

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; revising
5 provisions relating to registration of predators under the
6 supervision of the Department of Corrections; requiring
7 sexual predators to register with the Department of Law
8 Enforcement through a sheriff's office; deleting
9 provisions allowing certain predators to have predator
10 designation removed after a specified period; revising
11 references to applicable federal law; revising provisions
12 relating to verification of addresses; requiring more
13 frequent reregistration for specified offenders; providing
14 specified immunity to the Department of Juvenile Justice;
15 amending s. 943.0435, F.S.; revising criteria for sexual
16 offender designation; revising the definition of the term
17 "conviction" to include certain adjudications of
18 delinquency; revising reporting requirements; revising
19 references to applicable federal law; revising provisions
20 relating to verification of addresses; providing specified
21 immunity to the Department of Juvenile Justice; revising
22 provisions relating to petitions to allow certain
23 offenders to remove the offender designation after a
24 specified period; requiring more frequent reregistration
25 for specified offenders; creating s. 943.04354, F.S.;
26 providing for exclusion from or removal of requirement to
27 register as a sexual offender in special circumstances;
28 creating s. 943.44353, F.S.; requiring development and

29 maintenance of a system to provide automatic notification
30 of registration information regarding sexual predators and
31 sexual offenders to the public; amending s. 943.0515,
32 F.S.; requiring retention of records of minors adjudicated
33 delinquent of specified sexual offenses; amending s.
34 944.606, F.S.; revising criteria for sexual offender
35 designation; providing registration and notification
36 duties for a custodian of a local jail regarding sexual
37 offenders; amending s. 944.607, F.S.; revising the
38 definition of a sexual offender for notification purposes;
39 revising duties of clerks of court; revising registration
40 requirements; providing registration and notification
41 duties for a custodian of a local jail regarding sexual
42 offenders; providing specified immunity to the Department
43 of Juvenile Justice; requiring more frequent
44 reregistration for specified offenders; amending s.
45 985.04, F.S.; providing that specified sexual predator and
46 offender registration information is public record;
47 amending s. 985.045, F.S.; conforming a provision;
48 creating s. 985.481, F.S.; providing for notification upon
49 release of specified juvenile sexual offenders; providing
50 for availability of specified information concerning such
51 offenders; providing immunity for specified officials;
52 creating s. 985.4815, F.S.; providing for notification to
53 the Department of Law Enforcement concerning specified
54 juvenile sexual offenders; providing definitions;
55 providing duties of clerks of court; providing
56 registration requirements; requiring specified information

57 to be made available to the Department of Law Enforcement;
 58 providing duties of a custodian of a local jail; providing
 59 for forwarding of information for specified offenders
 60 under federal supervision; providing penalties for failure
 61 to comply with requirements; providing venue for
 62 prosecution of specified offenses; providing for the
 63 effect of certain actions; providing that registration
 64 following certain actions does not provide a defense to
 65 specified charges; providing immunity for specified
 66 agencies and persons for certain actions; prohibiting
 67 certain acts concerning offenders; providing criminal
 68 penalties; providing reporting requirements for offenders;
 69 amending s. 921.0022, F.S.; including specified offenses
 70 within the offense severity ranking chart of the Criminal
 71 Punishment Code; providing an effective date.

72
 73 Be It Enacted by the Legislature of the State of Florida:

74
 75 Section 1. Paragraphs (a) and (c) of subsection (4),
 76 paragraphs (a), (b), (c), (e), and (1) of subsection (6),
 77 subsections (8) and (9), and paragraph (b) of subsection (10) of
 78 section 775.21, Florida Statutes, are amended to read:

79 775.21 The Florida Sexual Predators Act.--

80 (4) SEXUAL PREDATOR CRITERIA.--

81 (a) For a current offense committed on or after October 1,
 82 1993, upon conviction, an offender shall be designated as a
 83 "sexual predator" under subsection (5), and subject to

84 registration under subsection (6) and community and public
 85 notification under subsection (7) if:

86 1. The felony is:

87 a. A capital, life, or first-degree felony violation, or
 88 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
 89 is a minor and the defendant is not the victim's parent or
 90 guardian, or s. 794.011 ~~of chapter 794~~, s. 800.04, or s.
 91 847.0145, or a violation of a similar law of another
 92 jurisdiction; or

93 b. Any felony violation, or any attempt thereof, of s.
 94 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
 95 minor and the defendant is not the victim's parent or guardian;
 96 s. 794.011 ~~chapter 794~~, excluding s. ~~ss.~~ 794.011(10); s. 794.05
 97 ~~and 794.0235~~; s. 796.03; s. 796.035; s. 800.04; s.
 98 825.1025(2)(b); s. 827.071; s. 847.0145; or s. 985.701(1); or a
 99 violation of a similar law of another jurisdiction, and the
 100 offender has previously been convicted of or found to have
 101 committed, or has pled nolo contendere or guilty to, regardless
 102 of adjudication, any violation of s. 787.01, s. 787.02, or s.
 103 787.025(2)(c), where the victim is a minor and the defendant is
 104 not the victim's parent or guardian; s. 794.011, excluding s.
 105 794.011(10) ~~(2), (3), (4), (5), or (8)~~; s. 794.05; s. 796.03; s.
 106 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
 107 847.0135, excluding s. 847.0135(4); s. 847.0145; or s.
 108 985.701(1); or a violation of a similar law of another
 109 jurisdiction;

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

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

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

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

122 2. The offender was administratively registered as a
123 sexual predator because the Department of Corrections, the
124 department, or any other law enforcement agency obtained
125 information that indicated that the offender met the criteria
126 for designation as a sexual predator based on a violation of a
127 similar law in another jurisdiction,

128
129 the department shall remove that offender from the department's
130 list of sexual predators and, for an offender described under
131 subparagraph 1., shall notify the state attorney who prosecuted
132 the offense that met the criteria for administrative designation
133 as a sexual predator, and, for an offender described under this
134 paragraph ~~subparagraph~~, shall notify the state attorney of the
135 county where the offender establishes or maintains a permanent
136 or temporary residence. The state attorney shall bring the
137 matter to the court's attention in order to establish that the

138 offender meets the criteria for designation as a sexual
139 predator. If the court makes a written finding that the offender
140 is a sexual predator, the offender must be designated as a
141 sexual predator, must register or be registered as a sexual
142 predator with the department as provided in subsection (6), and
143 is subject to the community and public notification as provided
144 in subsection (7). If the court does not make a written finding
145 that the offender is a sexual predator, the offender may not be
146 designated as a sexual predator with respect to that offense and
147 is not required to register or be registered as a sexual
148 predator with the department.

149 (6) REGISTRATION.--

150 (a) A sexual predator must register with the department
151 through the sheriff's office by providing the following
152 information to the department:

153 1. Name, social security number, age, race, sex, date of
154 birth, height, weight, hair and eye color, photograph, address
155 of legal residence and address of any current temporary
156 residence, within the state or out of state, including a rural
157 route address and a post office box, date and place of any
158 employment, date and place of each conviction, fingerprints, and
159 a brief description of the crime or crimes committed by the
160 offender. A post office box shall not be provided in lieu of a
161 physical residential address.

162 a. If the sexual predator's place of residence is a motor
163 vehicle, trailer, mobile home, or manufactured home, as defined
164 in chapter 320, the sexual predator shall also provide to the
165 department written notice of the vehicle identification number;

166 the license tag number; the registration number; and a
167 description, including color scheme, of the motor vehicle,
168 trailer, mobile home, or manufactured home. If a sexual
169 predator's place of residence is a vessel, live-aboard vessel,
170 or houseboat, as defined in chapter 327, the sexual predator
171 shall also provide to the department written notice of the hull
172 identification number; the manufacturer's serial number; the
173 name of the vessel, live-aboard vessel, or houseboat; the
174 registration number; and a description, including color scheme,
175 of the vessel, live-aboard vessel, or houseboat.

176 b. If the sexual predator is enrolled, employed, or
177 carrying on a vocation at an institution of higher education in
178 this state, the sexual predator shall also provide to the
179 department the name, address, and county of each institution,
180 including each campus attended, and the sexual predator's
181 enrollment or employment status. Each change in enrollment or
182 employment status shall be reported in person at the sheriff's
183 office, or the Department of Corrections if the sexual predator
184 is in the custody or control of or under the supervision of the
185 Department of Corrections, within 48 hours after any change in
186 status. The sheriff or the Department of Corrections shall
187 promptly notify each institution of the sexual predator's
188 presence and any change in the sexual predator's enrollment or
189 employment status.

190 2. Any other information determined necessary by the
191 department, including criminal and corrections records;
192 nonprivileged personnel and treatment records; and evidentiary
193 genetic markers when available.

194 (b) If the sexual predator is in the custody or control
195 of, or under the supervision of, the Department of Corrections,
196 or is in the custody of a private correctional facility, the
197 sexual predator must register with the Department of
198 Corrections. A sexual predator who is under the supervision of
199 the Department of Corrections but is not incarcerated must
200 register with the Department of Corrections within 3 business
201 days after the court finds the offender to be a sexual predator.

