
605 be met as a condition for the receipt of federal funds by the
606 state; and the court is otherwise satisfied that the offender is
607 not a current or potential threat to public safety. The state
608 attorney in the circuit in which the petition is filed must be
609 given notice of the petition at least 3 weeks before the hearing
610 on the matter. The state attorney may present evidence in
611 opposition to the requested relief or may otherwise demonstrate
612 the reasons why the petition should be denied. If the court

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613 denies the petition, the court may set a future date at which
614 the sexual offender may again petition the court for relief,
615 subject to the standards for relief provided in this subsection.

616 3. The department shall remove an offender from
617 classification as a sexual offender for purposes of registration
618 if the offender provides to the department a certified copy of
619 the court's written findings or order that indicates that the
620 offender is no longer required to comply with the requirements
621 for registration as a sexual offender.

622 (b)(e) As defined in sub-subparagraph (1)(a)1.b.
623 ~~subparagraph (1)(a)2.~~ must maintain registration with the
624 department for the duration of his or her life until the person
625 provides the department with an order issued by the court that
626 designated the person as a sexual predator, as a sexually
627 violent predator, or by another sexual offender designation in
628 the state or jurisdiction in which the order was issued which
629 states that such designation has been removed or demonstrates to
630 the department that such designation, if not imposed by a court,
631 has been removed by operation of law or court order in the state
632 or jurisdiction in which the designation was made, and provided
633 such person no longer meets the criteria for registration as a
634 sexual offender under the laws of this state.

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

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640 (b) However, a sexual offender who is required to register
641 as a result of a conviction for a violation of s. 787.01 or s.
642 787.02 where the victim is a minor and the offender is not the
643 victim's parent or guardian; a violation of chapter 794,
644 excluding ss. 794.011(10), 794.0235, 794.024, 794.027, 794.03,
645 794.05, 794.065, and 794.075; any violation of s. 800.04 where
646 the court finds the use of force, threat, or coercion by the
647 offender, or resulting physical injury to the victim, or that
648 the victim was unconscious, substantially impaired, or suffered
649 a physical or mental disability resulting in a failure to
650 appraise or control the situation; a violation of s.
651 800.04(5)(b); or any attempt or conspiracy to commit such
652 offense or a violation of a similar law of another jurisdiction
653 must reregister each year during the month of the sexual
654 offender's birthday and every third month thereafter.

655 (c) The sheriff's office may determine the appropriate
656 times and days for reporting by the sexual offender, which shall
657 be consistent with the reporting requirements of this subsection
658 paragraph. Reregistration shall include any changes to the
659 following information:

660 1. Name; social security number; age; race; sex; date of
661 birth; height; weight; hair and eye color; address of any
662 permanent residence and address of any current temporary
663 residence, within the state or out of state, including a rural
664 route address and a post office box; date and place of any
665 employment; vehicle make, model, color, and license tag number;
666 fingerprints; and photograph. A post office box shall not be
667 provided in lieu of a physical residential address.

668 2. If the sexual offender is enrolled, employed, or
669 carrying on a vocation at an institution of higher education in
670 this state, the sexual offender shall also provide to the
671 department the name, address, and county of each institution,
672 including each campus attended, and the sexual offender's
673 enrollment or employment status.

674 3. If the sexual offender's place of residence is a motor
675 vehicle, trailer, mobile home, or manufactured home, as defined
676 in chapter 320, the sexual offender shall also provide the
677 vehicle identification number; the license tag number; the
678 registration number; and a description, including color scheme,
679 of the motor vehicle, trailer, mobile home, or manufactured
680 home. If the sexual offender's place of residence is a vessel,
681 live-aboard vessel, or houseboat, as defined in chapter 327, the
682 sexual offender shall also provide the hull identification
683 number; the manufacturer's serial number; the name of the
684 vessel, live-aboard vessel, or houseboat; the registration
685 number; and a description, including color scheme, of the
686 vessel, live-aboard vessel or houseboat.

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

693 (d) ~~(b)~~ The sheriff's office shall, within 2 working days,
694 electronically submit and update all information provided by the
695 sexual offender to the department in a manner prescribed by the

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696 department. ~~This procedure shall be implemented by December 1,~~
 697 ~~2005.~~

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

700 943.44353 Automatic notification of registration
 701 information regarding sexual predators and offenders.--

702 (1) The department shall develop and maintain a system to
 703 provide automatic notification of registration information
 704 regarding sexual predators and sexual offenders to the public.

