

By Senator Ring

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1 A bill to be entitled
2 An act relating to sexual offenders and predators;
3 amending ss. 775.21, 943.0435, and 944.606, F.S.;
4 requiring sexual offenders and predators to provide home
5 telephone numbers and any cellular telephone numbers as
6 part of the registration process; providing an effective
7 date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Paragraph (a) of subsection (6), paragraph (a)
12 of subsection (8), and paragraph (a) of subsection (10) of
13 section 775.21, Florida Statutes, are amended to read:

14 775.21 The Florida Sexual Predators Act.--

15 (6) REGISTRATION.--

16 (a) A sexual predator must register with the department
17 through the sheriff's office by providing the following
18 information to the department:

19 1. Name, social security number, age, race, sex, date of
20 birth, height, weight, hair and eye color, photograph, address of
21 legal residence and address of any current temporary residence,
22 within the state or out of state, including a rural route address
23 and a post office box, any electronic mail address and any
24 instant message name required to be provided pursuant to
25 subparagraph (g)4., home telephone number and any cellular
26 telephone number, date and place of any employment, date and
27 place of each conviction, fingerprints, and a brief description
28 of the crime or crimes committed by the offender. A post office

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29 | box shall not be provided in lieu of a physical residential
30 | address.

31 | a. If the sexual predator's place of residence is a motor
32 | vehicle, trailer, mobile home, or manufactured home, as defined
33 | in chapter 320, the sexual predator shall also provide to the
34 | department written notice of the vehicle identification number;
35 | the license tag number; the registration number; and a
36 | description, including color scheme, of the motor vehicle,
37 | trailer, mobile home, or manufactured home. If a sexual
38 | predator's place of residence is a vessel, live-aboard vessel, or
39 | houseboat, as defined in chapter 327, the sexual predator shall
40 | also provide to the department written notice of the hull
41 | identification number; the manufacturer's serial number; the name
42 | of the vessel, live-aboard vessel, or houseboat; the registration
43 | number; and a description, including color scheme, of the vessel,
44 | live-aboard vessel, or houseboat.

45 | b. If the sexual predator is enrolled, employed, or
46 | carrying on a vocation at an institution of higher education in
47 | this state, the sexual predator shall also provide to the
48 | department the name, address, and county of each institution,
49 | including each campus attended, and the sexual predator's
50 | enrollment or employment status. Each change in enrollment or
51 | employment status shall be reported in person at the sheriff's
52 | office, or the Department of Corrections if the sexual predator
53 | is in the custody or control of or under the supervision of the
54 | Department of Corrections, within 48 hours after any change in
55 | status. The sheriff or the Department of Corrections shall
56 | promptly notify each institution of the sexual predator's

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57 | presence and any change in the sexual predator's enrollment or
58 | employment status.

59 | 2. Any other information determined necessary by the
60 | department, including criminal and corrections records;
61 | nonprivileged personnel and treatment records; and evidentiary
62 | genetic markers when available.

63 | (8) VERIFICATION.--The department and the Department of
64 | Corrections shall implement a system for verifying the addresses
65 | of sexual predators. The system must be consistent with the
66 | provisions of the federal Adam Walsh Child Protection and Safety
67 | Act of 2006 and any other federal standards applicable to such
68 | verification or required to be met as a condition for the receipt
69 | of federal funds by the state. The Department of Corrections
70 | shall verify the addresses of sexual predators who are not
71 | incarcerated but who reside in the community under the
72 | supervision of the Department of Corrections and shall report to
73 | the department any failure by a sexual predator to comply with
74 | registration requirements. County and local law enforcement
75 | agencies, in conjunction with the department, shall verify the
76 | addresses of sexual predators who are not under the care,
77 | custody, control, or supervision of the Department of
78 | Corrections. Local law enforcement agencies shall report to the
79 | department any failure by a sexual predator to comply with
80 | registration requirements.