202 The Department of Corrections shall provide to the department
203 registration information and the location of, and local
204 telephone number for, any Department of Corrections office that
205 is responsible for supervising the sexual predator. In addition,
206 the Department of Corrections shall notify the department if the
207 sexual predator escapes or absconds from custody or supervision
208 or if the sexual predator dies.

209 (c) If the sexual predator is in the custody of a local
210 jail, the custodian of the local jail shall register the sexual
211 predator within 3 business days after intake of the sexual
212 predator for any reason and again upon release and forward the
213 registration information to the department. The custodian of the
214 local jail shall also take a digitized photograph of the sexual
215 predator while the sexual predator remains in custody and shall
216 provide the digitized photograph to the department. The
217 custodian shall notify the department if the sexual predator
218 escapes from custody or dies.

219 (e)1. If the sexual predator is not in the custody or
220 control of, or under the supervision of, the Department of

221 Corrections, or is not in the custody of a private correctional
222 facility, the sexual predator shall register in person:

223 a. At the sheriff's office in the county where he or she
224 establishes or maintains a residence within 48 hours after
225 establishing or maintaining a residence in the state; and

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

229 ~~2. and establishes or maintains a residence in the state,~~
230 ~~the sexual predator shall register in person at the sheriff's~~
231 ~~office in the county in which the predator establishes or~~
232 ~~maintains a residence, within 48 hours after establishing~~
233 ~~permanent or temporary residence in this state. Any change in~~
234 ~~the sexual predator's permanent or temporary residence or name,~~
235 ~~after the sexual predator registers in person at the sheriff's~~
236 ~~office as provided in subparagraph 1., shall be accomplished in~~
237 ~~the manner provided in paragraphs (g), (i), and (j). When a~~
238 ~~sexual predator registers with the sheriff's office, the sheriff~~
239 ~~shall take a photograph and a set of fingerprints of the~~
240 ~~predator and forward the photographs and fingerprints to the~~
241 ~~department, along with the information that the predator is~~
242 ~~required to provide pursuant to this section.~~

243 (1) A sexual predator must maintain registration with the
244 department for the duration of his or her life, unless the
245 sexual predator has received a full pardon or has had a
246 conviction set aside in a postconviction proceeding for any
247 offense that met the criteria for the sexual predator
248 designation. ~~However, a sexual predator who was designated as a~~

249 ~~sexual predator by a court before October 1, 1998, and who has~~
250 ~~been lawfully released from confinement, supervision, or~~
251 ~~sanction, whichever is later, for at least 10 years and has not~~
252 ~~been arrested for any felony or misdemeanor offense since~~
253 ~~release, may petition the criminal division of the circuit court~~
254 ~~in the circuit in which the sexual predator resides for the~~
255 ~~purpose of removing the sexual predator designation. A sexual~~
256 ~~predator who was designated a sexual predator by a court on or~~
257 ~~after October 1, 1998, who has been lawfully released from~~
258 ~~confinement, supervision, or sanction, whichever is later, for~~
259 ~~at least 20 years, and who has not been arrested for any felony~~
260 ~~or misdemeanor offense since release may petition the criminal~~
261 ~~division of the circuit court in the circuit in which the sexual~~
262 ~~predator resides for the purpose of removing the sexual predator~~
263 ~~designation. A sexual predator who was designated as a sexual~~
264 ~~predator by a court on or after September 1, 2005, who has been~~
265 ~~lawfully released from confinement, supervision, or sanction,~~
266 ~~whichever is later, for at least 30 years, and who has not been~~
267 ~~arrested for any felony or misdemeanor offense since release may~~
268 ~~petition the criminal division of the circuit court in the~~
269 ~~circuit in which the sexual predator resides for the purpose of~~
270 ~~removing the sexual predator designation. The court may grant or~~
271 ~~deny such relief if the petitioner demonstrates to the court~~
272 ~~that he or she has not been arrested for any crime since~~
273 ~~release, the requested relief complies with the provisions of~~
274 ~~the federal Jacob Wetterling Act, as amended, and any other~~
275 ~~federal standards applicable to the removal of the designation~~
276 ~~as a sexual predator or required to be met as a condition for~~

277 ~~the receipt of federal funds by the state, and the court is~~
278 ~~otherwise satisfied that the petitioner is not a current or~~
279 ~~potential threat to public safety. The state attorney in the~~
280 ~~circuit in which the petition is filed must be given notice of~~
281 ~~the petition at least 3 weeks before the hearing on the matter.~~
282 ~~The state attorney may present evidence in opposition to the~~
283 ~~requested relief or may otherwise demonstrate the reasons why~~
284 ~~the petition should be denied. If the court denies the petition,~~
285 ~~the court may set a future date at which the sexual predator may~~
286 ~~again petition the court for relief, subject to the standards~~
287 ~~for relief provided in this paragraph. Unless specified in the~~
288 ~~order, a sexual predator who is granted relief under this~~
289 ~~paragraph must comply with the requirements for registration as~~
290 ~~a sexual offender and other requirements provided under s.~~
291 ~~943.0435 or s. 944.607. If a petitioner obtains an order from~~
292 ~~the court that imposed the order designating the petitioner as a~~
293 ~~sexual predator which removes such designation, the petitioner~~
294 ~~shall forward a certified copy of the written findings or order~~
295 ~~to the department in order to have the sexual predator~~
296 ~~designation removed from the sexual predator registry.~~

297

298 The sheriff shall promptly provide to the department the
299 information received from the sexual predator.

300 (8) VERIFICATION.--The department and the Department of
301 Corrections shall implement a system for verifying the addresses
302 of sexual predators. The system must be consistent with the
303 provisions of the federal Adam Walsh Child Protection and Safety
304 Act of 2006, Pub. L. No. 109-248, Jacob Wetterling Act, as

305 ~~amended,~~ and any other federal standards applicable to such
 306 verification or required to be met as a condition for the
 307 receipt of federal funds by the state. The Department of
 308 Corrections shall verify the addresses of sexual predators who
 309 are not incarcerated but who reside in the community under the
 310 supervision of the Department of Corrections and shall report to
 311 the department any failure by a sexual predator to comply with
 312 registration requirements. County and local law enforcement
 313 agencies, in conjunction with the department, shall verify the
 314 addresses of sexual predators who are not under the care,
 315 custody, control, or supervision of the Department of
 316 Corrections. Local law enforcement agencies shall report to the
 317 department any failure by a sexual predator to comply with
 318 registration requirements.

319 (a) A sexual predator must report in person each year
 320 during the month of the sexual predator's birthday and during
 321 every third ~~the sixth~~ month thereafter ~~following the sexual~~
 322 ~~predator's birth month~~ to the sheriff's office in the county in
 323 which he or she resides or is otherwise located to reregister.
 324 The sheriff's office may determine the appropriate times and
 325 days for reporting by the sexual predator, which shall be
 326 consistent with the reporting requirements of this paragraph.
 327 Reregistration shall include any changes to the following
 328 information:

- 329 1. Name; social security number; age; race; sex; date of
 330 birth; height; weight; hair and eye color; address of any
 331 permanent residence and address of any current temporary
 332 residence, within the state or out of state, including a rural

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

337 2. If the sexual predator is enrolled, employed, or
 338 carrying on a vocation at an institution of higher education in
 339 this state, the sexual predator shall also provide to the
 340 department the name, address, and county of each institution,
 341 including each campus attended, and the sexual predator's
 342 enrollment or employment status.

343 3. If the sexual predator's place of residence is a motor
 344 vehicle, trailer, mobile home, or manufactured home, as defined
 345 in chapter 320, the sexual predator shall also provide the
 346 vehicle identification number; the license tag number; the
 347 registration number; and a description, including color scheme,
 348 of the motor vehicle, trailer, mobile home, or manufactured
 349 home. If the sexual predator's place of residence is a vessel,
 350 live-aboard vessel, or houseboat, as defined in chapter 327, the
 351 sexual predator shall also provide the hull identification
 352 number; the manufacturer's serial number; the name of the
 353 vessel, live-aboard vessel, or houseboat; the registration
 354 number; and a description, including color scheme, of the
 355 vessel, live-aboard vessel, or houseboat.

356 (b) The sheriff's office shall, within 2 working days,
 357 electronically submit and update all information provided by the
 358 sexual predator to the department in a manner prescribed by the
 359 department. ~~This procedure shall be implemented by December 1,~~
 360 ~~2005.~~

361 (9) IMMUNITY.--The department, the Department of Highway
 362 Safety and Motor Vehicles, the Department of Corrections, the
 363 Department of Juvenile Justice, any law enforcement agency in
 364 this state, and the personnel of those departments; an elected
 365 or appointed official, public employee, or school administrator;
 366 or an employee, agency, or any individual or entity acting at
 367 the request or upon the direction of any law enforcement agency
 368 is immune from civil liability for damages for good faith
 369 compliance with the requirements of this section or for the
 370 release of information under this section, and shall be presumed
 371 to have acted in good faith in compiling, recording, reporting,
 372 or releasing the information. The presumption of good faith is
 373 not overcome if a technical or clerical error is made by the
 374 department, the Department of Highway Safety and Motor Vehicles,
 375 the Department of Corrections, the Department of Juvenile
 376 Justice, the personnel of those departments, or any individual
 377 or entity acting at the request or upon the direction of any of
 378 those departments in compiling or providing information, or if
 379 information is incomplete or incorrect because a sexual predator
 380 fails to report or falsely reports his or her current place of
 381 permanent or temporary residence.