705 (2) In accordance with the federal Adam Walsh Child
 706 Protection and Safety Act of 2006, schools, public housing
 707 agencies, agencies responsible for conducting employment-related
 708 background checks under s. 3 of the National Child Protection
 709 Act of 1993, 42 U.S.C. s. 5119a, as amended, social service
 710 entities responsible for protecting minors in the child welfare
 711 system, volunteer organizations in which contact with minors or
 712 other vulnerable individuals might occur, and any other such
 713 organization, company, or individual shall have access to the
 714 notification system.

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

717 943.0515 Retention of criminal history records of
 718 minors.--

719 (3) Notwithstanding any other provision of this section,
 720 the Criminal Justice Information Program shall retain the
 721 criminal history record of a minor adjudicated delinquent for a
 722 violation committed on or after July 1, 2007, of chapter 794,
 723 excluding ss. 794.0235, 794.024, 794.027, 794.03, 794.05,

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724 794.065, and 794.075; any violation of s. 800.04 where the court
725 finds the use of force, threat, or coercion by the offender, or
726 resulting physical injury to the victim, or that the victim was
727 unconscious, substantially impaired, or suffered a physical or
728 mental disability resulting in a failure to appraise or control
729 the situation; or any attempt or conspiracy to commit such
730 offense, when the minor was 14 years of age or older at the time
731 of the offense. Such records shall not be destroyed and must be
732 merged with the person's adult criminal history record and
733 retained as a part of the person's adult record.

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

737 944.606 Sexual offenders; notification upon release.--

738 (1) As used in this section:

739 (b) "Sexual offender" means a person who has been
740 convicted of committing, or attempting, soliciting, or
741 conspiring to commit, any of the criminal offenses proscribed in
742 the following statutes in this state or similar offenses in
743 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
744 where the victim is a minor and the defendant is not the
745 victim's parent or guardian; chapter 794, excluding ss.
746 794.011(10) and 794.0235; s. 796.03; s. 796.035; s. 800.04; s.
747 825.1025; s. 827.071; s. 847.0133; s. 847.0135; s. 847.0137; s.
748 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense
749 committed in this state which has been redesignated from a
750 former statute number to one of those listed in this subsection,
751 when the department has received verified information regarding

752 such conviction; an offender's computerized criminal history
753 record is not, in and of itself, verified information.

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

757 1. The department must provide: the sexual offender's
758 name, any change in the offender's name by reason of marriage or
759 other legal process, and any alias, if known; the correctional
760 facility from which the sexual offender is released; the sexual
761 offender's social security number, race, sex, date of birth,
762 height, weight, and hair and eye color; date and county of
763 sentence and each crime for which the offender was sentenced; a
764 copy of the offender's fingerprints and a digitized photograph
765 taken within 60 days before release; the date of release of the
766 sexual offender; and the offender's intended residence address,
767 if known. The department shall notify the Department of Law
768 Enforcement if the sexual offender escapes, absconds, or dies.
769 If the sexual offender is in the custody of a private
770 correctional facility, the facility shall take the digitized
771 photograph of the sexual offender within 60 days before the
772 sexual offender's release and provide this photograph to the
773 Department of Corrections and also place it in the sexual
774 offender's file. If the sexual offender is in the custody of a
775 local jail, the custodian of the local jail shall register the
776 offender within 3 business days after intake of the offender for
777 any reason and, upon release, notify the Department of Law
778 Enforcement of the sexual offender's release and provide to the
779 Department of Law Enforcement the information specified in this

780 paragraph and any information specified in subparagraph 2. that
 781 the Department of Law Enforcement requests.

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

785 Section 8. Paragraph (a) of subsection (1) and subsections
 786 (3), (4), (7), (11), and (13) of section 944.607, Florida
 787 Statutes, are amended to read:

788 944.607 Notification to Department of Law Enforcement of
 789 information on sexual offenders.--

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

791 (a) "Sexual offender" means a person who is in the custody
 792 or control of, or under the supervision of, the department or is
 793 in the custody of a private correctional facility:

794 1. On or after October 1, 1997, as a result of a
 795 conviction for committing, or attempting, soliciting, or
 796 conspiring to commit, any of the criminal offenses proscribed in
 797 the following statutes in this state or similar offenses in
 798 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
 799 where the victim is a minor and the defendant is not the
 800 victim's parent or guardian; chapter 794, excluding ss.
 801 794.011(10), ~~and~~ 794.0235, 794.024, 794.027, 794.03, 794.05,
 802 794.065, and 794.075; s. 796.03; s. 796.035; s. 800.04; s.
 803 825.1025; s. 827.071; s. 847.0133; s. 847.0135; s. 847.0137; s.
 804 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense
 805 committed in this state which has been redesignated from a
 806 former statute number to one of those listed in this paragraph;
 807 or

808 2. Who establishes or maintains a residence in this state
809 and who has not been designated as a sexual predator by a court
810 of this state but who has been designated as a sexual predator,
811 as a sexually violent predator, or by another sexual offender
812 designation in another state or jurisdiction and was, as a
813 result of such designation, subjected to registration or
814 community or public notification, or both, or would be if the
815 person were a resident of that state or jurisdiction, without
816 regard as to whether the person otherwise meets the criteria for
817 registration as a sexual offender.