81 | (a) A sexual predator must report in person each year
82 | during the month of the sexual predator's birthday and during
83 | every third month thereafter to the sheriff's office in the
84 | county in which he or she resides or is otherwise located to
85 | reregister. The sheriff's office may determine the appropriate

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86 times and days for reporting by the sexual predator, which shall
87 be consistent with the reporting requirements of this paragraph.
88 Reregistration shall include any changes to the following
89 information:

90 1. Name; social security number; age; race; sex; date of
91 birth; height; weight; hair and eye color; address of any
92 permanent residence and address of any current temporary
93 residence, within the state or out of state, including a rural
94 route address and a post office box; any electronic mail address
95 and any instant message name required to be provided pursuant to
96 subparagraph (6)(g)4.; home telephone number and any cellular
97 telephone number; date and place of any employment; vehicle make,
98 model, color, and license tag number; fingerprints; and
99 photograph. A post office box shall not be provided in lieu of a
100 physical residential address.

101 2. If the sexual predator is enrolled, employed, or
102 carrying on a vocation at an institution of higher education in
103 this state, the sexual predator shall also provide to the
104 department the name, address, and county of each institution,
105 including each campus attended, and the sexual predator's
106 enrollment or employment status.

107 3. If the sexual predator's place of residence is a motor
108 vehicle, trailer, mobile home, or manufactured home, as defined
109 in chapter 320, the sexual predator shall also provide the
110 vehicle identification number; the license tag number; the
111 registration number; and a description, including color scheme,
112 of the motor vehicle, trailer, mobile home, or manufactured home.
113 If the sexual predator's place of residence is a vessel, live-
114 aboard vessel, or houseboat, as defined in chapter 327, the

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115 sexual predator shall also provide the hull identification
116 number; the manufacturer's serial number; the name of the vessel,
117 live-aboard vessel, or houseboat; the registration number; and a
118 description, including color scheme, of the vessel, live-aboard
119 vessel, or houseboat.

120 (10) PENALTIES.--

121 (a) Except as otherwise specifically provided, a sexual
122 predator who fails to register; who fails, after registration, to
123 maintain, acquire, or renew a driver's license or identification
124 card; who fails to provide required location information,
125 electronic mail address information, instant message name
126 information, home telephone number and any cellular telephone
127 number, or change-of-name information; who fails to make a
128 required report in connection with vacating a permanent
129 residence; who fails to reregister as required; who fails to
130 respond to any address verification correspondence from the
131 department within 3 weeks of the date of the correspondence; or
132 who otherwise fails, by act or omission, to comply with the
133 requirements of this section, commits a felony of the third
134 degree, punishable as provided in s. 775.082, s. 775.083, or s.
135 775.084.

136 Section 2. Paragraph (b) of subsection (2) and paragraph
137 (c) of subsection (14) of section 943.0435, Florida Statutes, are
138 amended to read:

139 943.0435 Sexual offenders required to register with the
140 department; penalty.--

141 (2) A sexual offender shall:

142 (b) Provide his or her name, date of birth, social security
143 number, race, sex, height, weight, hair and eye color, tattoos or

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144 other identifying marks, occupation and place of employment,
145 address of permanent or legal residence or address of any current
146 temporary residence, within the state and out of state, including
147 a rural route address and a post office box, home telephone
148 number and any cellular telephone number, any electronic mail
149 address and any instant message name required to be provided
150 pursuant to paragraph (4) (d), date and place of each conviction,
151 and a brief description of the crime or crimes committed by the
152 offender. A post office box shall not be provided in lieu of a
153 physical residential address.

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

168 2. If the sexual offender is enrolled, employed, or
169 carrying on a vocation at an institution of higher education in
170 this state, the sexual offender shall also provide to the
171 department through the sheriff's office the name, address, and
172 county of each institution, including each campus attended, and

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173 the sexual offender's enrollment or employment status. Each
174 change in enrollment or employment status shall be reported in
175 person at the sheriff's office, within 48 hours after any change
176 in status. The sheriff shall promptly notify each institution of
177 the sexual offender's presence and any change in the sexual
178 offender's enrollment or employment status.

179
180 When a sexual offender reports at the sheriff's office, the
181 sheriff shall take a photograph and a set of fingerprints of the
182 offender and forward the photographs and fingerprints to the
183 department, along with the information provided by the sexual
184 offender. The sheriff shall promptly provide to the department
185 the information received from the sexual offender.