382 (10) PENALTIES.--

383 (b) A sexual predator who has been convicted of or found
 384 to have committed, or has pled nolo contendere or guilty to,
 385 regardless of adjudication, any violation, or attempted
 386 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 387 the victim is a minor and the defendant is not the victim's
 388 parent or guardian; s. 794.011, excluding s. 794.011(10) ~~(2)~~,

389 ~~(3), (4), (5), or (8)~~; s. 794.05; s. 796.03; s. 796.035; s.
 390 800.04; s. 827.071; s. 847.0133; s. 847.0145; or s. 985.701(1);
 391 or a violation of a similar law of another jurisdiction when the
 392 victim of the offense was a minor, and who works, whether for
 393 compensation or as a volunteer, at any business, school, day
 394 care center, park, playground, or other place where children
 395 regularly congregate, commits a felony of the third degree,
 396 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

400 943.0435 Sexual offenders required to register with the
 401 department; penalty.--

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

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

407 a.(1)1.a. ~~a.~~ Has been convicted of committing, or attempting,
 408 soliciting, or conspiring to commit, any of the criminal
 409 offenses proscribed in the following statutes in this state or
 410 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
 411 or s. 787.025(2)(c), where the victim is a minor and the
 412 defendant is not the victim's parent or guardian; s. 794.011
 413 ~~chapter 794,~~ excluding s. ss. 794.011(10); s. 794.05 and
 414 ~~794.0235;~~ s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s.
 415 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(4); s.
 416 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any

417 similar offense committed in this state which has been
418 redesignated from a former statute number to one of those listed
419 in this sub-sub-subparagraph ~~sub-subparagraph~~; and

420 (II)~~b.~~ Has been released on or after October 1, 1997, from
421 the sanction imposed for any conviction of an offense described
422 in sub-sub-subparagraph (I) ~~sub-subparagraph a.~~ For purposes of
423 sub-sub-subparagraph (I) ~~sub-subparagraph a.~~, a sanction imposed
424 in this state or in any other jurisdiction includes, but is not
425 limited to, a fine, probation, community control, parole,
426 conditional release, control release, or incarceration in a
427 state prison, federal prison, private correctional facility, or
428 local detention facility;

429 b.2. Establishes or maintains a residence in this state
430 and who has not been designated as a sexual predator by a court
431 of this state but who has been designated as a sexual predator,
432 as a sexually violent predator, or by another sexual offender
433 designation in another state or jurisdiction and was, as a
434 result of such designation, subjected to registration or
435 community or public notification, or both, or would be if the
436 person were a resident of that state or jurisdiction, without
437 regard to whether the person otherwise meets the criteria for
438 registration as a sexual offender; or

439 c.3. Establishes or maintains a residence in this state
440 who is in the custody or control of, or under the supervision
441 of, any other state or jurisdiction as a result of a conviction
442 for committing, or attempting, soliciting, or conspiring to
443 commit, any of the criminal offenses proscribed in the following
444 statutes or similar offense in another jurisdiction: s. 787.01,

445 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
 446 the defendant is not the victim's parent or guardian; s. 794.011
 447 ~~chapter 794~~, excluding s. ss. 794.011(10) and 794.0235; s.
 448 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s.
 449 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(4); s.
 450 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any
 451 similar offense committed in this state which has been
 452 redesignated from a former statute number to one of those listed
 453 in this sub-subparagraph ~~subparagraph~~.

454 d. On or after July 1, 2007, has been adjudicated
 455 delinquent for committing, or attempting, soliciting, or
 456 conspiring to commit such offense, any of the criminal offenses
 457 proscribed in the following statutes in this state or similar
 458 offenses in another jurisdiction when the juvenile was 14 years
 459 of age or older at the time of the offense:

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

461 (II) Section 800.04(4)(b) where the victim is less than 12
 462 years of age or where the court finds sexual activity by use of
 463 force or coercion;

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

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

468 2. For all qualifying offenses listed in sub-subparagraph
 469 (1)(a)1.d., the court shall make a written finding of the age of
 470 the offender at the time of the offense.

471

472 For each violation of a qualifying offense listed in this

473 section, the court shall make a written finding of the age of
 474 the victim at the time of the offense. For a violation of s.
 475 800.04(4), the court shall additionally make a written finding
 476 indicating that the offense did or did not involve sexual
 477 activity and indicating that the offense did or did not involve
 478 force or coercion. For a violation of s. 800.04(5), the court
 479 shall additionally make a written finding that the offense did
 480 or did not involve unclothed genitals or genital area and that
 481 the offense did or did not involve use of force or coercion.

482 (b) "Convicted" means that there has been a determination
 483 of guilt as a result of a trial or the entry of a plea of guilty
 484 or nolo contendere, regardless of whether adjudication is
 485 withheld, and includes an adjudication of delinquency of a
 486 juvenile as specified in this section. Conviction of a similar
 487 offense includes, but is not limited to, a conviction by a
 488 federal or military tribunal, including courts-martial conducted
 489 by the Armed Forces of the United States, and includes a
 490 conviction or entry of a plea of guilty or nolo contendere
 491 resulting in a sanction in any state of the United States or
 492 other jurisdiction. A sanction includes, but is not limited to,
 493 a fine, probation, community control, parole, conditional
 494 release, control release, or incarceration in a state prison,
 495 federal prison, private correctional facility, or local
 496 detention facility.

497 (2) A sexual offender shall:

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

499 1. In the county in which the offender establishes or
500 maintains a permanent or temporary residence, within 48 hours
501 after:

502 a. Establishing permanent or temporary residence in this
503 state; or

504 b. ~~within 48 hours after~~ Being released from the custody,
505 control, or supervision of the Department of Corrections or from
506 the custody of a private correctional facility.

507 2. In the county where he or she was convicted within 48
508 hours after being convicted for a qualifying offense for
509 registration under this section if the offender is not in the
510 custody or control of, or under the supervision of, the
511 Department of Corrections, or is not in the custody of a private
512 correctional facility.

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

517 (b) Provide his or her name, date of birth, social
518 security number, race, sex, height, weight, hair and eye color,
519 tattoos or other identifying marks, occupation and place of
520 employment, address of permanent or legal residence or address
521 of any current temporary residence, within the state and out of
522 state, including a rural route address and a post office box,
523 date and place of each conviction, and a brief description of
524 the crime or crimes committed by the offender. A post office box
525 shall not be provided in lieu of a physical residential address.

526 1. If the sexual offender's place of residence is a motor
527 vehicle, trailer, mobile home, or manufactured home, as defined
528 in chapter 320, the sexual offender shall also provide to the
529 department through the sheriff's office written notice of the
530 vehicle identification number; the license tag number; the
531 registration number; and a description, including color scheme,
532 of the motor vehicle, trailer, mobile home, or manufactured
533 home. If the sexual offender's place of residence is a vessel,
534 live-aboard vessel, or houseboat, as defined in chapter 327, the
535 sexual offender shall also provide to the department written
536 notice of the hull identification number; the manufacturer's
537 serial number; the name of the vessel, live-aboard vessel, or
538 houseboat; the registration number; and a description, including
539 color scheme, of the vessel, live-aboard vessel, or houseboat.

540 2. If the sexual offender is enrolled, employed, or
541 carrying on a vocation at an institution of higher education in
542 this state, the sexual offender shall also provide to the
543 department through the sheriff's office the name, address, and
544 county of each institution, including each campus attended, and
545 the sexual offender's enrollment or employment status. Each
546 change in enrollment or employment status shall be reported in
547 person at the sheriff's office, within 48 hours after any change
548 in status. The sheriff shall promptly notify each institution of
549 the sexual offender's presence and any change in the sexual
550 offender's enrollment or employment status.

551
552 When a sexual offender reports at the sheriff's office, the
553 sheriff shall take a photograph and a set of fingerprints of the

554 offender and forward the photographs and fingerprints to the
555 department, along with the information provided by the sexual
556 offender. The sheriff shall promptly provide to the department
557 the information received from the sexual offender.

558 (6) County and local law enforcement agencies, in
559 conjunction with the department, shall verify the addresses of
560 sexual offenders who are not under the care, custody, control,
561 or supervision of the Department of Corrections in a manner that
562 is consistent with the provisions of the federal Adam Walsh
563 Child Protection and Safety Act of 2006, Pub. L. No. 109-248,
564 ~~Jacob Wetterling Act, as amended,~~ and any other federal
565 standards applicable to such verification or required to be met
566 as a condition for the receipt of federal funds by the state.
567 Local law enforcement agencies shall report to the department
568 any failure by a sexual offender to comply with registration
569 requirements.

