

By the Committees on Judiciary; Criminal Justice; and Senator
Ring

590-05790-08

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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, 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; requiring registrants to attest to
9 the truthfulness of the information submitted during
10 registration; providing criminal penalties for submission
11 of false information during registration; amending s.
12 943.043; requiring the Department of Law Enforcement to
13 notify the public of sexual predator and sexual offender
14 information through the Internet; specifying what sexual
15 predator and sexual offender information and features must
16 be available on the Internet; requiring the Department of
17 Law Enforcement to develop a uniform system to verify
18 predator and offender address information when address
19 submitted cannot be plotted on a map; requiring the
20 Department of Law Enforcement to determine the feasibility
21 of certain Internet features; amending s. 944.606, F.S.;
22 requiring that the Department of Law Enforcement be
23 notified of the home telephone number and any cellular
24 telephone number of a sexual offender released from
25 incarceration; amending s. 985.481, F.S.; requiring that
26 the Department of Law Enforcement be notified of the home
27 telephone number and any cellular telephone number of a
28 juvenile sexual offender released after serving a period
29 of residential commitment; providing an effective date.

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31 Be It Enacted by the Legislature of the State of Florida:
32

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

36 775.21 The Florida Sexual Predators Act.--

37 (6) REGISTRATION.--

38 (a) A sexual predator must register with the department
39 through the sheriff's office by providing the following
40 information to the department:

41 1. Name, social security number, age, race, sex, date of
42 birth, height, weight, hair and eye color, photograph, address of
43 legal residence and address of any current temporary residence,
44 within the state or out of state, including a rural route address
45 and a post office box, any electronic mail address and any
46 instant message name required to be provided pursuant to
47 subparagraph (g)4., home telephone number and any cellular
48 telephone number, date and place of any employment, date and
49 place of each conviction, fingerprints, and a brief description
50 of the crime or crimes committed by the offender. A post office
51 box shall not be provided in lieu of a physical residential
52 address.

53 a. If the sexual predator's place of residence is a motor
54 vehicle, trailer, mobile home, or manufactured home, as defined
55 in chapter 320, the sexual predator shall also provide to the
56 department written notice of the vehicle identification number;
57 the license tag number; the registration number; and a
58 description, including color scheme, of the motor vehicle,

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59 | trailer, mobile home, or manufactured home. If a sexual
60 | predator's place of residence is a vessel, live-aboard vessel, or
61 | houseboat, as defined in chapter 327, the sexual predator shall
62 | also provide to the department written notice of the hull
63 | identification number; the manufacturer's serial number; the name
64 | of the vessel, live-aboard vessel, or houseboat; the registration
65 | number; and a description, including color scheme, of the vessel,
66 | live-aboard vessel, or houseboat.

67 | b. If the sexual predator is enrolled, employed, or
68 | carrying on a vocation at an institution of higher education in
69 | this state, the sexual predator shall also provide to the
70 | department the name, address, and county of each institution,
71 | including each campus attended, and the sexual predator's
72 | enrollment or employment status. Each change in enrollment or
73 | employment status shall be reported in person at the sheriff's
74 | office, or the Department of Corrections if the sexual predator
75 | is in the custody or control of or under the supervision of the
76 | Department of Corrections, within 48 hours after any change in
77 | status. The sheriff or the Department of Corrections shall
78 | promptly notify each institution of the sexual predator's
79 | presence and any change in the sexual predator's enrollment or
80 | employment status.

81 | 2. Any other information determined necessary by the
82 | department, including criminal and corrections records;
83 | nonprivileged personnel and treatment records; and evidentiary
84 | genetic markers when available.

85 |
86 | A registrant must attest that the information provided is true,
87 | correct, and complete. A registrant who willfully provides false

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88 information commits a felony of the third degree, punishable as
89 provided in s. 775.082 or s. 775.083.

90 (8) VERIFICATION.--The department and the Department of
91 Corrections shall implement a system for verifying the addresses
92 of sexual predators. The system must be consistent with the
93 provisions of the federal Adam Walsh Child Protection and Safety
94 Act of 2006 and any other federal standards applicable to such
95 verification or required to be met as a condition for the receipt
96 of federal funds by the state. The Department of Corrections
97 shall verify the addresses of sexual predators who are not
98 incarcerated but who reside in the community under the
99 supervision of the Department of Corrections and shall report to
100 the department any failure by a sexual predator to comply with
101 registration requirements. County and local law enforcement
102 agencies, in conjunction with the department, shall verify the
103 addresses of sexual predators who are not under the care,
104 custody, control, or supervision of the Department of
105 Corrections. Local law enforcement agencies shall report to the
106 department any failure by a sexual predator to comply with
107 registration requirements.

