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

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30 telephone number of a juvenile sexual offender released
31 after serving a period of residential commitment;
32 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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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 adult sexual predators and
178 adult sexual offenders, and of any information regarding a
179 juvenile who is designated a sexual predator pursuant to s.
180 775.21 or who meets the criteria of a sexual offender pursuant to
181 s. 943.0435(1)(a)1.d., which is not confidential and exempt from
182 the public disclosure under s. 119.07(1) and s. 24(a), Art. I of
183 the State Constitution. As used in this section, the term "adult
184 sexual predators and adult sexual offenders" means those persons
185 designated as a sexual predator or who meet the criteria as a
186 sexual offender and whose designation as a sexual predator or
187 meeting of the criteria as a sexual offender is based on an
188 offense or offenses committed after such persons attained the age
189 of 18 years, or is based on an offense or offenses for which such
190 persons were adjudicated as an adult, regardless of age.

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

194 (a) Include the following information when contained in the
195 registry database:

- 196 1. The name of the sexual predator or sexual offender;
- 197 2. A description of the sexual predator or sexual offender,
198 including a photograph;
- 199 3. The current address of the sexual predator or sexual
200 offender, including the name of the county or municipality, if
201 known;
- 202 4. The circumstances of the sexual predator or sexual
203 offender's offense or offenses; and

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

206 (b) Provide for any feature that displays the location of
207 predators and offenders on a map to visually distinguish newly
208 registered or relocated predators or offenders from existing
209 predators or offenders for a period of six months after the new
210 registration or relocation;

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

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

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

223 (8) The department shall determine the feasibility of
224 providing a mapping mechanism for use by public users which is
225 capable of plotting each sexual offender and sexual predator's
226 known proximity to, and distance from, sites such as schools, day
227 care centers, parks, or playgrounds, as indicated under s.
228 794.065. The department should examine the feasibility of
229 providing users with information regarding any given predator or
230 offender's restricted access to those sites. The department shall
231 report its findings and cost estimations to the Governor, the
232 President of the Senate, and the Speaker of the House of

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233 Representatives by December 1, 2008.

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

237 943.0435 Sexual offenders required to register with the
238 department; penalty.--

239 (2) A sexual offender shall:

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

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

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262 notice of the hull identification number; the manufacturer's
263 serial number; the name of the vessel, live-aboard vessel, or
264 houseboat; the registration number; and a description, including
265 color scheme, of the vessel, live-aboard vessel, or houseboat.

266 2. If the sexual offender is enrolled, employed, or
267 carrying on a vocation at an institution of higher education in
268 this state, the sexual offender shall also provide to the
269 department through the sheriff's office the name, address, and
270 county of each institution, including each campus attended, and
271 the sexual offender's enrollment or employment status. Each
272 change in enrollment or employment status shall be reported in
273 person at the sheriff's office, within 48 hours after any change
274 in status. The sheriff shall promptly notify each institution of
275 the sexual offender's presence and any change in the sexual
276 offender's enrollment or employment status.

277
278 When a sexual offender reports at the sheriff's office, the
279 sheriff shall take a photograph and a set of fingerprints of the
280 offender and forward the photographs and fingerprints to the
281 department, along with the information provided by the sexual
282 offender. The sheriff shall promptly provide to the department
283 the information received from the sexual offender.

284 (14)

285 (c) The sheriff's office may determine the appropriate
286 times and days for reporting by the sexual offender, which shall
287 be consistent with the reporting requirements of this subsection.
288 Reregistration shall include any changes to the following
289 information:

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290 1. Name; social security number; age; race; sex; date of
291 birth; height; weight; hair and eye color; address of any
292 permanent residence and address of any current temporary
293 residence, within the state or out of state, including a rural
294 route address and a post office box; any electronic mail address
295 and any instant message name required to be provided pursuant to
296 paragraph (4) (d); telephone number, including any cellular
297 telephone number; date and place of any employment; vehicle make,
298 model, color, and license tag number; fingerprints; and
299 photograph. A post office box shall not be provided in lieu of a
300 physical residential address.

301 2. If the sexual offender is enrolled, employed, or
302 carrying on a vocation at an institution of higher education in
303 this state, the sexual offender shall also provide to the
304 department the name, address, and county of each institution,
305 including each campus attended, and the sexual offender's
306 enrollment or employment status.

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

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318 description, including color scheme, of the vessel, live-aboard
319 vessel or houseboat.

320 4. Any sexual offender who fails to report in person as
321 required at the sheriff's office, or who fails to respond to any
322 address verification correspondence from the department within 3
323 weeks of the date of the correspondence or who fails to report
324 electronic mail addresses or instant message names, commits a
325 felony of the third degree, punishable as provided in s. 775.082,
326 s. 775.083, or s. 775.084.

327
328 A registrant must attest that the information provided under this
329 paragraph is true, correct, and complete. A registrant who
330 willfully provides false information commits a felony of the
331 third degree, punishable as provided in s. 775.082 or s. 775.083.