570 (10) The department, the Department of Highway Safety and
571 Motor Vehicles, the Department of Corrections, the Department of
572 Juvenile Justice, any law enforcement agency in this state, and
573 the personnel of those departments; an elected or appointed
574 official, public employee, or school administrator; or an
575 employee, agency, or any individual or entity acting at the
576 request or upon the direction of any law enforcement agency is
577 immune from civil liability for damages for good faith
578 compliance with the requirements of this section or for the
579 release of information under this section, and shall be presumed
580 to have acted in good faith in compiling, recording, reporting,
581 or releasing the information. The presumption of good faith is

582 not overcome if a technical or clerical error is made by the
583 department, the Department of Highway Safety and Motor Vehicles,
584 the Department of Corrections, the Department of Juvenile
585 Justice, the personnel of those departments, or any individual
586 or entity acting at the request or upon the direction of any of
587 those departments in compiling or providing information, or if
588 information is incomplete or incorrect because a sexual offender
589 fails to report or falsely reports his or her current place of
590 permanent or temporary residence.

591 (11) Except as provided in s. 943.04354, a sexual offender
592 must maintain registration with the department for the duration
593 of his or her life, unless the sexual offender has received a
594 full pardon or has had a conviction set aside in a
595 postconviction proceeding for any offense that meets the
596 criteria for classifying the person as a sexual offender for
597 purposes of registration. However, a sexual offender:

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

603 for:

- 604 a. A violation of s. 787.01 or s. 787.02;
605 b. A violation of s. 794.011, excluding s. 794.011(10);
606 c. A violation of s. 800.04(4)(b) where the court finds
607 the offense involved a victim less than 12 years of age or
608 sexual activity by force or coercion;
609 d. A violation of s. 800.04(5)(b);

610 e. A violation of s. 800.04(5)(c)2. where the court finds
 611 the offense involved unclothed genitals or genital area;

612 f. Any attempt or conspiracy to commit any such offense;
 613 or

614 g. A violation of similar law of another jurisdiction, ~~or~~

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

622
 623 may petition the criminal division of the circuit court of the
 624 circuit in which the sexual offender resides for the purpose of
 625 removing the requirement for registration as a sexual offender.

626 2. The court may grant or deny ~~such~~ relief if the offender
 627 demonstrates to the court that he or she has not been arrested
 628 for any crime since release; the requested relief complies with
 629 the provisions of the federal Adam Walsh Child Protection and
 630 Safety Act of 2006, Pub. L. No. 109-248, ~~Jacob Wetterling Act,~~
 631 ~~as amended,~~ and any other federal standards applicable to the
 632 removal of registration requirements for a sexual offender or
 633 required to be met as a condition for the receipt of federal
 634 funds by the state; and the court is otherwise satisfied that
 635 the offender is not a current or potential threat to public
 636 safety. The state attorney in the circuit in which the petition
 637 is filed must be given notice of the petition at least 3 weeks

638 before the hearing on the matter. The state attorney may present
639 evidence in opposition to the requested relief or may otherwise
640 demonstrate the reasons why the petition should be denied. If
641 the court denies the petition, the court may set a future date
642 at which the sexual offender may again petition the court for
643 relief, subject to the standards for relief provided in this
644 subsection.

645 3. The department shall remove an offender from
646 classification as a sexual offender for purposes of registration
647 if the offender provides to the department a certified copy of
648 the court's written findings or order that indicates that the
649 offender is no longer required to comply with the requirements
650 for registration as a sexual offender.

651 (b)(e) As defined in sub-subparagraph (1)(a)1.b.
652 ~~subparagraph (1)(a)2.~~ must maintain registration with the
653 department for the duration of his or her life until the person
654 provides the department with an order issued by the court that
655 designated the person as a sexual predator, as a sexually
656 violent predator, or by another sexual offender designation in
657 the state or jurisdiction in which the order was issued which
658 states that such designation has been removed or demonstrates to
659 the department that such designation, if not imposed by a court,
660 has been removed by operation of law or court order in the state
661 or jurisdiction in which the designation was made, and provided
662 such person no longer meets the criteria for registration as a
663 sexual offender under the laws of this state.

664 (14) (a) A sexual offender must report in person each year
665 during the month of the sexual offender's birthday and during

666 the sixth month following the sexual offender's birth month to
 667 the sheriff's office in the county in which he or she resides or
 668 is otherwise located to reregister.

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

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

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

674 3. Section 800.04(4)(b) where the court finds the offense
 675 involved a victim less than 12 years of age or sexual activity
 676 by use of force or coercion;

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

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

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

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

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

685 9. A violation of a similar law of another jurisdiction

686
 687 must reregister each year during the month of the sexual
 688 offender's birthday and every third month thereafter.

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

694 1. Name; social security number; age; race; sex; date of
695 birth; height; weight; hair and eye color; address of any
696 permanent residence and address of any current temporary
697 residence, within the state or out of state, including a rural
698 route address and a post office box; date and place of any
699 employment; vehicle make, model, color, and license tag number;
700 fingerprints; and photograph. A post office box shall not be
701 provided in lieu of a physical residential address.

702 2. If the sexual offender is enrolled, employed, or
703 carrying on a vocation at an institution of higher education in
704 this state, the sexual offender shall also provide to the
705 department the name, address, and county of each institution,
706 including each campus attended, and the sexual offender's
707 enrollment or employment status.

708 3. If the sexual offender's place of residence is a motor
709 vehicle, trailer, mobile home, or manufactured home, as defined
710 in chapter 320, the sexual offender shall also provide the
711 vehicle identification number; the license tag number; the
712 registration number; and a description, including color scheme,
713 of the motor vehicle, trailer, mobile home, or manufactured
714 home. If the sexual offender's place of residence is a vessel,
715 live-aboard vessel, or houseboat, as defined in chapter 327, the
716 sexual offender shall also provide the hull identification
717 number; the manufacturer's serial number; the name of the
718 vessel, live-aboard vessel, or houseboat; the registration
719 number; and a description, including color scheme, of the
720 vessel, live-aboard vessel or houseboat.

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

727 ~~(d)(b)~~ The sheriff's office shall, within 2 working days,
 728 electronically submit and update all information provided by the
 729 sexual offender to the department in a manner prescribed by the
 730 department. ~~This procedure shall be implemented by December 1,~~
 731 ~~2005.~~

732 Section 3. Section 943.04354, Florida Statutes, is created
 733 to read:

734 943.04354 Exclusion from or removal of requirement to
 735 register as a sexual offender in special circumstances.--

736 (1) The Legislature finds that, consistent with the
 737 federal Adam Walsh Child Protection and Safety Act of 2006, Pub.
 738 L. No. 109-248, a person will not be subject to the requirement
 739 to register or continue to register as a sexual offender based
 740 on a conviction for a violation of s. 800.04 if a court,
 741 pursuant to the requirements of this section, determines that
 742 the person meets all of the following criteria:

743 (a) The person was convicted of a violation of s. 800.04,
 744 has not previously been convicted of a violation of s. 800.04,
 745 and has not been convicted of any other offense that qualifies
 746 the person for registration as a sexual predator or sexual
 747 offender.

748 (b) The offense involved a victim who was 13 years of age

749 or older but less than 16 years of age and the person was not
750 more than 4 years older than the victim.

751 (c) The offense did not involve a victim who was
752 unconscious or substantially impaired or who suffered a physical
753 or mental disability resulting in a failure to appraise or
754 control the situation.

755 (d) The person did not use force against, threaten, or
756 coerce the victim or physically injure the victim.

757 (e) The person is not required to register as a sexual
758 predator or a sexual offender in this state because of a
759 requirement to register as a sexual offender or other similar
760 designation in another state or jurisdiction for a violation of
761 the laws of that state or jurisdiction.

762 (2) Notwithstanding s. 943.0435 or s. 944.607, if a person
763 is convicted on or after July 1, 2007, for a violation of s.
764 800.04, the court at sentencing for this conviction shall
765 determine if the person meets the criteria contained in
766 subsection (1). If the court determines that the person meets
767 these criteria, the court shall enter written factual findings
768 to this effect and order that the person not be required to
769 register as a sexual offender.

770 (3) Notwithstanding s. 943.0435 or s. 944.607, if a person
771 is registered as a sexual offender or is subject to such
772 registration, and subsection (2) does not apply to the person,
773 the person may petition the court that sentenced the person for
774 the violation of s. 800.04 for exclusion from or removal of the
775 requirement to register as a sexual offender if the person
776 alleges in the petition that he or she meets the criteria in

777 subsection (1). The court shall determine if the person meets
778 the criteria contained in subsection (1). If the court
779 determines that the person meets these criteria, the court shall
780 enter written factual findings to this effect and order that the
781 person not be required or no longer be required to register as a
782 sexual offender.