108 (a) A sexual predator must report in person each year
109 during the month of the sexual predator's birthday and during
110 every third month thereafter to the sheriff's office in the
111 county in which he or she resides or is otherwise located to
112 reregister. The sheriff's office may determine the appropriate
113 times and days for reporting by the sexual predator, which shall
114 be consistent with the reporting requirements of this paragraph.
115 Reregistration shall include any changes to the following
116 information:

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117 1. Name; social security number; age; race; sex; date of
118 birth; height; weight; hair and eye color; address of any
119 permanent residence and address of any current temporary
120 residence, within the state or out of state, including a rural
121 route address and a post office box; any electronic mail address
122 and any instant message name required to be provided pursuant to
123 subparagraph (6)(g)4.; home telephone number and any cellular
124 telephone number; date and place of any employment; vehicle make,
125 model, color, and license tag number; fingerprints; and
126 photograph. A post office box shall not be provided in lieu of a
127 physical residential address.

128 2. If the sexual predator is enrolled, employed, or
129 carrying on a vocation at an institution of higher education in
130 this state, the sexual predator shall also provide to the
131 department the name, address, and county of each institution,
132 including each campus attended, and the sexual predator's
133 enrollment or employment status.

134 3. If the sexual predator's place of residence is a motor
135 vehicle, trailer, mobile home, or manufactured home, as defined
136 in chapter 320, the sexual predator shall also provide the
137 vehicle identification number; the license tag number; the
138 registration number; and a description, including color scheme,
139 of the motor vehicle, trailer, mobile home, or manufactured home.
140 If the sexual predator's place of residence is a vessel, live-
141 aboard vessel, or houseboat, as defined in chapter 327, the
142 sexual predator shall also provide the hull identification
143 number; the manufacturer's serial number; the name of the vessel,
144 live-aboard vessel, or houseboat; the registration number; and a

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145 description, including color scheme, of the vessel, live-aboard
146 vessel, or houseboat.

147

148 A registrant must attest that the information provided is true,
149 correct, and complete. A registrant who willfully provides false
150 information commits a felony of the third degree, punishable as
151 provided in s. 775.082 or s. 775.083.

152 (10) PENALTIES.--

153 (a) Except as otherwise specifically provided, a sexual
154 predator who fails to register; who fails, after registration, to
155 maintain, acquire, or renew a driver's license or identification
156 card; who fails to provide required location information,
157 electronic mail address information, instant message name
158 information, home telephone number and any cellular telephone
159 number, or change-of-name information; who fails to make a
160 required report in connection with vacating a permanent
161 residence; who fails to reregister as required; who fails to
162 respond to any address verification correspondence from the
163 department within 3 weeks of the date of the correspondence; or
164 who otherwise fails, by act or omission, to comply with the
165 requirements of this section, commits a felony of the third
166 degree, punishable as provided in s. 775.082, s. 775.083, or s.
167 775.084.

168 Section 2. Subsection (1) of section 943.043, Florida
169 Statutes, is amended, and subsections (6), (7), and (8) are added
170 to that section, to read:

171 943.043 Toll-free telephone number; Internet notification;
172 sexual predator and sexual offender information.--

173 (1) The department shall ~~may~~ notify the public through the

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174 Internet of any information regarding sexual predators and sexual
175 offenders which is not confidential and exempt from public
176 disclosure under s. 119.07(1) and s. 24(a), Art. I of the State
177 Constitution.

178 (6) The notification to the public of any information
179 regarding sexual predators and sexual offenders through the
180 Internet under this section, at a minimum, must:

181 (a) Communicate information including:

182 1. The name of the sexual predator or sexual offender;

183 2. A description of the sexual predator or sexual offender,
184 including a photograph;

185 3. The current address of the sexual predator or sexual
186 offender, including the name of the county or municipality, if
187 known;

188 4. The circumstances of the sexual predator or sexual
189 offender's offense or offenses; and

190 5. Whether the victim of the sexual predator or sexual
191 offender, at the time of the offense, was a minor or an adult;

192 (b) Provide for any feature that displays the location of
193 predators and offenders on a map to visually distinguish newly
194 registered or relocated predators or offenders from existing
195 predators or offenders for a period of six months after the new
196 registration or relocation;

197 (c) Enable a user to collapse the radius of a selected
198 viewable area on a map from 1 mile to 1,000 feet to enhance the
199 user's ability to identify sexual predators or sexual offenders
200 located in smaller geographic areas; and

201 (d) Enable a user to select a particular point on a map and
202 identify sexual predators and sexual offenders at specified

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203 distances from the selected point.

