

By the Committees on Criminal and Civil Justice Appropriations;
Judiciary; Criminal Justice; and Senators Ring, Crist and Fasano

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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 through the Internet of information
14 concerning sexual predators and sexual offenders,
15 including any information regarding juveniles who are
16 designated as a sexual predator or who meet the criteria
17 of a sexual offender; specifying what sexual predator and
18 sexual offender information and features must be available
19 on the Internet; requiring the Department of Law
20 Enforcement to develop a uniform system to verify predator
21 and offender address information when address submitted
22 cannot be plotted on a map; requiring the Department of
23 Law Enforcement to determine the feasibility of certain
24 Internet features; amending s. 944.606, F.S.; requiring
25 that the Department of Law Enforcement be notified of the
26 home telephone number and any cellular telephone number of
27 a sexual offender released from incarceration; amending s.
28 985.481, F.S.; requiring that the Department of Law
29 Enforcement be notified of the home telephone number and

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30 any cellular telephone number of a juvenile sexual
31 offender released after serving a period of residential
32 commitment; providing effective dates.

33
34 Be It Enacted by the Legislature of the State of Florida:

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

39 775.21 The Florida Sexual Predators Act.--

40 (6) REGISTRATION.--

41 (a) A sexual predator must register with the department
42 through the sheriff's office by providing the following
43 information to the department:

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

56 a. If the sexual predator's place of residence is a motor
57 vehicle, trailer, mobile home, or manufactured home, as defined
58 in chapter 320, the sexual predator shall also provide to the

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

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

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

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88
89 A registrant must attest that the information provided is true,
90 correct, and complete. A registrant who willfully provides false
91 information commits a felony of the third degree, punishable as
92 provided in s. 775.082 or s. 775.083.

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

111 (a) A sexual predator must report in person each year
112 during the month of the sexual predator's birthday and during
113 every third month thereafter to the sheriff's office in the
114 county in which he or she resides or is otherwise located to
115 reregister. The sheriff's office may determine the appropriate
116 times and days for reporting by the sexual predator, which shall

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117 | be consistent with the reporting requirements of this paragraph.
118 | Reregistration shall include any changes to the following
119 | information:

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

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

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

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146 number; the manufacturer's serial number; the name of the vessel,
147 live-aboard vessel, or houseboat; the registration number; and a
148 description, including color scheme, of the vessel, live-aboard
149 vessel, or houseboat.

150

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

155 (10) PENALTIES.--

156 (a) Except as otherwise specifically provided, a sexual
157 predator who fails to register; who fails, after registration, to
158 maintain, acquire, or renew a driver's license or identification
159 card; who fails to provide required location information,
160 electronic mail address information, instant message name
161 information, home telephone number and any cellular telephone
162 number, or change-of-name information; who fails to make a
163 required report in connection with vacating a permanent
164 residence; who fails to reregister as required; who fails to
165 respond to any address verification correspondence from the
166 department within 3 weeks of the date of the correspondence; or
167 who otherwise fails, by act or omission, to comply with the
168 requirements of this section, commits a felony of the third
169 degree, punishable as provided in s. 775.082, s. 775.083, or s.
170 775.084.

171 Section 2. Effective December 1, 2008, subsection (1) of
172 section 943.043, Florida Statutes, is amended, and subsections
173 (6), (7), and (8) are added to that section, to read:

174 943.043 Toll-free telephone number; Internet notification;

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175 sexual predator and sexual offender information.--

176 (1) The department shall ~~may~~ notify the public through the
177 Internet of any information regarding sexual predators and sexual
178 offenders and of any information regarding juveniles who are
179 designated a sexual predator under s. 775.21 or who meet the
180 criteria of a sexual offender designation under s. 943.0435(1)(a)
181 1.d. which is not confidential and exempt from public disclosure
182 under s. 119.07(1) and s. 24(a), Art. I of the State
183 Constitution.

