

By Senator Aronberg

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1                   A bill to be entitled  
2           An act relating to public safety; amending s. 775.21,  
3           F.S.; revising provisions relating to reimbursement of  
4           specified costs by sexual predators; requiring that the  
5           sheriff or chief of police notify any library within a 1-  
6           mile radius of the residence of a sexual predator;  
7           prohibiting a sexual predator from working or volunteering  
8           at a library or business where children regularly  
9           congregate; providing penalties; requiring the Department  
10          of Law Enforcement and other specified agencies to  
11          consider eliminating or modifying two dates on or after  
12          which a person must be classified as a sexual offender or  
13          a sexual predator; directing the department to determine  
14          the effect that the elimination or modification of these  
15          dates will have on the department and other agencies;  
16          directing the department to present a report of its  
17          findings to the President of the Senate and the Speaker of  
18          the House of Representatives by a specified date;  
19          providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

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23           Section 1. Paragraph (b) of subsection (3), paragraph (a)  
24           of subsection (7), and paragraph (b) of subsection (10) of  
25           section 775.21, Florida Statutes, are amended to read:

26           775.21 The Florida Sexual Predators Act.--

27           (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE INTENT.--

28           (b) The high level of threat that a sexual predator  
29           presents to the public safety, and the long-term effects suffered

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30 | by victims of sex offenses, provide the state with sufficient  
31 | justification to implement a strategy that includes:

32 |       1. Incarcerating sexual predators and maintaining adequate  
33 | facilities to ensure that decisions to release sexual predators  
34 | into the community are not made on the basis of inadequate space.

35 |       2. Providing for specialized supervision of sexual  
36 | predators who are in the community by specially trained probation  
37 | officers with low caseloads, as described in ss. 947.1405(7) and  
38 | 948.30. The sexual predator is subject to specified terms and  
39 | conditions implemented at sentencing or at the time of release  
40 | from incarceration, with a requirement that those sexual  
41 | predators found to be indigent may defer payment under s. 28.246  
42 | of all or part of the costs in accordance with that section and  
43 | those sexual predators who are financially able must pay all or  
44 | part of the costs of supervision.

45 |       3. Requiring the registration of sexual predators, with a  
46 | requirement that complete and accurate information be maintained  
47 | and accessible for use by law enforcement authorities,  
48 | communities, and the public.

49 |       4. Providing for community and public notification  
50 | concerning the presence of sexual predators.

51 |       5. Prohibiting sexual predators from working with children,  
52 | either for compensation or as a volunteer.

53 |       (7) COMMUNITY AND PUBLIC NOTIFICATION.--

54 |       (a) Law enforcement agencies must inform members of the  
55 | community and the public of a sexual predator's presence. Upon  
56 | notification of the presence of a sexual predator, the sheriff of  
57 | the county or the chief of police of the municipality where the  
58 | sexual predator establishes or maintains a permanent or temporary

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59 residence shall notify members of the community and the public of  
60 the presence of the sexual predator in a manner deemed  
61 appropriate by the sheriff or the chief of police. Within 48  
62 hours after receiving notification of the presence of a sexual  
63 predator, the sheriff of the county or the chief of police of the  
64 municipality where the sexual predator temporarily or permanently  
65 resides shall notify each licensed day care center, elementary  
66 school, middle school, ~~and~~ high school, and library within a 1-  
67 mile radius of the temporary or permanent residence of the sexual  
68 predator of the presence of the sexual predator. Information  
69 provided to members of the community and the public regarding a  
70 sexual predator must include:

- 71 1. The name of the sexual predator;
- 72 2. A description of the sexual predator, including a  
73 photograph;
- 74 3. The sexual predator's current address, including the  
75 name of the county or municipality if known;
- 76 4. The circumstances of the sexual predator's offense or  
77 offenses; and
- 78 5. Whether the victim of the sexual predator's offense or  
79 offenses was, at the time of the offense, a minor or an adult.

80  
81 This paragraph does not authorize the release of the name of any  
82 victim of the sexual predator.

83 (10) PENALTIES.--

84 (b) A sexual predator who has been convicted of or found to  
85 have committed, or has pled nolo contendere or guilty to,  
86 regardless of adjudication, any violation, or attempted  
87 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where

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88 | the victim is a minor and the defendant is not the victim's  
89 | parent or guardian; s. 794.011, excluding s. 794.011(10); s.  
90 | 794.05; s. 796.03; s. 796.035; s. 800.04; s. 827.071; s.  
91 | 847.0133; s. 847.0145; or s. 985.701(1); or a violation of a  
92 | similar law of another jurisdiction when the victim of the  
93 | offense was a minor, and who works, whether for compensation or  
94 | as a volunteer, at any business, school, day care center, park,  
95 | playground, library, or business or other place where children  
96 | regularly congregate, commits a felony of the third degree,  
97 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

98 |       Section 2. The Department of Law Enforcement, with the  
99 | assistance of the Department of Corrections, the Department of  
100 | Highway Safety and Motor Vehicles, the Department of Juvenile  
101 | Justice, the Office of the State Courts Administrator, the clerk  
102 | of the court in each judicial circuit court, the offices of the  
103 | state attorney and public defender in each judicial circuit, the  
104 | Florida Sheriffs Association, and the Florida Legislative  
105 | Committee on Intergovernmental Relations shall examine the  
106 | feasibility of eliminating the October 1, 1993, date in the  
107 | sexual predator criteria set forth in s. 775.21, Florida  
108 | Statutes, and the October 1, 1997, date in the sexual offender  
109 | criteria set forth in ss. 943.0435 and 944.607, Florida Statutes,  
110 | or modifying those dates to provide for earlier dates. When  
111 | conducting this examination, the department shall evaluate the  
112 | potential effect, including the fiscal impact, that the  
113 | elimination or modification of these dates will have on the  
114 | department, other state agencies, circuit courts, state  
115 | attorneys, public defenders, and local law enforcement agencies.  
116 | The Department of Law Enforcement shall also determine whether

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117 | there are factors, such as incomplete criminal histories and  
118 | court records, which might make the elimination or modification  
119 | of these dates impractical or might have a negative effect on the  
120 | state's current system for registering sexual predators and  
121 | offenders. The department shall present a report of its findings  
122 | to the President of the Senate and the Speaker of the House of  
123 | Representatives by December 30, 2008.

124 |       Section 3. This act shall take effect October 1, 2008.