186 (14)

187 (c) The sheriff's office may determine the appropriate
188 times and days for reporting by the sexual offender, which shall
189 be consistent with the reporting requirements of this subsection.
190 Reregistration shall include any changes to the following
191 information:

192 1. Name; social security number; age; race; sex; date of
193 birth; height; weight; hair and eye color; address of any
194 permanent residence and address of any current temporary
195 residence, within the state or out of state, including a rural
196 route address and a post office box; any electronic mail address
197 and any instant message name required to be provided pursuant to
198 paragraph (4) (d); telephone number, including any cellular
199 telephone number; date and place of any employment; vehicle make,
200 model, color, and license tag number; fingerprints; and

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201 | photograph. A post office box shall not be provided in lieu of a
202 | physical residential address.

203 | 2. If the sexual offender is enrolled, employed, or
204 | carrying on a vocation at an institution of higher education in
205 | this state, the sexual offender shall also provide to the
206 | department the name, address, and county of each institution,
207 | including each campus attended, and the sexual offender's
208 | enrollment or employment status.

209 | 3. If the sexual offender's place of residence is a motor
210 | vehicle, trailer, mobile home, or manufactured home, as defined
211 | in chapter 320, the sexual offender shall also provide the
212 | vehicle identification number; the license tag number; the
213 | registration number; and a description, including color scheme,
214 | of the motor vehicle, trailer, mobile home, or manufactured home.
215 | If the sexual offender's place of residence is a vessel, live-
216 | aboard vessel, or houseboat, as defined in chapter 327, the
217 | sexual offender shall also provide the hull identification
218 | number; the manufacturer's serial number; the name of the vessel,
219 | live-aboard vessel, or houseboat; the registration number; and a
220 | description, including color scheme, of the vessel, live-aboard
221 | vessel or houseboat.

222 | 4. Any sexual offender who fails to report in person as
223 | required at the sheriff's office, or who fails to respond to any
224 | address verification correspondence from the department within 3
225 | weeks of the date of the correspondence or who fails to report
226 | electronic mail addresses or instant message names, commits a
227 | felony of the third degree, punishable as provided in s. 775.082,
228 | s. 775.083, or s. 775.084.

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229 Section 3. Paragraph (a) of subsection (3) of section
230 944.606, Florida Statutes, is amended to read:

231 944.606 Sexual offenders; notification upon release.--

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

235 1. The department must provide: the sexual offender's name,
236 any change in the offender's name by reason of marriage or other
237 legal process, and any alias, if known; the correctional facility
238 from which the sexual offender is released; the sexual offender's
239 social security number, race, sex, date of birth, height, weight,
240 and hair and eye color; date and county of sentence and each
241 crime for which the offender was sentenced; a copy of the
242 offender's fingerprints and a digitized photograph taken within
243 60 days before release; the date of release of the sexual
244 offender; any electronic mail address and any instant message
245 name required to be provided pursuant to s. 943.0435(4)(d);
246 telephone number, including any cellular telephone number; and
247 the offender's intended residence address, if known. The
248 department shall notify the Department of Law Enforcement if the
249 sexual offender escapes, absconds, or dies. If the sexual
250 offender is in the custody of a private correctional facility,
251 the facility shall take the digitized photograph of the sexual
252 offender within 60 days before the sexual offender's release and
253 provide this photograph to the Department of Corrections and also
254 place it in the sexual offender's file. If the sexual offender is
255 in the custody of a local jail, the custodian of the local jail
256 shall register the offender within 3 business days after intake
257 of the offender for any reason and upon release, and shall notify

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258 | the Department of Law Enforcement of the sexual offender's
259 | release and provide to the Department of Law Enforcement the
260 | information specified in this paragraph and any information
261 | specified in subparagraph 2. that the Department of Law
262 | Enforcement requests.

263 | 2. The department may provide any other information deemed
264 | necessary, including criminal and corrections records,
265 | nonprivileged personnel and treatment records, when available.

266 | Section 4. This act shall take effect October 1, 2008.