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

187 (a) Include the following information when contained in the
188 registry database:

- 189 1. The name of the sexual predator or sexual offender;
- 190 2. A description of the sexual predator or sexual offender,
191 including a photograph;
- 192 3. The current address of the sexual predator or sexual
193 offender, including the name of the county or municipality, if
194 known;
- 195 4. The circumstances of the sexual predator or sexual
196 offender's offense or offenses; and
- 197 5. Whether the victim of the sexual predator or sexual
198 offender, at the time of the offense, was a minor or an adult;

199 (b) Provide for any feature that displays the location of
200 predators and offenders on a map to visually distinguish newly
201 registered or relocated predators or offenders from existing
202 predators or offenders for a period of six months after the new
203 registration or relocation;

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

208 (d) Enable a user to select a particular point on a map and
209 identify sexual predators and sexual offenders at specified
210 distances from the selected point.

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

216 (8) The department shall determine the feasibility of
217 providing a mapping mechanism for use by public users which is
218 capable of plotting each sexual offender and sexual predator's
219 known proximity to, and distance from, sites such as schools, day
220 care centers, parks, or playgrounds, as indicated under s.
221 794.065. The department should examine the feasibility of
222 providing users with information regarding any given predator or
223 offender's restricted access to those sites. The department shall
224 report its findings and cost estimations to the Governor, the
225 President of the Senate, and the Speaker of the House of
226 Representatives by December 1, 2008.

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

230 943.0435 Sexual offenders required to register with the
231 department; penalty.--

232 (2) A sexual offender shall:

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233 (b) Provide his or her name, date of birth, social security
234 number, race, sex, height, weight, hair and eye color, tattoos or
235 other identifying marks, occupation and place of employment,
236 address of permanent or legal residence or address of any current
237 temporary residence, within the state and out of state, including
238 a rural route address and a post office box, home telephone
239 number and any cellular telephone number, any electronic mail
240 address and any instant message name required to be provided
241 pursuant to paragraph (4) (d), date and place of each conviction,
242 and a brief description of the crime or crimes committed by the
243 offender. A post office box shall not be provided in lieu of a
244 physical residential address.

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

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

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262 department through the sheriff's office the name, address, and
263 county of each institution, including each campus attended, and
264 the sexual offender's enrollment or employment status. Each
265 change in enrollment or employment status shall be reported in
266 person at the sheriff's office, within 48 hours after any change
267 in status. The sheriff shall promptly notify each institution of
268 the sexual offender's presence and any change in the sexual
269 offender's enrollment or employment status.

270

271 When a sexual offender reports at the sheriff's office, the
272 sheriff shall take a photograph and a set of fingerprints of the
273 offender and forward the photographs and fingerprints to the
274 department, along with the information provided by the sexual
275 offender. The sheriff shall promptly provide to the department
276 the information received from the sexual offender.

277 (14)

278 (c) The sheriff's office may determine the appropriate
279 times and days for reporting by the sexual offender, which shall
280 be consistent with the reporting requirements of this subsection.
281 Reregistration shall include any changes to the following
282 information:

283 1. Name; social security number; age; race; sex; date of
284 birth; height; weight; hair and eye color; address of any
285 permanent residence and address of any current temporary
286 residence, within the state or out of state, including a rural
287 route address and a post office box; any electronic mail address
288 and any instant message name required to be provided pursuant to
289 paragraph (4) (d); telephone number, including any cellular
290 telephone number; date and place of any employment; vehicle make,

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291 | model, color, and license tag number; fingerprints; and
292 | photograph. A post office box shall not be provided in lieu of a
293 | physical residential address.

294 | 2. If the sexual offender is enrolled, employed, or
295 | carrying on a vocation at an institution of higher education in
296 | this state, the sexual offender shall also provide to the
297 | department the name, address, and county of each institution,
298 | including each campus attended, and the sexual offender's
299 | enrollment or employment status.

300 | 3. If the sexual offender's place of residence is a motor
301 | vehicle, trailer, mobile home, or manufactured home, as defined
302 | in chapter 320, the sexual offender shall also provide the
303 | vehicle identification number; the license tag number; the
304 | registration number; and a description, including color scheme,
305 | of the motor vehicle, trailer, mobile home, or manufactured home.
306 | If the sexual offender's place of residence is a vessel, live-
307 | aboard vessel, or houseboat, as defined in chapter 327, the
308 | sexual offender shall also provide the hull identification
309 | number; the manufacturer's serial number; the name of the vessel,
310 | live-aboard vessel, or houseboat; the registration number; and a
311 | description, including color scheme, of the vessel, live-aboard
312 | vessel or houseboat.