204 (7) The department shall develop, in cooperation with the
205 reporting agencies, a uniform system to require verification of
206 addresses submitted by sexual predators and sexual offenders when
207 the submitted address cannot be plotted on a map due to errors,
208 omissions, or other irregularities in the address.

209 (8) The department shall determine the feasibility of
210 providing a mapping mechanism for use by public users which is
211 capable of plotting each sexual offender and sexual predator's
212 known proximity to, and distance from, sites such as schools, day
213 care centers, parks, or playgrounds, as indicated under s.
214 794.065. The department should examine the feasibility of
215 providing users with information regarding any given predator or
216 offender's restricted access to those sites. The department shall
217 report its findings and cost estimations to the Governor, the
218 President of the Senate, and the Speaker of the House of
219 Representatives by December 1, 2008.

220 Section 3. Paragraph (b) of subsection (2) and paragraph
221 (c) of subsection (14) of section 943.0435, Florida Statutes, are
222 amended to read:

223 943.0435 Sexual offenders required to register with the
224 department; penalty.--

225 (2) A sexual offender shall:

226 (b) Provide his or her name, date of birth, social security
227 number, race, sex, height, weight, hair and eye color, tattoos or
228 other identifying marks, occupation and place of employment,
229 address of permanent or legal residence or address of any current
230 temporary residence, within the state and out of state, including
231 a rural route address and a post office box, home telephone

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232 | number and any cellular telephone number, any electronic mail
233 | address and any instant message name required to be provided
234 | pursuant to paragraph (4) (d), date and place of each conviction,
235 | and a brief description of the crime or crimes committed by the
236 | offender. A post office box shall not be provided in lieu of a
237 | physical residential address.

238 | 1. If the sexual offender's place of residence is a motor
239 | vehicle, trailer, mobile home, or manufactured home, as defined
240 | in chapter 320, the sexual offender shall also provide to the
241 | department through the sheriff's office written notice of the
242 | vehicle identification number; the license tag number; the
243 | registration number; and a description, including color scheme,
244 | of the motor vehicle, trailer, mobile home, or manufactured home.
245 | If the sexual offender's place of residence is a vessel, live-
246 | aboard vessel, or houseboat, as defined in chapter 327, the
247 | sexual offender shall also provide to the department written
248 | notice of the hull identification number; the manufacturer's
249 | serial number; the name of the vessel, live-aboard vessel, or
250 | houseboat; the registration number; and a description, including
251 | color scheme, of the vessel, live-aboard vessel, or houseboat.

252 | 2. If the sexual offender is enrolled, employed, or
253 | carrying on a vocation at an institution of higher education in
254 | this state, the sexual offender shall also provide to the
255 | department through the sheriff's office the name, address, and
256 | county of each institution, including each campus attended, and
257 | the sexual offender's enrollment or employment status. Each
258 | change in enrollment or employment status shall be reported in
259 | person at the sheriff's office, within 48 hours after any change
260 | in status. The sheriff shall promptly notify each institution of

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261 | the sexual offender's presence and any change in the sexual
262 | offender's enrollment or employment status.

263

264 | When a sexual offender reports at the sheriff's office, the
265 | sheriff shall take a photograph and a set of fingerprints of the
266 | offender and forward the photographs and fingerprints to the
267 | department, along with the information provided by the sexual
268 | offender. The sheriff shall promptly provide to the department
269 | the information received from the sexual offender.

270 | (14)

271 | (c) The sheriff's office may determine the appropriate
272 | times and days for reporting by the sexual offender, which shall
273 | be consistent with the reporting requirements of this subsection.
274 | Reregistration shall include any changes to the following
275 | information:

276 | 1. Name; social security number; age; race; sex; date of
277 | birth; height; weight; hair and eye color; address of any
278 | permanent residence and address of any current temporary
279 | residence, within the state or out of state, including a rural
280 | route address and a post office box; any electronic mail address
281 | and any instant message name required to be provided pursuant to
282 | paragraph (4) (d); telephone number, including any cellular
283 | telephone number; date and place of any employment; vehicle make,
284 | model, color, and license tag number; fingerprints; and
285 | photograph. A post office box shall not be provided in lieu of a
286 | physical residential address.