818 (3) If a sexual offender is not sentenced to a term of
819 imprisonment, the clerk of the court shall ensure that the
820 sexual offender's fingerprints and sexual offender registration
821 are taken and forwarded to the Department of Law Enforcement
822 within 48 hours after the court sentences the offender. The
823 fingerprint card shall be clearly marked "Sexual Offender
824 Registration Card."

825 (4) A sexual offender, as described in this section, who
826 is under the supervision of the Department of Corrections but is
827 not incarcerated must register with the Department of
828 Corrections within 3 business days after sentencing for a
829 registerable offense and otherwise provide information as
830 required by this subsection.

831 (a) The sexual offender shall provide his or her name;
832 date of birth; social security number; race; sex; height;
833 weight; hair and eye color; tattoos or other identifying marks;
834 and permanent or legal residence and address of temporary
835 residence within the state or out of state while the sexual

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836 offender is under supervision in this state, including any rural
837 route address or post office box. The Department of Corrections
838 shall verify the address of each sexual offender in the manner
839 described in ss. 775.21 and 943.0435. The department shall
840 report to the Department of Law Enforcement any failure by a
841 sexual predator or sexual offender to comply with registration
842 requirements.

843 (b) If the sexual offender is enrolled, employed, or
844 carrying on a vocation at an institution of higher education in
845 this state, the sexual offender shall provide the name, address,
846 and county of each institution, including each campus attended,
847 and the sexual offender's enrollment or employment status. Each
848 change in enrollment or employment status shall be reported to
849 the department within 48 hours after the change in status. The
850 Department of Corrections shall promptly notify each institution
851 of the sexual offender's presence and any change in the sexual
852 offender's enrollment or employment status.

853 (7) If the sexual offender is in the custody of a local
854 jail, the custodian of the local jail shall register the
855 offender within 3 business days of intake of the offender for
856 any reason and, upon release, forward the information to the
857 Department of Law Enforcement. The custodian of the local jail
858 shall also take a digitized photograph of the sexual offender
859 while the offender remains in custody and shall provide the
860 digitized photograph to the Department of Law Enforcement.

861 (11) The department, the Department of Highway Safety and
862 Motor Vehicles, the Department of Law Enforcement, the
863 Department of Corrections, the Department of Juvenile Justice,

864 personnel of those departments, and any individual or entity
 865 acting at the request or upon the direction of those departments
 866 are immune from civil liability for damages for good faith
 867 compliance with this section, and shall be presumed to have
 868 acted in good faith in compiling, recording, reporting, or
 869 providing information. The presumption of good faith is not
 870 overcome if technical or clerical errors are made by the
 871 department, the Department of Highway Safety and Motor Vehicles,
 872 the Department of Law Enforcement, the Department of Juvenile
 873 Justice, personnel of those departments, or any individual or
 874 entity acting at the request or upon the direction of those
 875 departments in compiling, recording, reporting, or providing
 876 information, or, if the information is incomplete or incorrect
 877 because the information has not been provided by a person or
 878 agency required to provide the information, or because the
 879 information was not reported or was falsely reported.

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

885 (b) However, a sexual offender who is required to register
 886 as a result of a conviction for a violation of s. 787.01 or s.
 887 787.02 where the victim is a minor and the offender is not the
 888 victim's parent or guardian; a violation of chapter 794,
 889 excluding ss. 794.011(10), 794.0235, 794.024, 794.027, 794.03,
 890 794.05, 794.065, and 794.075; any violation of s. 800.04 where
 891 the court finds the use of force, threat, or coercion by the

892 offender, or resulting physical injury to the victim, or that
 893 the victim was unconscious, substantially impaired, or suffered
 894 a physical or mental disability resulting in a failure to
 895 appraise or control the situation; a violation of s.
 896 800.04(5)(b); or any attempt or conspiracy to commit such
 897 offense or a violation of a similar law of another jurisdiction
 898 must reregister each year during the month of the sexual
 899 offender's birthday and every third month thereafter.