332 Section 4. Paragraph (a) of subsection (3) of section
333 944.606, Florida Statutes, is amended to read:

334 944.606 Sexual offenders; notification upon release.--

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

338 1. The department must provide: the sexual offender's name,
339 any change in the offender's name by reason of marriage or other
340 legal process, and any alias, if known; the correctional facility
341 from which the sexual offender is released; the sexual offender's
342 social security number, race, sex, date of birth, height, weight,
343 and hair and eye color; date and county of sentence and each
344 crime for which the offender was sentenced; a copy of the
345 offender's fingerprints and a digitized photograph taken within
346 60 days before release; the date of release of the sexual

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347 offender; any electronic mail address and any instant message
348 name required to be provided pursuant to s. 943.0435(4)(d);
349 telephone number, including any cellular telephone number; and
350 the offender's intended residence address, if known. The
351 department shall notify the Department of Law Enforcement if the
352 sexual offender escapes, absconds, or dies. If the sexual
353 offender is in the custody of a private correctional facility,
354 the facility shall take the digitized photograph of the sexual
355 offender within 60 days before the sexual offender's release and
356 provide this photograph to the Department of Corrections and also
357 place it in the sexual offender's file. If the sexual offender is
358 in the custody of a local jail, the custodian of the local jail
359 shall register the offender within 3 business days after intake
360 of the offender for any reason and upon release, and shall notify
361 the Department of Law Enforcement of the sexual offender's
362 release and provide to the Department of Law Enforcement the
363 information specified in this paragraph and any information
364 specified in subparagraph 2. that the Department of Law
365 Enforcement requests.

366 2. The department may provide any other information deemed
367 necessary, including criminal and corrections records,
368 nonprivileged personnel and treatment records, when available.

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

371 944.607 Notification to Department of Law Enforcement of
372 information on sexual offenders.--

373 (4) A sexual offender, as described in this section, who is
374 under the supervision of the Department of Corrections but is not
375 incarcerated must register with the Department of Corrections

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376 within 3 business days after sentencing for a registerable
377 offense and otherwise provide information as required by this
378 subsection.

379 (a) The sexual offender shall provide his or her name; date
380 of birth; social security number; race; sex; height; weight; hair
381 and eye color; tattoos or other identifying marks; any electronic
382 mail address and any instant message name required to be provided
383 pursuant to s. 943.0435(4)(d); home telephone numbers, including
384 any cellular telephone numbers; and permanent or legal residence
385 and address of temporary residence within the state or out of
386 state while the sexual offender is under supervision in this
387 state, including any rural route address or post office box. The
388 Department of Corrections shall verify the address of each sexual
389 offender in the manner described in ss. 775.21 and 943.0435. The
390 department shall report to the Department of Law Enforcement any
391 failure by a sexual predator or sexual offender to comply with
392 registration requirements.

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

403

404 A registrant must attest that the information provided under this

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405 subsection is true, correct, and complete. A registrant who
406 willfully provides false information commits a felony of the
407 third degree, punishable as provided in s. 775.082 or s. 775.083.

408 Section 6. Paragraph (a) of subsection (3) of section
409 985.481, Florida Statutes, is amended to read:

410 985.481 Sexual offenders adjudicated delinquent;
411 notification upon release.--

412 (3) (a) The department must provide information regarding
413 any sexual offender who is being released after serving a period
414 of residential commitment under the department for any offense,
415 as follows:

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

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434 of the local jail shall register the offender within 3 business
435 days after intake of the offender for any reason and upon
436 release, and shall notify the Department of Law Enforcement of
437 the sexual offender's release and provide to the Department of
438 Law Enforcement the information specified in this subparagraph
439 and any information specified in subparagraph 2. which the
440 Department of Law Enforcement requests.

441 2. The department may provide any other information
442 considered necessary, including criminal and delinquency records,
443 when available.

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

446 985.4815 Notification to Department of Law Enforcement of
447 information on juvenile sexual offenders.--

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

453 (a) The sexual offender shall provide his or her name; date
454 of birth; social security number; race; sex; height; weight; hair
455 and eye color; tattoos or other identifying marks; and permanent
456 or legal residence and address of temporary residence within the
457 state or out of state while the sexual offender is in the care or
458 custody or under the jurisdiction or supervision of the
459 department in this state, including any rural route address or
460 post office box, and the name and address of each school
461 attended; and home telephone number, including any cellular
462 telephone number. The department shall verify the address of each

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463 sexual offender and shall report to the Department of Law
464 Enforcement any failure by a sexual offender to comply with
465 registration requirements.

466 (b) If the sexual offender is enrolled, employed, or
467 carrying on a vocation at an institution of higher education in
468 this state, the sexual offender shall provide the name, address,
469 and county of each institution, including each campus attended,
470 and the sexual offender's enrollment or employment status. Each
471 change in enrollment or employment status shall be reported to
472 the department within 48 hours after the change in status. The
473 department shall promptly notify each institution of the sexual
474 offender's presence and any change in the sexual offender's
475 enrollment or employment status.

476
477 A registrant must attest that the information provided under this
478 subsection is true, correct, and complete. A registrant who
479 willfully provides false information commits a felony of the
480 third degree, punishable as provided in s. 775.082 or s. 775.083.

481 Section 8. Except as otherwise expressly provided in this
482 act, this act shall take effect October 1, 2008.