287 | 2. If the sexual offender is enrolled, employed, or
288 | carrying on a vocation at an institution of higher education in
289 | this state, the sexual offender shall also provide to the

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290 department the name, address, and county of each institution,
291 including each campus attended, and the sexual offender's
292 enrollment or employment status.

293 3. If the sexual offender's place of residence is a motor
294 vehicle, trailer, mobile home, or manufactured home, as defined
295 in chapter 320, the sexual offender shall also provide the
296 vehicle identification number; the license tag number; the
297 registration number; and a description, including color scheme,
298 of the motor vehicle, trailer, mobile home, or manufactured home.
299 If the sexual offender's place of residence is a vessel, live-
300 aboard vessel, or houseboat, as defined in chapter 327, the
301 sexual offender shall also provide the hull identification
302 number; the manufacturer's serial number; the name of the vessel,
303 live-aboard vessel, or houseboat; the registration number; and a
304 description, including color scheme, of the vessel, live-aboard
305 vessel or houseboat.

306 4. Any sexual offender who fails to report in person as
307 required at the sheriff's office, or who fails to respond to any
308 address verification correspondence from the department within 3
309 weeks of the date of the correspondence or who fails to report
310 electronic mail addresses or instant message names, commits a
311 felony of the third degree, punishable as provided in s. 775.082,
312 s. 775.083, or s. 775.084.

313

314 A registrant must attest that the information provided under this
315 paragraph is true, correct, and complete. A registrant who
316 willfully provides false information commits a felony of the
317 third degree, punishable as provided in s. 775.082 or s. 775.083.

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318 Section 4. Paragraph (a) of subsection (3) of section
319 944.606, Florida Statutes, is amended to read:

320 944.606 Sexual offenders; notification upon release.--

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

324 1. The department must provide: the sexual offender's name,
325 any change in the offender's name by reason of marriage or other
326 legal process, and any alias, if known; the correctional facility
327 from which the sexual offender is released; the sexual offender's
328 social security number, race, sex, date of birth, height, weight,
329 and hair and eye color; date and county of sentence and each
330 crime for which the offender was sentenced; a copy of the
331 offender's fingerprints and a digitized photograph taken within
332 60 days before release; the date of release of the sexual
333 offender; any electronic mail address and any instant message
334 name required to be provided pursuant to s. 943.0435(4)(d);
335 telephone number, including any cellular telephone number; and
336 the offender's intended residence address, if known. The
337 department shall notify the Department of Law Enforcement if the
338 sexual offender escapes, absconds, or dies. If the sexual
339 offender is in the custody of a private correctional facility,
340 the facility shall take the digitized photograph of the sexual
341 offender within 60 days before the sexual offender's release and
342 provide this photograph to the Department of Corrections and also
343 place it in the sexual offender's file. If the sexual offender is
344 in the custody of a local jail, the custodian of the local jail
345 shall register the offender within 3 business days after intake
346 of the offender for any reason and upon release, and shall notify

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347 | the Department of Law Enforcement of the sexual offender's
348 | release and provide to the Department of Law Enforcement the
349 | information specified in this paragraph and any information
350 | specified in subparagraph 2. that the Department of Law
351 | Enforcement requests.

352 | 2. The department may provide any other information deemed
353 | necessary, including criminal and corrections records,
354 | nonprivileged personnel and treatment records, when available.

355 | Section 5. Subsection (4) of section 944.607, Florida
356 | Statutes, is amended to read:

357 | 944.607 Notification to Department of Law Enforcement of
358 | information on sexual offenders.--

359 | (4) A sexual offender, as described in this section, who is
360 | under the supervision of the Department of Corrections but is not
361 | incarcerated must register with the Department of Corrections
362 | within 3 business days after sentencing for a registerable
363 | offense and otherwise provide information as required by this
364 | subsection.

365 | (a) The sexual offender shall provide his or her name; date
366 | of birth; social security number; race; sex; height; weight; hair
367 | and eye color; tattoos or other identifying marks; any electronic
368 | mail address and any instant message name required to be provided
369 | pursuant to s. 943.0435(4)(d); home telephone numbers, including
370 | any cellular telephone numbers; and permanent or legal residence
371 | and address of temporary residence within the state or out of
372 | state while the sexual offender is under supervision in this
373 | state, including any rural route address or post office box. The
374 | Department of Corrections shall verify the address of each sexual
375 | offender in the manner described in ss. 775.21 and 943.0435. The

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376 department shall report to the Department of Law Enforcement any
377 failure by a sexual predator or sexual offender to comply with
378 registration requirements.