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

905 1. Name; social security number; age; race; sex; date of
 906 birth; height; weight; hair and eye color; address of any
 907 permanent residence and address of any current temporary
 908 residence, within the state or out of state, including a rural
 909 route address and a post office box; date and place of any
 910 employment; vehicle make, model, color, and license tag number;
 911 fingerprints; and photograph. A post office box shall not be
 912 provided in lieu of a physical residential address.

913 2. If the sexual offender is enrolled, employed, or
 914 carrying on a vocation at an institution of higher education in
 915 this state, the sexual offender shall also provide to the
 916 department the name, address, and county of each institution,
 917 including each campus attended, and the sexual offender's
 918 enrollment or employment status.

919 3. If the sexual offender's place of residence is a motor
 920 vehicle, trailer, mobile home, or manufactured home, as defined
 921 in chapter 320, the sexual offender shall also provide the
 922 vehicle identification number; the license tag number; the
 923 registration number; and a description, including color scheme,
 924 of the motor vehicle, trailer, mobile home, or manufactured
 925 home. If the sexual offender's place of residence is a vessel,
 926 live-aboard vessel, or houseboat, as defined in chapter 327, the
 927 sexual offender shall also provide the hull identification
 928 number; the manufacturer's serial number; the name of the
 929 vessel, live-aboard vessel, or houseboat; the registration
 930 number; and a description, including color scheme, of the
 931 vessel, live-aboard vessel, or houseboat.

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

938 (d)~~(b)~~ The sheriff's office shall, within 2 working days,
 939 electronically submit and update all information provided by the
 940 sexual offender to the Florida Department of Law Enforcement in
 941 a manner prescribed by the Florida Department of Law
 942 Enforcement. ~~This procedure shall be implemented by December 1,~~
 943 ~~2005.~~

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

946 985.04 Oaths; records; confidential information.--

947 (6) (a) Records maintained by the department, including
 948 copies of records maintained by the court, which pertain to a
 949 child found to have committed a delinquent act which, if
 950 committed by an adult, would be a crime specified in ss. 435.03
 951 and 435.04 may not be destroyed under this section for a period
 952 of 25 years after the youth's final referral to the department,
 953 except in cases of the death of the child. Such records,
 954 however, shall be sealed by the court for use only in meeting
 955 the screening requirements for personnel in s. 402.3055 and the
 956 other sections cited above, or under departmental rule; however,
 957 current criminal history information must be obtained from the
 958 Department of Law Enforcement in accordance with s. 943.053. The
 959 information shall be released to those persons specified in the
 960 above cited sections for the purposes of complying with those
 961 sections. The court may punish by contempt any person who
 962 releases or uses the records for any unauthorized purpose.

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

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

969 985.045 Court records.--

970 (2) The clerk shall keep all official records required by
 971 this section separate from other records of the circuit court,
 972 except those records pertaining to motor vehicle violations,
 973 which shall be forwarded to the Department of Highway Safety and
 974 Motor Vehicles. Except as provided in ss. 943.053, 985.04(6)(b),

975 and 985.04(7), official records required by this chapter are not
 976 open to inspection by the public, but may be inspected only upon
 977 order of the court by persons deemed by the court to have a
 978 proper interest therein, except that a child and the parents,
 979 guardians, or legal custodians of the child and their attorneys,
 980 law enforcement agencies, the Department of Juvenile Justice and
 981 its designees, the Parole Commission, the Department of
 982 Corrections, and the Justice Administrative Commission shall
 983 always have the right to inspect and copy any official record
 984 pertaining to the child. The court may permit authorized
 985 representatives of recognized organizations compiling statistics
 986 for proper purposes to inspect, and make abstracts from,
 987 official records under whatever conditions upon the use and
 988 disposition of such records the court may deem proper and may
 989 punish by contempt proceedings any violation of those
 990 conditions.

991 Section 11. Section 985.481, Florida Statutes, is created
 992 to read:

993 985.481 Sexual offenders adjudicated delinquent;
 994 notification upon release.--

995 (1) As used in this section:

996 (a) "Convicted" has the same meaning as provided in s.
 997 943.0435.

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

1000 (2) The Legislature finds that sexual offenders,
 1001 especially those who have committed their offenses against
 1002 minors, often pose a high risk of engaging in sexual offenses

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1003 even after being released from incarceration or commitment and
1004 that protection of the public from sexual offenders is a
1005 paramount governmental interest. Sexual offenders have a reduced
1006 expectation of privacy because of the public's interest in
1007 public safety and in the effective operation of government.
1008 Releasing sexual offender information to law enforcement
1009 agencies, to persons who request such information, and to the
1010 public by a law enforcement agency or public agency will further
1011 the governmental interests of public safety.

