

By the Committee on Criminal Justice; and Senator Ring

591-04815B-08

20082026c1

1 A bill to be entitled

2 An act relating to sexual offenders and predators;
3 amending ss. 775.21, 943.0435, 944.607, and 985.4815,
4 F.S.; requiring sexual offenders and predators to provide
5 home telephone numbers and any cellular telephone numbers
6 as part of the registration process; specifying that
7 failure to provide such telephone numbers as required is a
8 third-degree felony; amending s. 944.606, F.S.; requiring
9 that the Department of Law Enforcement be notified of the
10 home telephone number and any cellular telephone number of
11 a sexual offender released from incarceration; amending s.
12 985.481, F.S.; requiring that the Department of Law
13 Enforcement be notified of the home telephone number and
14 any cellular telephone number of a juvenile sexual
15 offender released after serving a period of residential
16 commitment; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (a) of subsection (6), paragraph (a)
21 of subsection (8), and paragraph (a) of subsection (10) of
22 section 775.21, Florida Statutes, are amended to read:

23 775.21 The Florida Sexual Predators Act.--

24 (6) REGISTRATION.--

25 (a) A sexual predator must register with the department
26 through the sheriff's office by providing the following
27 information to the department:

28 1. Name, social security number, age, race, sex, date of
29 birth, height, weight, hair and eye color, photograph, address of

591-04815B-08

20082026c1

30 | legal residence and address of any current temporary residence,
31 | within the state or out of state, including a rural route address
32 | and a post office box, any electronic mail address and any
33 | instant message name required to be provided pursuant to
34 | subparagraph (g)4., home telephone number and any cellular
35 | telephone number, date and place of any employment, date and
36 | place of each conviction, fingerprints, and a brief description
37 | of the crime or crimes committed by the offender. A post office
38 | box shall not be provided in lieu of a physical residential
39 | address.

40 | a. If the sexual predator's place of residence is a motor
41 | vehicle, trailer, mobile home, or manufactured home, as defined
42 | in chapter 320, the sexual predator shall also provide to the
43 | department written notice of the vehicle identification number;
44 | the license tag number; the registration number; and a
45 | description, including color scheme, of the motor vehicle,
46 | trailer, mobile home, or manufactured home. If a sexual
47 | predator's place of residence is a vessel, live-aboard vessel, or
48 | houseboat, as defined in chapter 327, the sexual predator shall
49 | also provide to the department written notice of the hull
50 | identification number; the manufacturer's serial number; the name
51 | of the vessel, live-aboard vessel, or houseboat; the registration
52 | number; and a description, including color scheme, of the vessel,
53 | live-aboard vessel, or houseboat.

54 | b. If the sexual predator is enrolled, employed, or
55 | carrying on a vocation at an institution of higher education in
56 | this state, the sexual predator shall also provide to the
57 | department the name, address, and county of each institution,
58 | including each campus attended, and the sexual predator's

591-04815B-08

20082026c1

59 enrollment or employment status. Each change in enrollment or
60 employment status shall be reported in person at the sheriff's
61 office, or the Department of Corrections if the sexual predator
62 is in the custody or control of or under the supervision of the
63 Department of Corrections, within 48 hours after any change in
64 status. The sheriff or the Department of Corrections shall
65 promptly notify each institution of the sexual predator's
66 presence and any change in the sexual predator's enrollment or
67 employment status.

68 2. Any other information determined necessary by the
69 department, including criminal and corrections records;
70 nonprivileged personnel and treatment records; and evidentiary
71 genetic markers when available.

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

591-04815B-08

20082026c1

88 | department any failure by a sexual predator to comply with
89 | registration requirements.