783 (4) If a court orders that a person not be required or no
784 longer be required to register as a sexual offender, the
785 Department of Law Enforcement shall exclude or remove the person
786 from classification or designation as a sexual offender for
787 purposes of registration and notification as such if the person
788 provides to the Department of Law Enforcement a certified copy
789 of the court's written factual findings and order.

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

792 943.44353 Automatic notification of registration
793 information regarding sexual predators and offenders.--

794 (1) No later than January 1, 2008, the department shall
795 develop and maintain a system to provide automatic notification
796 of registration information regarding sexual predators and
797 sexual offenders to the public.

798 (2) In accordance with the federal Adam Walsh Child
799 Protection and Safety Act of 2006, Pub. L. No. 109-248, schools,
800 public housing agencies, agencies responsible for conducting
801 employment-related background checks under s. 3 of the National
802 Child Protection Act of 1993, 42 U.S.C. s. 5119a, as amended,
803 social service entities responsible for protecting minors in the
804 child welfare system, volunteer organizations in which contact

805 with minors or other vulnerable individuals might occur, and any
 806 other such organization, company, or individual shall have
 807 access to the notification system.

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

810 943.0515 Retention of criminal history records of
 811 minors.--

812 (3) Notwithstanding any other provision of this section,
 813 the Criminal Justice Information Program shall retain the
 814 criminal history record of a minor adjudicated delinquent for a
 815 violation committed on or after July 1, 2007, as provided in s.
 816 943.0435(1)(a)1.d. Such records shall not be destroyed and must
 817 be merged with the person's adult criminal history record and
 818 retained as a part of the person's adult record.

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

822 944.606 Sexual offenders; notification upon release.--

823 (1) As used in this section:

824 (b) "Sexual offender" means a person who has been
 825 convicted of committing, or attempting, soliciting, or
 826 conspiring to commit, any of the criminal offenses proscribed in
 827 the following statutes in this state or similar offenses in
 828 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
 829 where the victim is a minor and the defendant is not the
 830 victim's parent or guardian; s. 794.011 chapter 794, excluding
 831 s. ~~ss.~~ 794.011(10); s. 794.05 and 794.0235; s. 796.03; s.
 832 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.

833 847.0135, excluding s. 847.0135(4); s. 847.0137; s. 847.0138; s.
834 847.0145; or s. 985.701(1); or any similar offense committed in
835 this state which has been redesignated from a former statute
836 number to one of those listed in this subsection, when the
837 department has received verified information regarding such
838 conviction; an offender's computerized criminal history record
839 is not, in and of itself, verified information.

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

843 1. The department must provide: the sexual offender's
844 name, any change in the offender's name by reason of marriage or
845 other legal process, and any alias, if known; the correctional
846 facility from which the sexual offender is released; the sexual
847 offender's social security number, race, sex, date of birth,
848 height, weight, and hair and eye color; date and county of
849 sentence and each crime for which the offender was sentenced; a
850 copy of the offender's fingerprints and a digitized photograph
851 taken within 60 days before release; the date of release of the
852 sexual offender; and the offender's intended residence address,
853 if known. The department shall notify the Department of Law
854 Enforcement if the sexual offender escapes, absconds, or dies.
855 If the sexual offender is in the custody of a private
856 correctional facility, the facility shall take the digitized
857 photograph of the sexual offender within 60 days before the
858 sexual offender's release and provide this photograph to the
859 Department of Corrections and also place it in the sexual
860 offender's file. If the sexual offender is in the custody of a

861 local jail, the custodian of the local jail shall register the
 862 offender within 3 business days after intake of the offender for
 863 any reason and again upon release and notify the Department of
 864 Law Enforcement of the sexual offender's release and provide to
 865 the Department of Law Enforcement the information specified in
 866 this paragraph and any information specified in subparagraph 2.
 867 that the Department of Law Enforcement requests.

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

871 Section 7. Paragraph (a) of subsection (1) and subsections
 872 (3), (4), (7), (11), and (13) of section 944.607, Florida
 873 Statutes, are amended to read:

874 944.607 Notification to Department of Law Enforcement of
 875 information on sexual offenders.--

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

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

880 1. On or after October 1, 1997, as a result of a
 881 conviction for committing, or attempting, soliciting, or
 882 conspiring to commit, any of the criminal offenses proscribed in
 883 the following statutes in this state or similar offenses in
 884 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
 885 where the victim is a minor and the defendant is not the
 886 victim's parent or guardian; s. 794.011 ~~chapter 794~~, excluding
 887 s. ~~ss.~~ 794.011(10); s. 794.05 ~~and 794.0235~~; s. 796.03; s.
 888 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.

889 847.0135, excluding s. 847.0135(4); s. 847.0137; s. 847.0138; s.
 890 847.0145; or s. 985.701(1); or any similar offense committed in
 891 this state which has been redesignated from a former statute
 892 number to one of those listed in this paragraph; or

893 2. Who establishes or maintains a residence in this state
 894 and who has not been designated as a sexual predator by a court
 895 of this state but who has been designated as a sexual predator,
 896 as a sexually violent predator, or by another sexual offender
 897 designation in another state or jurisdiction and was, as a
 898 result of such designation, subjected to registration or
 899 community or public notification, or both, or would be if the
 900 person were a resident of that state or jurisdiction, without
 901 regard as to whether the person otherwise meets the criteria for
 902 registration as a sexual offender.

903 (3) If a sexual offender is not sentenced to a term of
 904 imprisonment, the clerk of the court shall ensure that the
 905 sexual offender's fingerprints are taken and forwarded to the
 906 Department of Law Enforcement within 48 hours after the court
 907 sentences the offender. The fingerprint card shall be clearly
 908 marked "Sexual Offender Registration Card."

909 (4) A sexual offender, as described in this section, who
 910 is under the supervision of the Department of Corrections but is
 911 not incarcerated must register with the Department of
 912 Corrections within 3 business days after sentencing for a
 913 registerable offense and otherwise provide information as
 914 required by this subsection.

915 (a) The sexual offender shall provide his or her name;
 916 date of birth; social security number; race; sex; height;

917 weight; hair and eye color; tattoos or other identifying marks;
918 and permanent or legal residence and address of temporary
919 residence within the state or out of state while the sexual
920 offender is under supervision in this state, including any rural
921 route address or post office box. The Department of Corrections
922 shall verify the address of each sexual offender in the manner
923 described in ss. 775.21 and 943.0435. The department shall
924 report to the Department of Law Enforcement any failure by a
925 sexual predator or sexual offender to comply with registration
926 requirements.

927 (b) If the sexual offender is enrolled, employed, or
928 carrying on a vocation at an institution of higher education in
929 this state, the sexual offender shall provide the name, address,
930 and county of each institution, including each campus attended,
931 and the sexual offender's enrollment or employment status. Each
932 change in enrollment or employment status shall be reported to
933 the department within 48 hours after the change in status. The
934 Department of Corrections shall promptly notify each institution
935 of the sexual offender's presence and any change in the sexual
936 offender's enrollment or employment status.

937 (7) If the sexual offender is in the custody of a local
938 jail, the custodian of the local jail shall register the
939 offender within 3 business days of intake of the offender for
940 any reason and again upon release and forward the information to
941 the Department of Law Enforcement. The custodian of the local
942 jail shall also take a digitized photograph of the sexual
943 offender while the offender remains in custody and shall provide
944 the digitized photograph to the Department of Law Enforcement.

945 (11) The department, the Department of Highway Safety and
 946 Motor Vehicles, the Department of Law Enforcement, the
 947 Department of Corrections, the Department of Juvenile Justice,
 948 personnel of those departments, and any individual or entity
 949 acting at the request or upon the direction of those departments
 950 are immune from civil liability for damages for good faith
 951 compliance with this section, and shall be presumed to have
 952 acted in good faith in compiling, recording, reporting, or
 953 providing information. The presumption of good faith is not
 954 overcome if technical or clerical errors are made by the
 955 department, the Department of Highway Safety and Motor Vehicles,
 956 the Department of Law Enforcement, the Department of Juvenile
 957 Justice, personnel of those departments, or any individual or
 958 entity acting at the request or upon the direction of those
 959 departments in compiling, recording, reporting, or providing
 960 information, or, if the information is incomplete or incorrect
 961 because the information has not been provided by a person or
 962 agency required to provide the information, or because the
 963 information was not reported or was falsely reported.

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

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

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

- 973 2. Section 794.011, excluding s. 794.011(10);
- 974 3. Section 800.04(4)(b) where the victim is less than 12
- 975 years of age or where the court finds sexual activity by use of
- 976 force or coercion;
- 977 4. Section 800.04(5)(b);
- 978 5. Section 800.04(5)(c)1. where the court finds
- 979 molestation involving unclothed genitals or genital area;
- 980 6. Section 800.04(5)(c)2. where the court finds
- 981 molestation involving unclothed genitals or genital area;
- 982 7. Section 800.04(5)(d) where the court finds use of force
- 983 or coercion and unclothed genitals or genital area;
- 984 8. Any attempt or conspiracy to commit such offense; or
- 985 9. A violation of a similar law of another jurisdiction

986

987 must reregister each year during the month of the sexual

988 offender's birthday and every third month thereafter.