1012 (3) (a) The department must provide information regarding
1013 any sexual offender who is being released after serving a period
1014 of residential commitment or other detention under the
1015 department for any offense, as follows:

1016 1. The department must provide the sexual offender's name,
1017 any change in the offender's name by reason of marriage or other
1018 legal process, and any alias, if known; the correctional
1019 facility from which the sexual offender is released; the sexual
1020 offender's social security number, race, sex, date of birth,
1021 height, weight, and hair and eye color; date and county of
1022 disposition and each crime for which there was a disposition; a
1023 copy of the offender's fingerprints and a digitized photograph
1024 taken within 60 days before release; the date of release of the
1025 sexual offender; and the offender's intended residence address,
1026 if known. The department shall notify the Department of Law
1027 Enforcement if the sexual offender escapes, absconds, or dies.
1028 If the sexual offender is in the custody of a private
1029 correctional facility, the facility shall take the digitized
1030 photograph of the sexual offender within 60 days before the

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1031 sexual offender's release and also place it in the sexual
1032 offender's file. If the sexual offender is in the custody of a
1033 local jail or detention center, the custodian of the local jail
1034 or detention center shall register the offender within 3
1035 business days after intake of the offender for any reason and,
1036 upon release, notify the Department of Law Enforcement of the
1037 sexual offender's release and provide to the Department of Law
1038 Enforcement the information specified in this subparagraph and
1039 any information specified in subparagraph 2. that the Department
1040 of Law Enforcement requests.

1041 2. The department may provide any other information deemed
1042 necessary, including criminal and delinquency records, when
1043 available.

1044 (b) The department must provide the information described
1045 in subparagraph (a)1. to the following:

1046 1. The sheriff of the county from where the sexual
1047 offender offense was disposed.

1048 2. The sheriff of the county and, if applicable, the
1049 police chief of the municipality where the sexual offender plans
1050 to reside.

1051 3. The Department of Law Enforcement.

1052 4. When requested, the victim of the offense, the victim's
1053 parent or legal guardian if the victim is a minor, the lawful
1054 representative of the victim or of the victim's parent or
1055 guardian if the victim is a minor, or the next of kin if the
1056 victim is a homicide victim.

1057 5. Any person who requests such information, either within
1058 6 months prior to the anticipated release of a sexual offender

1059 or as soon as possible if an offender is released earlier than
 1060 anticipated. All such information provided to the Department of
 1061 Law Enforcement must be available electronically as soon as the
 1062 information is in the agency's database and must be in a format
 1063 that is compatible with the requirements of the Florida Crime
 1064 Information Center.

1065 (c) Upon request, the department must provide the
 1066 information described in subparagraph (a)2. to the following:

1067 1. The sheriff of the county from where the sexual
 1068 offender was sentenced.

1069 2. The sheriff of the county and, if applicable, the
 1070 police chief of the municipality where the sexual offender plans
 1071 to reside, either within 6 months prior to the anticipated
 1072 release of a sexual offender or as soon as possible if an
 1073 offender is released earlier than anticipated.

1074 (d) Upon receiving information regarding a sexual offender
 1075 from the department, the Department of Law Enforcement, the
 1076 sheriff, or the chief of police shall provide the information
 1077 described in subparagraph (a)1. to any individual who requests
 1078 such information and may release the information to the public
 1079 in any manner deemed appropriate, unless the information so
 1080 received is confidential or exempt from s. 119.07(1) and s.
 1081 24(a), Art. I of the State Constitution.

1082 (4) This section authorizes the department or any law
 1083 enforcement agency to notify the community and the public of a
 1084 sexual offender's presence in the community. However, with
 1085 respect to a sexual offender who has been found to be a sexual
 1086 predator under chapter 775, the Department of Law Enforcement or

1087 any other law enforcement agency must inform the community and
 1088 the public of the sexual predator's presence in the community as
 1089 provided in chapter 775.

1090 (5) An elected or appointed official, public employee,
 1091 school administrator or employee, or agency, or any individual
 1092 or entity acting at the request or upon the direction of any law
 1093 enforcement agency, is immune from civil liability for damages
 1094 resulting from the release of information under this section.

1095 Section 12. Section 985.4815, Florida Statutes, is created
 1096 to read:

1097 985.4815 Notification to Department of Law Enforcement of
 1098 information on juvenile sexual offenders.--

1099 (1) As used in this section, the term:

1100 (a) "Change in enrollment or employment status" means the
 1101 commencement or termination of enrollment or employment or a
 1102 change in location of enrollment or employment.