90 | (a) A sexual predator must report in person each year
91 | during the month of the sexual predator's birthday and during
92 | every third month thereafter to the sheriff's office in the
93 | county in which he or she resides or is otherwise located to
94 | reregister. The sheriff's office may determine the appropriate
95 | times and days for reporting by the sexual predator, which shall
96 | be consistent with the reporting requirements of this paragraph.
97 | Reregistration shall include any changes to the following
98 | information:

99 | 1. Name; social security number; age; race; sex; date of
100 | birth; height; weight; hair and eye color; address of any
101 | permanent residence and address of any current temporary
102 | residence, within the state or out of state, including a rural
103 | route address and a post office box; any electronic mail address
104 | and any instant message name required to be provided pursuant to
105 | subparagraph (6)(g)4.; home telephone number and any cellular
106 | telephone number; date and place of any employment; vehicle make,
107 | model, color, and license tag number; fingerprints; and
108 | photograph. A post office box shall not be provided in lieu of a
109 | physical residential address.

110 | 2. If the sexual predator is enrolled, employed, or
111 | carrying on a vocation at an institution of higher education in
112 | this state, the sexual predator shall also provide to the
113 | department the name, address, and county of each institution,
114 | including each campus attended, and the sexual predator's
115 | enrollment or employment status.

591-04815B-08

20082026c1

116 3. If the sexual predator's place of residence is a motor
117 vehicle, trailer, mobile home, or manufactured home, as defined
118 in chapter 320, the sexual predator shall also provide the
119 vehicle identification number; the license tag number; the
120 registration number; and a description, including color scheme,
121 of the motor vehicle, trailer, mobile home, or manufactured home.
122 If the sexual predator's place of residence is a vessel, live-
123 aboard vessel, or houseboat, as defined in chapter 327, the
124 sexual predator shall also provide the hull identification
125 number; the manufacturer's serial number; the name of the vessel,
126 live-aboard vessel, or houseboat; the registration number; and a
127 description, including color scheme, of the vessel, live-aboard
128 vessel, or houseboat.

129 (10) PENALTIES.--

130 (a) Except as otherwise specifically provided, a sexual
131 predator who fails to register; who fails, after registration, to
132 maintain, acquire, or renew a driver's license or identification
133 card; who fails to provide required location information,
134 electronic mail address information, instant message name
135 information, home telephone number and any cellular telephone
136 number, or change-of-name information; who fails to make a
137 required report in connection with vacating a permanent
138 residence; who fails to reregister as required; who fails to
139 respond to any address verification correspondence from the
140 department within 3 weeks of the date of the correspondence; or
141 who otherwise fails, by act or omission, to comply with the
142 requirements of this section, commits a felony of the third
143 degree, punishable as provided in s. 775.082, s. 775.083, or s.
144 775.084.

591-04815B-08

20082026c1

145 Section 2. Paragraph (b) of subsection (2) and paragraph
146 (c) of subsection (14) of section 943.0435, Florida Statutes, are
147 amended to read:

148 943.0435 Sexual offenders required to register with the
149 department; penalty.--

150 (2) A sexual offender shall:

151 (b) Provide his or her name, date of birth, social security
152 number, race, sex, height, weight, hair and eye color, tattoos or
153 other identifying marks, occupation and place of employment,
154 address of permanent or legal residence or address of any current
155 temporary residence, within the state and out of state, including
156 a rural route address and a post office box, home telephone
157 number and any cellular telephone number, any electronic mail
158 address and any instant message name required to be provided
159 pursuant to paragraph (4) (d), date and place of each conviction,
160 and a brief description of the crime or crimes committed by the
161 offender. A post office box shall not be provided in lieu of a
162 physical residential address.

163 1. If the sexual offender's place of residence is a motor
164 vehicle, trailer, mobile home, or manufactured home, as defined
165 in chapter 320, the sexual offender shall also provide to the
166 department through the sheriff's office written notice of the
167 vehicle identification number; the license tag number; the
168 registration number; and a description, including color scheme,
169 of the motor vehicle, trailer, mobile home, or manufactured home.
170 If the sexual offender's place of residence is a vessel, live-
171 aboard vessel, or houseboat, as defined in chapter 327, the
172 sexual offender shall also provide to the department written
173 notice of the hull identification number; the manufacturer's

591-04815B-08

20082026c1

174 serial number; the name of the vessel, live-aboard vessel, or
175 houseboat; the registration number; and a description, including
176 color scheme, of the vessel, live-aboard vessel, or houseboat.