989 (c) The sheriff's office may determine the appropriate

990 times and days for reporting by the sexual offender, which shall

991 be consistent with the reporting requirements of this subsection

992 ~~paragraph~~. Reregistration shall include any changes to the

993 following information:

- 994 1. Name; social security number; age; race; sex; date of
- 995 birth; height; weight; hair and eye color; address of any
- 996 permanent residence and address of any current temporary
- 997 residence, within the state or out of state, including a rural
- 998 route address and a post office box; date and place of any
- 999 employment; vehicle make, model, color, and license tag number;

CS/HB 665

2007

1000 fingerprints; and photograph. A post office box shall not be
1001 provided in lieu of a physical residential address.

1002 2. If the sexual offender is enrolled, employed, or
1003 carrying on a vocation at an institution of higher education in
1004 this state, the sexual offender shall also provide to the
1005 department the name, address, and county of each institution,
1006 including each campus attended, and the sexual offender's
1007 enrollment or employment status.

1008 3. If the sexual offender's place of residence is a motor
1009 vehicle, trailer, mobile home, or manufactured home, as defined
1010 in chapter 320, the sexual offender shall also provide the
1011 vehicle identification number; the license tag number; the
1012 registration number; and a description, including color scheme,
1013 of the motor vehicle, trailer, mobile home, or manufactured
1014 home. If the sexual offender's place of residence is a vessel,
1015 live-aboard vessel, or houseboat, as defined in chapter 327, the
1016 sexual offender shall also provide the hull identification
1017 number; the manufacturer's serial number; the name of the
1018 vessel, live-aboard vessel, or houseboat; the registration
1019 number; and a description, including color scheme, of the
1020 vessel, live-aboard vessel, or houseboat.

1021 4. Any sexual offender who fails to report in person as
1022 required at the sheriff's office, or who fails to respond to any
1023 address verification correspondence from the department within 3
1024 weeks of the date of the correspondence, commits a felony of the
1025 third degree, punishable as provided in s. 775.082, s. 775.083,
1026 and s. 775.084.

1027 (d) ~~(b)~~ The sheriff's office shall, within 2 working days,
 1028 electronically submit and update all information provided by the
 1029 sexual offender to the Florida Department of Law Enforcement in
 1030 a manner prescribed by the Florida Department of Law
 1031 Enforcement. ~~This procedure shall be implemented by December 1,~~
 1032 ~~2005.~~

1033 Section 8. Subsection (6) of section 985.04, Florida
 1034 Statutes, is amended to read:

1035 985.04 Oaths; records; confidential information.--

1036 (6)(a) Records maintained by the department, including
 1037 copies of records maintained by the court, which pertain to a
 1038 child found to have committed a delinquent act which, if
 1039 committed by an adult, would be a crime specified in ss. 435.03
 1040 and 435.04 may not be destroyed under this section for a period
 1041 of 25 years after the youth's final referral to the department,
 1042 except in cases of the death of the child. Such records,
 1043 however, shall be sealed by the court for use only in meeting
 1044 the screening requirements for personnel in s. 402.3055 and the
 1045 other sections cited above, or under departmental rule; however,
 1046 current criminal history information must be obtained from the
 1047 Department of Law Enforcement in accordance with s. 943.053. The
 1048 information shall be released to those persons specified in the
 1049 above cited sections for the purposes of complying with those
 1050 sections. The court may punish by contempt any person who
 1051 releases or uses the records for any unauthorized purpose.

1052 (b) Sexual offender and predator registration information
 1053 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
 1054 and 985.4815 is public record pursuant to s. 119.07(1), s.

1055 24(a), Art. I of the State Constitution, and as otherwise
 1056 provided by law.

1057 Section 9. Subsection (2) of section 985.045, Florida
 1058 Statutes, is amended to read:

1059 985.045 Court records.--

1060 (2) The clerk shall keep all official records required by
 1061 this section separate from other records of the circuit court,
 1062 except those records pertaining to motor vehicle violations,
 1063 which shall be forwarded to the Department of Highway Safety and
 1064 Motor Vehicles. Except as provided in ss. 943.053, 985.04(6)(b),
 1065 and 985.04(7), official records required by this chapter are not
 1066 open to inspection by the public, but may be inspected only upon
 1067 order of the court by persons deemed by the court to have a
 1068 proper interest therein, except that a child and the parents,
 1069 guardians, or legal custodians of the child and their attorneys,
 1070 law enforcement agencies, the Department of Juvenile Justice and
 1071 its designees, the Parole Commission, the Department of
 1072 Corrections, and the Justice Administrative Commission shall
 1073 always have the right to inspect and copy any official record
 1074 pertaining to the child. The court may permit authorized
 1075 representatives of recognized organizations compiling statistics
 1076 for proper purposes to inspect, and make abstracts from,
 1077 official records under whatever conditions upon the use and
 1078 disposition of such records the court may deem proper and may
 1079 punish by contempt proceedings any violation of those
 1080 conditions.

1081 Section 10. Section 985.481, Florida Statutes, is created
 1082 to read:

1083 985.481 Sexual offenders adjudicated delinquent;
 1084 notification upon release.--
 1085 (1) As used in this section:
 1086 (a) "Convicted" has the same meaning as provided in s.
 1087 943.0435.
 1088 (b) "Sexual offender" means a person who has been
 1089 adjudicated delinquent as provided in s. 943.0435(1)(a)1.d.
 1090 (2) The Legislature finds that certain juvenile sexual
 1091 offenders pose a high risk of engaging in sexual offenses even
 1092 after being released from commitment and that protection of the
 1093 public from sexual offenders is a paramount governmental
 1094 interest. Sexual offenders have a reduced expectation of privacy
 1095 because of the public's interest in public safety and in the
 1096 effective operation of government. Releasing sexual offender
 1097 information to law enforcement agencies, to persons who request
 1098 such information, and to the public by a law enforcement agency
 1099 or public agency will further the governmental interests of
 1100 public safety.
 1101 (3)(a) The department must provide information regarding
 1102 any sexual offender who is being released after serving a period
 1103 of residential commitment under the department for any offense,
 1104 as follows:
 1105 1. The department must provide the sexual offender's name,
 1106 any change in the offender's name by reason of marriage or other
 1107 legal process, and any alias, if known; the correctional
 1108 facility from which the sexual offender is released; the sexual
 1109 offender's social security number, race, sex, date of birth,
 1110 height, weight, and hair and eye color; the date and county of

1111 disposition and each crime for which there was a disposition; a
1112 copy of the offender's fingerprints and a digitized photograph
1113 taken within 60 days before release; the date of release of the
1114 sexual offender; and the offender's intended residence address,
1115 if known. The department shall notify the Department of Law
1116 Enforcement if the sexual offender escapes, absconds, or dies.
1117 If the sexual offender is in the custody of a private
1118 correctional facility, the facility shall take the digitized
1119 photograph of the sexual offender within 60 days before the
1120 sexual offender's release and also place it in the sexual
1121 offender's file. If the sexual offender is in the custody of a
1122 local jail, the custodian of the local jail shall register the
1123 offender within 3 business days after intake of the offender for
1124 any reason and again upon release and notify the Department of
1125 Law Enforcement of the sexual offender's release and provide to
1126 the Department of Law Enforcement the information specified in
1127 this subparagraph and any information specified in subparagraph
1128 2. that the Department of Law Enforcement requests.

1129 2. The department may provide any other information deemed
1130 necessary, including criminal and delinquency records, when
1131 available.

1132 (b) The department must provide the information described
1133 in subparagraph (a)1. to the Department of Law Enforcement. No
1134 later than November 1, 2007, all such information provided to
1135 the Department of Law Enforcement must be available
1136 electronically as soon as the information is in the agency's
1137 database and must be in a format that is compatible with the
1138 requirements of the Florida Crime Information Center.

1139 (c) Upon receiving information regarding a sexual offender
 1140 from the department, the Department of Law Enforcement, the
 1141 sheriff, or the chief of police shall provide the information
 1142 described in subparagraph (a)1. to any individual who requests
 1143 such information and may release the information to the public
 1144 in any manner deemed appropriate, unless the information so
 1145 received is confidential or exempt from s. 119.07(1) and s.
 1146 24(a), Art. I of the State Constitution.

1147 (4) This section authorizes the department or any law
 1148 enforcement agency to notify the community and the public of a
 1149 sexual offender's presence in the community. However, with
 1150 respect to a sexual offender who has been found to be a sexual
 1151 predator under chapter 775, the Department of Law Enforcement or
 1152 any other law enforcement agency must inform the community and
 1153 the public of the sexual predator's presence in the community as
 1154 provided in chapter 775.