313 | 4. Any sexual offender who fails to report in person as
314 | required at the sheriff's office, or who fails to respond to any
315 | address verification correspondence from the department within 3
316 | weeks of the date of the correspondence or who fails to report
317 | electronic mail addresses or instant message names, commits a
318 | felony of the third degree, punishable as provided in s. 775.082,
319 | s. 775.083, or s. 775.084.

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320
321 A registrant must attest that the information provided under this
322 paragraph is true, correct, and complete. A registrant who
323 willfully provides false information commits a felony of the
324 third degree, punishable as provided in s. 775.082 or s. 775.083.

325 Section 4. Paragraph (a) of subsection (3) of section
326 944.606, Florida Statutes, is amended to read:

327 944.606 Sexual offenders; notification upon release.--

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

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

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349 provide this photograph to the Department of Corrections and also
350 place it in the sexual offender's file. If the sexual offender is
351 in the custody of a local jail, the custodian of the local jail
352 shall register the offender within 3 business days after intake
353 of the offender for any reason and upon release, and shall notify
354 the Department of Law Enforcement of the sexual offender's
355 release and provide to the Department of Law Enforcement the
356 information specified in this paragraph and any information
357 specified in subparagraph 2. that the Department of Law
358 Enforcement requests.

359 2. The department may provide any other information deemed
360 necessary, including criminal and corrections records,
361 nonprivileged personnel and treatment records, when available.

362 Section 5. Subsection (4) of section 944.607, Florida
363 Statutes, is amended to read:

364 944.607 Notification to Department of Law Enforcement of
365 information on sexual offenders.--

366 (4) A sexual offender, as described in this section, who is
367 under the supervision of the Department of Corrections but is not
368 incarcerated must register with the Department of Corrections
369 within 3 business days after sentencing for a registerable
370 offense and otherwise provide information as required by this
371 subsection.

372 (a) The sexual offender shall provide his or her name; date
373 of birth; social security number; race; sex; height; weight; hair
374 and eye color; tattoos or other identifying marks; any electronic
375 mail address and any instant message name required to be provided
376 pursuant to s. 943.0435(4) (d); home telephone numbers, including
377 any cellular telephone numbers; and permanent or legal residence

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378 and address of temporary residence within the state or out of
379 state while the sexual offender is under supervision in this
380 state, including any rural route address or post office box. The
381 Department of Corrections shall verify the address of each sexual
382 offender in the manner described in ss. 775.21 and 943.0435. The
383 department shall report to the Department of Law Enforcement any
384 failure by a sexual predator or sexual offender to comply with
385 registration requirements.

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

396
397 A registrant must attest that the information provided under this
398 subsection is true, correct, and complete. A registrant who
399 willfully provides false information commits a felony of the
400 third degree, punishable as provided in s. 775.082 or s. 775.083.

401 Section 6. Paragraph (a) of subsection (3) of section
402 985.481, Florida Statutes, is amended to read:

403 985.481 Sexual offenders adjudicated delinquent;
404 notification upon release.--

405 (3) (a) The department must provide information regarding
406 any sexual offender who is being released after serving a period

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407 of residential commitment under the department for any offense,
408 as follows:

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

434 2. The department may provide any other information
435 considered necessary, including criminal and delinquency records,

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436 when available.

437 Section 7. Subsection (4) of section 985.4815, Florida
438 Statutes, is amended to read:

439 985.4815 Notification to Department of Law Enforcement of
440 information on juvenile sexual offenders.--

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

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

459 (b) If the sexual offender is enrolled, employed, or
460 carrying on a vocation at an institution of higher education in
461 this state, the sexual offender shall provide the name, address,
462 and county of each institution, including each campus attended,
463 and the sexual offender's enrollment or employment status. Each
464 change in enrollment or employment status shall be reported to

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465 | the department within 48 hours after the change in status. The
466 | department shall promptly notify each institution of the sexual
467 | offender's presence and any change in the sexual offender's
468 | enrollment or employment status.

469 |
470 | A registrant must attest that the information provided under this
471 | subsection is true, correct, and complete. A registrant who
472 | willfully provides false information commits a felony of the
473 | third degree, punishable as provided in s. 775.082 or s. 775.083.

474 | Section 8. Except as otherwise expressly provided in this
475 | act, this act shall take effect October 1, 2008.