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

188
189 When a sexual offender reports at the sheriff's office, the
190 sheriff shall take a photograph and a set of fingerprints of the
191 offender and forward the photographs and fingerprints to the
192 department, along with the information provided by the sexual
193 offender. The sheriff shall promptly provide to the department
194 the information received from the sexual offender.

195 (14)

196 (c) The sheriff's office may determine the appropriate
197 times and days for reporting by the sexual offender, which shall
198 be consistent with the reporting requirements of this subsection.
199 Reregistration shall include any changes to the following
200 information:

201 1. Name; social security number; age; race; sex; date of
202 birth; height; weight; hair and eye color; address of any

591-04815B-08

20082026c1

203 permanent residence and address of any current temporary
204 residence, within the state or out of state, including a rural
205 route address and a post office box; any electronic mail address
206 and any instant message name required to be provided pursuant to
207 paragraph (4) (d); telephone number, including any cellular
208 telephone number; date and place of any employment; vehicle make,
209 model, color, and license tag number; fingerprints; and
210 photograph. A post office box shall not be provided in lieu of a
211 physical residential address.

212 2. If the sexual offender is enrolled, employed, or
213 carrying on a vocation at an institution of higher education in
214 this state, the sexual offender shall also provide to the
215 department the name, address, and county of each institution,
216 including each campus attended, and the sexual offender's
217 enrollment or employment status.

218 3. If the sexual offender's place of residence is a motor
219 vehicle, trailer, mobile home, or manufactured home, as defined
220 in chapter 320, the sexual offender shall also provide the
221 vehicle identification number; the license tag number; the
222 registration number; and a description, including color scheme,
223 of the motor vehicle, trailer, mobile home, or manufactured home.
224 If the sexual offender's place of residence is a vessel, live-
225 aboard vessel, or houseboat, as defined in chapter 327, the
226 sexual offender shall also provide the hull identification
227 number; the manufacturer's serial number; the name of the vessel,
228 live-aboard vessel, or houseboat; the registration number; and a
229 description, including color scheme, of the vessel, live-aboard
230 vessel or houseboat.

591-04815B-08

20082026c1

231 4. Any sexual offender who fails to report in person as
232 required at the sheriff's office, or who fails to respond to any
233 address verification correspondence from the department within 3
234 weeks of the date of the correspondence or who fails to report
235 electronic mail addresses or instant message names, commits a
236 felony of the third degree, punishable as provided in s. 775.082,
237 s. 775.083, or s. 775.084.

238 Section 3. Paragraph (a) of subsection (3) of section
239 944.606, Florida Statutes, is amended to read:

240 944.606 Sexual offenders; notification upon release.--

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

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

591-04815B-08

20082026c1

260 the facility shall take the digitized photograph of the sexual
261 offender within 60 days before the sexual offender's release and
262 provide this photograph to the Department of Corrections and also
263 place it in the sexual offender's file. If the sexual offender is
264 in the custody of a local jail, the custodian of the local jail
265 shall register the offender within 3 business days after intake
266 of the offender for any reason and upon release, and shall notify
267 the Department of Law Enforcement of the sexual offender's
268 release and provide to the Department of Law Enforcement the
269 information specified in this paragraph and any information
270 specified in subparagraph 2. that the Department of Law
271 Enforcement requests.

272 2. The department may provide any other information deemed
273 necessary, including criminal and corrections records,
274 nonprivileged personnel and treatment records, when available.