1155 (5) An elected or appointed official, public employee,
 1156 school administrator or employee, or agency, or any individual
 1157 or entity acting at the request or upon the direction of any law
 1158 enforcement agency, is immune from civil liability for damages
 1159 resulting from the release of information under this section.

1160 Section 11. Section 985.4815, Florida Statutes, is created
 1161 to read:

1162 985.4815 Notification to Department of Law Enforcement of
 1163 information on juvenile sexual offenders.--

1164 (1) As used in this section, the term:

1165 (a) "Change in enrollment or employment status" means the
 1166 commencement or termination of enrollment or employment or a
 1167 change in location of enrollment or employment.

1168 (b) "Conviction" has the same meaning as provided in s.
 1169 943.0435.

1170 (c) "Institution of higher education" means a career
 1171 center, community college, college, state university, or
 1172 independent postsecondary institution.

1173 (d) "Sexual offender" means a person who is in the care or
 1174 custody or under the jurisdiction or supervision of the
 1175 department or is in the custody of a private correctional
 1176 facility and who:

1177 1. Has been adjudicated delinquent as provided in s.
 1178 943.0435(1)(a)1.d.; or

1179 2. Establishes or maintains a residence in this state and
 1180 has not been designated as a sexual predator by a court of this
 1181 state but has been designated as a sexual predator, as a
 1182 sexually violent predator, or by another sexual offender
 1183 designation in another state or jurisdiction and was, as a
 1184 result of such designation, subjected to registration or
 1185 community or public notification, or both, or would be if the
 1186 person were a resident of that state or jurisdiction, without
 1187 regard to whether the person otherwise meets the criteria for
 1188 registration as a sexual offender.

1189 (2) The clerk of the court that adjudicated and entered a
 1190 disposition regarding the sexual offender for the offense or
 1191 offenses for which he or she was convicted shall forward to the
 1192 department and the Department of Law Enforcement a certified

1193 copy of any order entered by the court imposing any special
 1194 condition or restriction on the sexual offender that restricts
 1195 or prohibits access to the victim, if the victim is a minor, or
 1196 to other minors. The Department of Law Enforcement may include
 1197 on its Internet website such special conditions or restrictions.

1198 (3) If a sexual offender is not sentenced to a term of
 1199 residential commitment, the clerk of the court shall ensure that
 1200 the sexual offender's fingerprints are taken and forwarded to
 1201 the Department of Law Enforcement within 48 hours after the
 1202 court sentences the offender. The fingerprint card shall be
 1203 clearly marked "Sexual Offender Registration Card."

1204 (4) A sexual offender, as described in this section, who
 1205 is under the supervision of the department but is not committed
 1206 must register with the department within 3 business days after
 1207 adjudication and disposition for a registerable offense and
 1208 otherwise provide information as required by this subsection.

1209 (a) The sexual offender shall provide his or her name;
 1210 date of birth; social security number; race; sex; height;
 1211 weight; hair and eye color; tattoos or other identifying marks;
 1212 and permanent or legal residence and address of temporary
 1213 residence within the state or out of state while the sexual
 1214 offender is in the care or custody or under the jurisdiction or
 1215 supervision of the department in this state, including any rural
 1216 route address or post office box, and the name and address of
 1217 each school attended. The department shall verify the address of
 1218 each sexual offender and shall report to the Department of Law
 1219 Enforcement any failure by a sexual offender to comply with
 1220 registration requirements.

1221 (b) If the sexual offender is enrolled, employed, or
1222 carrying on a vocation at an institution of higher education in
1223 this state, the sexual offender shall provide the name, address,
1224 and county of each institution, including each campus attended,
1225 and the sexual offender's enrollment or employment status. Each
1226 change in enrollment or employment status shall be reported to
1227 the department within 48 hours after the change in status. The
1228 department shall promptly notify each institution of the sexual
1229 offender's presence and any change in the sexual offender's
1230 enrollment or employment status.

1231 (5) In addition to notification and transmittal
1232 requirements imposed by any other provision of law, the
1233 department shall compile information on any sexual offender and
1234 provide the information to the Department of Law Enforcement. No
1235 later than November 1, 2007, the information shall be made
1236 available electronically to the Department of Law Enforcement as
1237 soon as this information is in the department's database and
1238 must be in a format that is compatible with the requirements of
1239 the Florida Crime Information Center.

1240 (6) (a) The information provided to the Department of Law
1241 Enforcement must include the following:

1242 1. The information obtained from the sexual offender under
1243 subsection (4).

1244 2. The sexual offender's most current address and place of
1245 permanent or temporary residence within the state or out of
1246 state while the sexual offender is in the care or custody or
1247 under the jurisdiction or supervision of the department in this
1248 state, including the name of the county or municipality in which

1249 the offender permanently or temporarily resides and, if known,
1250 the intended place of permanent or temporary residence upon
1251 satisfaction of all sanctions.

1252 3. The legal status of the sexual offender and the
1253 scheduled termination date of that legal status.

1254 4. The location of, and local telephone number for, any
1255 department office that is responsible for supervising the sexual
1256 offender.

1257 5. An indication of whether the victim of the offense that
1258 resulted in the offender's status as a sexual offender was a
1259 minor.

1260 6. The offense or offenses at adjudication and disposition
1261 that resulted in the determination of the offender's status as a
1262 sexual offender.

1263 7. A digitized photograph of the sexual offender, which
1264 must have been taken within 60 days before the offender was
1265 released from the custody of the department or a private
1266 correctional facility by expiration of sentence under s. 944.275
1267 or within 60 days after the onset of the department's
1268 supervision of any sexual offender who is on probation,
1269 postcommitment probation, residential commitment, nonresidential
1270 commitment, licensed child-caring commitment, community control,
1271 conditional release, parole, provisional release, or control
1272 release or who is supervised by the department under the
1273 Interstate Compact Agreement for Probationers and Parolees. If
1274 the sexual offender is in the custody of a private correctional
1275 facility, the facility shall take a digitized photograph of the

1276 sexual offender within the time period provided in this
 1277 subparagraph and shall provide the photograph to the department.

1278 (b) If any information provided by the department changes
 1279 during the time the sexual offender is under the department's
 1280 care, control, custody, or supervision, including any change in
 1281 the offender's name by reason of marriage or other legal
 1282 process, the department shall, in a timely manner, update the
 1283 information and provide it to the Department of Law Enforcement
 1284 in the manner prescribed in subsection (5).

1285 (7) If the sexual offender is in the custody of a local
 1286 jail, the custodian of the local jail shall register the
 1287 offender within 3 business days after intake of the offender for
 1288 any reason and again upon release and forward the information to
 1289 the Department of Law Enforcement. The custodian of the local
 1290 jail shall also take a digitized photograph of the sexual
 1291 offender while the offender remains in custody and shall provide
 1292 the digitized photograph to the Department of Law Enforcement.

1293 (8) If the sexual offender is under federal supervision,
 1294 the federal agency responsible for supervising the sexual
 1295 offender may forward to the Department of Law Enforcement any
 1296 information regarding the sexual offender that is consistent
 1297 with the information provided by the department under this
 1298 section and may indicate whether use of the information is
 1299 restricted to law enforcement purposes only or may be used by
 1300 the Department of Law Enforcement for purposes of public
 1301 notification.

1302 (9) A sexual offender, as described in this section, who
 1303 is under the care, jurisdiction, or supervision of the

1304 department but who is not incarcerated shall, in addition to the
1305 registration requirements provided in subsection (4), register
1306 in the manner provided in s. 943.0435(3), (4), and (5), unless
1307 the sexual offender is a sexual predator, in which case he or
1308 she shall register as required under s. 775.21. A sexual
1309 offender who fails to comply with the requirements of s.
1310 943.0435 is subject to the penalties provided in s. 943.0435(9).

1311 (10) (a) The failure of a sexual offender to submit to the
1312 taking of a digitized photograph, or to otherwise comply with
1313 the requirements of this section, is a felony of the third
1314 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1315 775.084.

1316 (b) A sexual offender who commits any act or omission in
1317 violation of this section may be prosecuted for the act or
1318 omission in the county in which the act or omission was
1319 committed, the county of the last registered address of the
1320 sexual offender, or the county in which the adjudication and
1321 disposition occurred for the offense or offenses that meet the
1322 criteria for designating a person as a sexual offender.

1323 (c) An arrest on charges of failure to register when the
1324 offender has been provided and advised of his or her statutory
1325 obligations to register under s. 943.0435(2), the service of an
1326 information or a complaint for a violation of this section, or
1327 an arraignment on charges for a violation of this section
1328 constitutes actual notice of the duty to register. A sexual
1329 offender's failure to immediately register as required by this
1330 section following such arrest, service, or arraignment
1331 constitutes grounds for a subsequent charge of failure to

1332 register. A sexual offender charged with the crime of failure to
1333 register who asserts, or intends to assert, a lack of notice of
1334 the duty to register as a defense to a charge of failure to
1335 register shall immediately register as required by this section.
1336 A sexual offender who is charged with a subsequent failure to
1337 register may not assert the defense of a lack of notice of the
1338 duty to register.