1103 (b) "Conviction" has the same meaning as provided in s.
 1104 943.0435.

1105 (c) "Institution of higher education" means a career
 1106 center, community college, college, state university, or
 1107 independent postsecondary institution.

1108 (d) "Sexual offender" means a person who is in the care or
 1109 custody or under the jurisdiction or supervision of the
 1110 department or is in the custody of a private correctional
 1111 facility and who:

1112 1. Has been adjudicated delinquent as provided in s.
 1113 943.0435(1)(a)1.d.; or

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1114 2. Is a minor who establishes or maintains a residence in
1115 this state and has not been designated as a sexual predator by a
1116 court of this state but has been designated as a sexual
1117 predator, as a sexually violent predator, or by another sexual
1118 offender designation in another state or jurisdiction and was,
1119 as a result of such designation, subjected to registration or
1120 community or public notification, or both, or would be if the
1121 person were a resident of that state or jurisdiction, without
1122 regard to whether the person otherwise meets the criteria for
1123 registration as a sexual offender.

1124 (2) The clerk of that court which adjudicated and entered
1125 a disposition regarding the sexual offender for the offense or
1126 offenses for which he or she was convicted shall forward to the
1127 department and the Department of Law Enforcement a certified
1128 copy of any order entered by the court imposing any special
1129 condition or restriction on the sexual offender that restricts
1130 or prohibits access to the victim, if the victim is a minor, or
1131 to other minors. The Department of Law Enforcement may include
1132 on its Internet website such special conditions or restrictions.

1133 (3) If a sexual offender is not sentenced to a term of
1134 residential commitment, the clerk of the court shall ensure that
1135 the sexual offender's fingerprints and sexual offender
1136 registration are taken and forwarded to the Department of Law
1137 Enforcement within 48 hours after the court sentences the
1138 offender. The fingerprint card shall be clearly marked "Sexual
1139 Offender Registration Card."

1140 (4) A sexual offender, as described in this section, who
1141 is under the supervision of the department but is not committed

1142 must register with the department within 3 business days after
 1143 adjudication and disposition for a registerable offense and
 1144 otherwise provide information as required by this subsection.

1145 (a) The sexual offender shall provide his or her name;
 1146 date of birth; social security number; race; sex; height;
 1147 weight; hair and eye color; tattoos or other identifying marks;
 1148 and permanent or legal residence and address of temporary
 1149 residence within the state or out of state while the sexual
 1150 offender is in the care or custody or under the jurisdiction or
 1151 supervision of the department in this state, including any rural
 1152 route address or post office box, and the name and address of
 1153 each school attended. The department shall verify the address of
 1154 each sexual offender in the manner described in ss. 775.21 and
 1155 943.0435 and shall report to the Department of Law Enforcement
 1156 any failure by a sexual offender to comply with registration
 1157 requirements.

1158 (b) If the sexual offender is enrolled, employed, or
 1159 carrying on a vocation at an institution of higher education in
 1160 this state, the sexual offender shall provide the name, address,
 1161 and county of each institution, including each campus attended,
 1162 and the sexual offender's enrollment or employment status. Each
 1163 change in enrollment or employment status shall be reported to
 1164 the department within 48 hours after the change in status. The
 1165 department shall promptly notify each institution of the sexual
 1166 offender's presence and any change in the sexual offender's
 1167 enrollment or employment status.

1168 (5) In addition to notification and transmittal
 1169 requirements imposed by any other provision of law, the

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1170 department shall compile information on any sexual offender and
1171 provide the information to the Department of Law Enforcement.
1172 The information shall be made available electronically to the
1173 Department of Law Enforcement as soon as this information is in
1174 the department's database and must be in a format that is
1175 compatible with the requirements of the Florida Crime
1176 Information Center.

1177 (6) (a) The information provided to the Department of Law
1178 Enforcement must include the following:

1179 1. The information obtained from the sexual offender under
1180 subsection (4).

1181 2. The sexual offender's most current address and place of
1182 permanent or temporary residence within the state or out of
1183 state while the sexual offender is in the care or custody or
1184 under the jurisdiction or supervision of the department in this
1185 state, including the name of the county or municipality in which
1186 the offender permanently or temporarily resides and, if known,
1187 the intended place of permanent or temporary residence upon
1188 satisfaction of all sanctions.

1189 3. The legal status of the sexual offender and the
1190 scheduled termination date of that legal status.

1191 4. The location of, and local telephone number for, any
1192 department office that is responsible for supervising the sexual
1193 offender.