275 Section 4. Paragraph (a) of subsection (4) of section
276 944.607, Florida Statutes, is amended to read:

277 944.607 Notification to Department of Law Enforcement of
278 information on sexual offenders.--

279 (4) A sexual offender, as described in this section, who is
280 under the supervision of the Department of Corrections but is not
281 incarcerated must register with the Department of Corrections
282 within 3 business days after sentencing for a registerable
283 offense and otherwise provide information as required by this
284 subsection.

285 (a) The sexual offender shall provide his or her name; date
286 of birth; social security number; race; sex; height; weight; hair
287 and eye color; tattoos or other identifying marks; any electronic
288 mail address and any instant message name required to be provided

591-04815B-08

20082026c1

289 pursuant to s. 943.0435(4) (d); home telephone numbers, including
290 any cellular telephone numbers; and permanent or legal residence
291 and address of temporary residence within the state or out of
292 state while the sexual offender is under supervision in this
293 state, including any rural route address or post office box. The
294 Department of Corrections shall verify the address of each sexual
295 offender in the manner described in ss. 775.21 and 943.0435. The
296 department shall report to the Department of Law Enforcement any
297 failure by a sexual predator or sexual offender to comply with
298 registration requirements.

299 Section 5. Paragraph (a) of subsection (3) of section
300 985.481, Florida Statutes, is amended to read:

301 985.481 Sexual offenders adjudicated delinquent;
302 notification upon release.--

303 (3) (a) The department must provide information regarding
304 any sexual offender who is being released after serving a period
305 of residential commitment under the department for any offense,
306 as follows:

307 1. The department must provide the sexual offender's name,
308 any change in the offender's name by reason of marriage or other
309 legal process, and any alias, if known; the correctional facility
310 from which the sexual offender is released; the sexual offender's
311 social security number, race, sex, date of birth, height, weight,
312 and hair and eye color; home telephone numbers, including any
313 cellular telephone numbers, date and county of disposition and
314 each crime for which there was a disposition; a copy of the
315 offender's fingerprints and a digitized photograph taken within
316 60 days before release; the date of release of the sexual
317 offender; and the offender's intended residence address, if

591-04815B-08

20082026c1

318 known. The department shall notify the Department of Law
319 Enforcement if the sexual offender escapes, absconds, or dies. If
320 the sexual offender is in the custody of a private correctional
321 facility, the facility shall take the digitized photograph of the
322 sexual offender within 60 days before the sexual offender's
323 release and also place it in the sexual offender's file. If the
324 sexual offender is in the custody of a local jail, the custodian
325 of the local jail shall register the offender within 3 business
326 days after intake of the offender for any reason and upon
327 release, and shall notify the Department of Law Enforcement of
328 the sexual offender's release and provide to the Department of
329 Law Enforcement the information specified in this subparagraph
330 and any information specified in subparagraph 2. which the
331 Department of Law Enforcement requests.

332 2. The department may provide any other information
333 considered necessary, including criminal and delinquency records,
334 when available.

335 Section 6. Paragraph (a) of subsection (4) of section
336 985.4815, Florida Statutes, is amended to read:

337 985.4815 Notification to Department of Law Enforcement of
338 information on juvenile sexual offenders.--

339 (4) A sexual offender, as described in this section, who is
340 under the supervision of the department but who is not committed
341 must register with the department within 3 business days after
342 adjudication and disposition for a registrable offense and
343 otherwise provide information as required by this subsection.

344 (a) The sexual offender shall provide his or her name; date
345 of birth; social security number; race; sex; height; weight; hair
346 and eye color; tattoos or other identifying marks; and permanent

591-04815B-08

20082026c1

347 or legal residence and address of temporary residence within the
348 state or out of state while the sexual offender is in the care or
349 custody or under the jurisdiction or supervision of the
350 department in this state, including any rural route address or
351 post office box, and the name and address of each school
352 attended; and home telephone number, including any cellular
353 telephone number. The department shall verify the address of each
354 sexual offender and shall report to the Department of Law
355 Enforcement any failure by a sexual offender to comply with
356 registration requirements.

357 Section 7. This act shall take effect October 1, 2008.