1339 (d) Registration following such arrest, service, or
1340 arraignment is not a defense and does not relieve the sexual
1341 offender of criminal liability for the failure to register.

1342 (11) The department, the Department of Highway Safety and
1343 Motor Vehicles, the Department of Law Enforcement, the
1344 Department of Corrections, personnel of those departments, and
1345 any individual or entity acting at the request or upon the
1346 direction of those departments are immune from civil liability
1347 for damages for good faith compliance with this section and
1348 shall be presumed to have acted in good faith in compiling,
1349 recording, reporting, or providing information. The presumption
1350 of good faith is not overcome if technical or clerical errors
1351 are made by the department, the Department of Highway Safety and
1352 Motor Vehicles, the Department of Law Enforcement, the
1353 Department of Corrections, personnel of those departments, or
1354 any individual or entity acting at the request or upon the
1355 direction of those departments in compiling, recording,
1356 reporting, or providing information, or, if the information is
1357 incomplete or incorrect because the information has not been
1358 provided by a person or agency required to provide it, was not
1359 reported, or was falsely reported.

1360 (12) Any person who has reason to believe that a sexual
1361 offender is not complying, or has not complied, with the
1362 requirements of this section and who, with the intent to assist
1363 the sexual offender in eluding a law enforcement agency that is
1364 seeking to find the sexual offender to question the sexual
1365 offender about, or to arrest the sexual offender for, his or her
1366 noncompliance with the requirements of this section:

1367 (a) Withholds information from, or does not notify, the
1368 law enforcement agency about the sexual offender's noncompliance
1369 with the requirements of this section and, if known, the
1370 whereabouts of the sexual offender;

1371 (b) Harbors, attempts to harbor, or assists another person
1372 in harboring or attempting to harbor the sexual offender;

1373 (c) Conceals, attempts to conceal, or assists another
1374 person in concealing or attempting to conceal the sexual
1375 offender; or

1376 (d) Provides information to the law enforcement agency
1377 regarding the sexual offender that the person knows to be false
1378
1379 commits a felony of the third degree, punishable as provided in
1380 s. 775.082, s. 775.083, or s. 775.084. This subsection does not
1381 apply if the sexual offender is incarcerated in or is in the
1382 custody of a state correctional facility, a private correctional
1383 facility, a local jail, or a federal correctional facility.

1384 (13) (a) A sexual offender must report in person each year
1385 during the month of the sexual offender's birthday and during
1386 every third month thereafter to the sheriff's office in the

1387 county in which he or she resides or is otherwise located to
 1388 reregister.

1389 (b) The sheriff's office may determine the appropriate
 1390 times and days for reporting by the sexual offender, which shall
 1391 be consistent with the reporting requirements of this
 1392 subsection. Reregistration shall include any changes to the
 1393 following information:

1394 1. Name; social security number; age; race; sex; date of
 1395 birth; height; weight; hair and eye color; address of any
 1396 permanent residence and address of any current temporary
 1397 residence, within the state or out of state, including a rural
 1398 route address and a post office box; name and address of each
 1399 school attended; date and place of any employment; vehicle make,
 1400 model, color, and license tag number; fingerprints; and
 1401 photograph. A post office box shall not be provided in lieu of a
 1402 physical residential address.

1403 2. If the sexual offender is enrolled, employed, or
 1404 carrying on a vocation at an institution of higher education in
 1405 this state, the sexual offender shall also provide to the
 1406 department the name, address, and county of each institution,
 1407 including each campus attended, and the sexual offender's
 1408 enrollment or employment status.

1409 3. If the sexual offender's place of residence is a motor
 1410 vehicle, trailer, mobile home, or manufactured home, as defined
 1411 in chapter 320, the sexual offender shall also provide the
 1412 vehicle identification number; the license tag number; the
 1413 registration number; and a description, including color scheme,
 1414 of the motor vehicle, trailer, mobile home, or manufactured

1415 home. If the sexual offender's place of residence is a vessel,
 1416 live-aboard vessel, or houseboat, as defined in chapter 327, the
 1417 sexual offender shall also provide the hull identification
 1418 number; the manufacturer's serial number; the name of the
 1419 vessel, live-aboard vessel, or houseboat; the registration
 1420 number; and a description, including color scheme, of the
 1421 vessel, live-aboard vessel, or houseboat.

1422 4. Any sexual offender who fails to report in person as
 1423 required at the sheriff's office, or who fails to respond to any
 1424 address verification correspondence from the department within 3
 1425 weeks after the date of the correspondence, commits a felony of
 1426 the third degree, punishable as provided in s. 775.082, s.
 1427 775.083, and s. 775.084.

1428 (c) The sheriff's office shall, within 2 working days,
 1429 electronically submit and update all information provided by the
 1430 sexual offender to the Department of Law Enforcement in a manner
 1431 prescribed by that department.

1432 Section 12. Paragraph (g) of subsection (3) of section
 1433 921.0022, Florida Statutes, is amended to read:

1434 921.0022 Criminal Punishment Code; offense severity
 1435 ranking chart.--

1436 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	Description
Statute	Degree	

1437
 (g) LEVEL 7

1438

CS/HB 665

2007

1439	316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
1440	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
1441	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 fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
1442	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
1443	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1444	409.920 (2)	3rd	Medicaid provider fraud.
	456.065 (2)	3rd	Practicing a health care

CS/HB 665

2007

1445			profession without a license.
	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
1446			
	458.327 (1)	3rd	Practicing medicine without a license.
1447			
	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
1448			
	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
1449			
	461.012 (1)	3rd	Practicing podiatric medicine without a license.
1450			
	462.17	3rd	Practicing naturopathy without a license.
1451			
	463.015 (1)	3rd	Practicing optometry without a license.
1452			
	464.016 (1)	3rd	Practicing nursing without a license.
1453			

CS/HB 665

2007

1454	465.015 (2)	3rd	Practicing pharmacy without a license.
1455	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
1456	467.201	3rd	Practicing midwifery without a license.
1457	468.366	3rd	Delivering respiratory care services without a license.
1458	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
1459	483.901 (9)	3rd	Practicing medical physics without a license.
1460	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
1461	484.053	3rd	Dispensing hearing aids without a license.
	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which

CS/HB 665

2007

			the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
1462	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
1463	560.125 (5) (a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
1464	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
1465	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
1466	775.21 (10) (b)	3rd	Sexual predator working where

CS/HB 665

2007

1467			children regularly congregate.
	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
1468			
	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
1469			
	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1470			
	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
1471			
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
1472			

CS/HB 665

2007

1473	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1474	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
1475	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1476	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
1477	784.048 (7)	3rd	Aggravated stalking; violation of court order.
1478	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1479	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
1480	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
	784.081 (1)	1st	Aggravated battery on specified

CS/HB 665

2007

1481			official or employee.
	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
1482			
	784.083 (1)	1st	Aggravated battery on code inspector.
1483			
	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
1484			
	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
1485			
	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
1486			
	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
1487			
	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon

CS/HB 665

2007

1488			of mass destruction.
	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
1489			
	796.03	2nd	Procuring any person under 16 years for prostitution.
1490			
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
1491			
	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.
1492			
	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
1493			
	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
1494			

CS/HB 665

2007

1495	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
1496	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
1497	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.
1498	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
1499	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
1500	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the

CS/HB 665

2007

			theft of property and traffics in stolen property.
1501	812.131 (2) (a)	2nd	Robbery by sudden snatching.
1502	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1503	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1504	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
1505	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
1506	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.
1507			

CS/HB 665

2007

1508	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1509	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
1510	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1511	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1512	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1513	838.015	2nd	Bribery.
1514	838.016	2nd	Unlawful compensation or reward for official behavior.

CS/HB 665

2007

1515	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
1516	838.22	2nd	Bid tampering.
1517	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1518	872.06	2nd	Abuse of a dead human body.
1519	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.
	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

CS/HB 665

2007

			property used for religious services or a specified business site.
1520	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).
1521	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
1522	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
1523	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1524	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
1525	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5

CS/HB 665

2007

1526			kilograms.
	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
1527			
	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
1528			
	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
1529			
	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
1530			
	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
1531			
	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1532			

CS/HB 665

2007

1533	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
1534	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1535	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
1536	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
1537	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure

CS/HB 665

2007

			to respond to address verification.
1538	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
1539	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1540	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1541	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
1542	<u>985.4815(10)</u>	<u>3rd</u>	<u>Sexual offender; failure to submit to the taking of a digitized photograph.</u>
1543	<u>985.4815(12)</u>	<u>3rd</u>	<u>Failure to report or providing false information about a sexual</u>

CS/HB 665

2007

1544

offender; harbor or conceal a
sexual offender.

985.4815(13)

3rd

Sexual offender; failure to
report and reregister; failure
to respond to address
verification.

1545

1546

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