1194 5. An indication of whether the victim of the offense that
1195 resulted in the offender's status as a sexual offender was a
1196 minor.

1197 6. The offense or offenses at adjudication and disposition
 1198 that resulted in the determination of the offender's status as a
 1199 sex offender.

1200 7. A digitized photograph of the sexual offender, which
 1201 must have been taken within 60 days before the offender was
 1202 released from the custody of the department or a private
 1203 correctional facility by expiration of sentence under s.
 1204 944.275, or within 60 days after the onset of the department's
 1205 supervision of any sexual offender who is on probation,
 1206 postcommitment probation, residential commitment, nonresidential
 1207 commitment, licensed child-caring commitment, community control,
 1208 conditional release, parole, provisional release, or control
 1209 release or who is supervised by the department under the
 1210 Interstate Compact Agreement for Probationers and Parolees. If
 1211 the sexual offender is in the custody of a private correctional
 1212 facility, the facility shall take a digitized photograph of the
 1213 sexual offender within the time period provided in this
 1214 subparagraph and shall provide the photograph to the department.

1215 (b) If any information provided by the department changes
 1216 during the time the sexual offender is under the department's
 1217 care, control, custody, or supervision, including any change in
 1218 the offender's name by reason of marriage or other legal
 1219 process, the department shall, in a timely manner, update the
 1220 information and provide it to the Department of Law Enforcement
 1221 in the manner prescribed in subsection (5).

1222 (7) If the sexual offender is in the custody of a local
 1223 jail or detention center, the custodian of the local jail shall
 1224 register the offender within 3 business days after intake of the

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1225 offender for any reason and, upon release, forward the
1226 information to the Department of Law Enforcement. The custodian
1227 of the local jail shall also take a digitized photograph of the
1228 sexual offender while the offender remains in custody and shall
1229 provide the digitized photograph to the Department of Law
1230 Enforcement.

1231 (8) If the sexual offender is under federal supervision,
1232 the federal agency responsible for supervising the sexual
1233 offender may forward to the Department of Law Enforcement any
1234 information regarding the sexual offender that is consistent
1235 with the information provided by the department under this
1236 section and may indicate whether use of the information is
1237 restricted to law enforcement purposes only or may be used by
1238 the Department of Law Enforcement for purposes of public
1239 notification.

1240 (9) A sexual offender, as described in this section, who
1241 is under the care, jurisdiction, or supervision of the
1242 department but who is not incarcerated shall, in addition to the
1243 registration requirements provided in subsection (4), register
1244 in the manner provided in s. 943.0435(3), (4), and (5), unless
1245 the sexual offender is a sexual predator, in which case he or
1246 she shall register as required under s. 775.21. A sexual
1247 offender who fails to comply with the requirements of s.
1248 943.0435 is subject to the penalties provided in s. 943.0435(9).

1249 (10)(a) The failure of a sexual offender to submit to the
1250 taking of a digitized photograph, or to otherwise comply with
1251 the requirements of this section, is a felony of the third

1252 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1253 775.084.

1254 (b) A sexual offender who commits any act or omission in
 1255 violation of this section may be prosecuted for the act or
 1256 omission in the county in which the act or omission was
 1257 committed, the county of the last registered address of the
 1258 sexual offender, or the county in which the adjudication and
 1259 disposition occurred for the offense or offenses that meet the
 1260 criteria for designating a person as a sexual offender.

1261 (c) An arrest on charges of failure to register when the
 1262 offender has been provided and advised of his or her statutory
 1263 obligations to register under s. 943.0435(2), the service of an
 1264 information or a complaint for a violation of this section, or
 1265 an arraignment on charges for a violation of this section
 1266 constitutes actual notice of the duty to register. A sexual
 1267 offender's failure to immediately register as required by this
 1268 section following such arrest, service, or arraignment
 1269 constitutes grounds for a subsequent charge of failure to
 1270 register. A sexual offender charged with the crime of failure to
 1271 register who asserts, or intends to assert, a lack of notice of
 1272 the duty to register as a defense to a charge of failure to
 1273 register shall immediately register as required by this section.
 1274 A sexual offender who is charged with a subsequent failure to
 1275 register may not assert the defense of a lack of notice of the
 1276 duty to register.

1277 (d) Registration following such arrest, service, or
 1278 arraignment is not a defense and does not relieve the sexual
 1279 offender of criminal liability for the failure to register.