379 (b) If the sexual offender is enrolled, employed, or
380 carrying on a vocation at an institution of higher education in
381 this state, the sexual offender shall provide the name, address,
382 and county of each institution, including each campus attended,
383 and the sexual offender's enrollment or employment status. Each
384 change in enrollment or employment status shall be reported to
385 the department within 48 hours after the change in status. The
386 Department of Corrections shall promptly notify each institution
387 of the sexual offender's presence and any change in the sexual
388 offender's enrollment or employment status.

389
390 A registrant must attest that the information provided under this
391 subsection is true, correct, and complete. A registrant who
392 willfully provides false information commits a felony of the
393 third degree, punishable as provided in s. 775.082 or s. 775.083.

394 Section 6. Paragraph (a) of subsection (3) of section
395 985.481, Florida Statutes, is amended to read:

396 985.481 Sexual offenders adjudicated delinquent;
397 notification upon release.--

398 (3)(a) The department must provide information regarding
399 any sexual offender who is being released after serving a period
400 of residential commitment under the department for any offense,
401 as follows:

402 1. The department must provide the sexual offender's name,
403 any change in the offender's name by reason of marriage or other
404 legal process, and any alias, if known; the correctional facility

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405 | from which the sexual offender is released; the sexual offender's
406 | social security number, race, sex, date of birth, height, weight,
407 | and hair and eye color; home telephone numbers, including any
408 | cellular telephone numbers, date and county of disposition and
409 | each crime for which there was a disposition; a copy of the
410 | offender's fingerprints and a digitized photograph taken within
411 | 60 days before release; the date of release of the sexual
412 | offender; and the offender's intended residence address, if
413 | known. The department shall notify the Department of Law
414 | Enforcement if the sexual offender escapes, absconds, or dies. If
415 | the sexual offender is in the custody of a private correctional
416 | facility, the facility shall take the digitized photograph of the
417 | sexual offender within 60 days before the sexual offender's
418 | release and also place it in the sexual offender's file. If the
419 | sexual offender is in the custody of a local jail, the custodian
420 | of the local jail shall register the offender within 3 business
421 | days after intake of the offender for any reason and upon
422 | release, and shall notify the Department of Law Enforcement of
423 | the sexual offender's release and provide to the Department of
424 | Law Enforcement the information specified in this subparagraph
425 | and any information specified in subparagraph 2. which the
426 | Department of Law Enforcement requests.

427 | 2. The department may provide any other information
428 | considered necessary, including criminal and delinquency records,
429 | when available.

430 | Section 7. Subsection (4) of section 985.4815, Florida
431 | Statutes, is amended to read:

432 | 985.4815 Notification to Department of Law Enforcement of
433 | information on juvenile sexual offenders.--

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

439 (a) The sexual offender shall provide his or her name; date
440 of birth; social security number; race; sex; height; weight; hair
441 and eye color; tattoos or other identifying marks; and permanent
442 or legal residence and address of temporary residence within the
443 state or out of state while the sexual offender is in the care or
444 custody or under the jurisdiction or supervision of the
445 department in this state, including any rural route address or
446 post office box, and the name and address of each school
447 attended; and home telephone number, including any cellular
448 telephone number. The department shall verify the address of each
449 sexual offender and shall report to the Department of Law
450 Enforcement any failure by a sexual offender to comply with
451 registration requirements.

452 (b) If the sexual offender is enrolled, employed, or
453 carrying on a vocation at an institution of higher education in
454 this state, the sexual offender shall provide the name, address,
455 and county of each institution, including each campus attended,
456 and the sexual offender's enrollment or employment status. Each
457 change in enrollment or employment status shall be reported to
458 the department within 48 hours after the change in status. The
459 department shall promptly notify each institution of the sexual
460 offender's presence and any change in the sexual offender's
461 enrollment or employment status.

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463 | A registrant must attest that the information provided under this
464 | subsection is true, correct, and complete. A registrant who
465 | willfully provides false information commits a felony of the
466 | third degree, punishable as provided in s. 775.082 or s. 775.083.

467 | Section 8. This act shall take effect October 1, 2008.