1280 (11) The department, the Department of Highway Safety and
 1281 Motor Vehicles, the Department of Law Enforcement, the
 1282 Department of Corrections, personnel of those departments, and
 1283 any individual or entity acting at the request or upon the
 1284 direction of those departments are immune from civil liability
 1285 for damages for good faith compliance with this section and
 1286 shall be presumed to have acted in good faith in compiling,
 1287 recording, reporting, or providing information. The presumption
 1288 of good faith is not overcome if technical or clerical errors
 1289 are made by the department, the Department of Highway Safety and
 1290 Motor Vehicles, the Department of Law Enforcement, the
 1291 Department of Corrections, personnel of those departments, or
 1292 any individual or entity acting at the request or upon the
 1293 direction of those departments in compiling, recording,
 1294 reporting, or providing information, or, if the information is
 1295 incomplete or incorrect because the information has not been
 1296 provided by a person or agency required to provide it, was not
 1297 reported, or was falsely reported.

1298 (12) Any person who has reason to believe that a sexual
 1299 offender is not complying, or has not complied, with the
 1300 requirements of this section and who, with the intent to assist
 1301 the sexual offender in eluding a law enforcement agency that is
 1302 seeking to find the sexual offender to question the sexual
 1303 offender about, or to arrest the sexual offender for, his or her
 1304 noncompliance with the requirements of this section:

1305 (a) Withholds information from, or does not notify, the
 1306 law enforcement agency about the sexual offender's noncompliance

1307 with the requirements of this section and, if known, the
 1308 whereabouts of the sexual offender;

1309 (b) Harbors, attempts to harbor, or assists another person
 1310 in harboring or attempting to harbor the sexual offender;

1311 (c) Conceals, attempts to conceal, or assists another
 1312 person in concealing or attempting to conceal the sexual
 1313 offender; or

1314 (d) Provides information to the law enforcement agency
 1315 regarding the sexual offender that the person knows to be false
 1316
 1317 commits a felony of the third degree, punishable as provided in
 1318 s. 775.082, s. 775.083, or s. 775.084. This subsection does not
 1319 apply if the sexual offender is incarcerated in or is in the
 1320 custody of a state correctional facility, a private correctional
 1321 facility, a local jail, or a federal correctional facility.

1322 (13) (a) A sexual offender must report in person each year
 1323 during the month of the sexual offender's birthday and during
 1324 every third month thereafter to the sheriff's office in the
 1325 county in which he or she resides or is otherwise located to
 1326 reregister.

1327 (b) The sheriff's office may determine the appropriate
 1328 times and days for reporting by the sexual offender, which shall
 1329 be consistent with the reporting requirements of this
 1330 subsection. Reregistration shall include any changes to the
 1331 following information:

1332 1. Name; social security number; age; race; sex; date of
 1333 birth; height; weight; hair and eye color; address of any
 1334 permanent residence and address of any current temporary

1335 residence, within the state or out of state, including a rural
 1336 route address and a post office box; name and address of each
 1337 school attended; date and place of any employment; vehicle make,
 1338 model, color, and license tag number; fingerprints; and
 1339 photograph. A post office box shall not be provided in lieu of a
 1340 physical residential address.

1341 2. If the sexual offender is enrolled, employed, or
 1342 carrying on a vocation at an institution of higher education in
 1343 this state, the sexual offender shall also provide to the
 1344 department the name, address, and county of each institution,
 1345 including each campus attended, and the sexual offender's
 1346 enrollment or employment status.

1347 3. If the sexual offender's place of residence is a motor
 1348 vehicle, trailer, mobile home, or manufactured home, as defined
 1349 in chapter 320, the sexual offender shall also provide the
 1350 vehicle identification number; the license tag number; the
 1351 registration number; and a description, including color scheme,
 1352 of the motor vehicle, trailer, mobile home, or manufactured
 1353 home. If the sexual offender's place of residence is a vessel,
 1354 live-aboard vessel, or houseboat, as defined in chapter 327, the
 1355 sexual offender shall also provide the hull identification
 1356 number; the manufacturer's serial number; the name of the
 1357 vessel, live-aboard vessel, or houseboat; the registration
 1358 number; and a description, including color scheme, of the
 1359 vessel, live-aboard vessel, or houseboat.

1360 4. Any sexual offender who fails to report in person as
 1361 required at the sheriff's office, or who fails to respond to any
 1362 address verification correspondence from the department within 3

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1363 weeks after the date of the correspondence, commits a felony of
1364 the third degree, punishable as provided in s. 775.082, s.
1365 775.083, and s. 775.084.

1366 (c) The sheriff's office shall, within 2 working days,
1367 electronically submit and update all information provided by the
1368 sexual offender to the Department of Law Enforcement in a manner
1369 prescribed by that department.

1370 Section 13. This act shall take effect July 1, 2007.