

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Kiar offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 60 and 61, insert:

5 Section 2. Paragraph (a) of subsection (6), paragraph (a)
6 of subsection (8), and paragraph (a) of subsection (10) of
7 section 775.21, Florida Statutes, are amended to read:

8 775.21 The Florida Sexual Predators Act.--

9 (6) REGISTRATION.--

10 (a) A sexual predator must register with the department
11 through the sheriff's office by providing the following
12 information to the department:

13 1. Name, social security number, age, race, sex, date of
14 birth, height, weight, hair and eye color, photograph, address
15 of legal residence and address of any current temporary
16 residence, within the state or out of state, including a rural
479449

4/29/2008 11:27 AM

Amendment No.

17 route address and a post office box, any electronic mail address
18 and any instant message name required to be provided pursuant to
19 subparagraph (g)4., home telephone number and any cellular
20 telephone number, date and place of any employment, date and
21 place of each conviction, fingerprints, and a brief description
22 of the crime or crimes committed by the offender. A post office
23 box shall not be provided in lieu of a physical residential
24 address.

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

39 b. If the sexual predator is enrolled, employed, or
40 carrying on a vocation at an institution of higher education in
41 this state, the sexual predator shall also provide to the
42 department the name, address, and county of each institution,
43 including each campus attended, and the sexual predator's
44 enrollment or employment status. Each change in enrollment or

479449

4/29/2008 11:27 AM

Amendment No.

45 employment status shall be reported in person at the sheriff's
46 office, or the Department of Corrections if the sexual predator
47 is in the custody or control of or under the supervision of the
48 Department of Corrections, within 48 hours after any change in
49 status. The sheriff or the Department of Corrections shall
50 promptly notify each institution of the sexual predator's
51 presence and any change in the sexual predator's enrollment or
52 employment status.

53 2. Any other information determined necessary by the
54 department, including criminal and corrections records;
55 nonprivileged personnel and treatment records; and evidentiary
56 genetic markers when available.

57 (8) VERIFICATION.--The department and the Department of
58 Corrections shall implement a system for verifying the addresses
59 of sexual predators. The system must be consistent with the
60 provisions of the federal Adam Walsh Child Protection and Safety
61 Act of 2006 and any other federal standards applicable to such
62 verification or required to be met as a condition for the
63 receipt of federal funds by the state. The Department of
64 Corrections shall verify the addresses of sexual predators who
65 are not incarcerated but who reside in the community under the
66 supervision of the Department of Corrections and shall report to
67 the department any failure by a sexual predator to comply with
68 registration requirements. County and local law enforcement
69 agencies, in conjunction with the department, shall verify the
70 addresses of sexual predators who are not under the care,
71 custody, control, or supervision of the Department of
72 Corrections. Local law enforcement agencies shall report to the
479449

4/29/2008 11:27 AM

Amendment No.

73 department any failure by a sexual predator to comply with
74 registration requirements.

75 (a) A sexual predator must report in person each year
76 during the month of the sexual predator's birthday and during
77 every third month thereafter to the sheriff's office in the
78 county in which he or she resides or is otherwise located to
79 reregister. The sheriff's office may determine the appropriate
80 times and days for reporting by the sexual predator, which shall
81 be consistent with the reporting requirements of this paragraph.
82 Reregistration shall include any changes to the following
83 information:

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

95 2. If the sexual predator is enrolled, employed, or
96 carrying on a vocation at an institution of higher education in
97 this state, the sexual predator shall also provide to the
98 department the name, address, and county of each institution,
99 including each campus attended, and the sexual predator's
100 enrollment or employment status.

479449

4/29/2008 11:27 AM

Amendment No.

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

114 (10) PENALTIES.--

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

479449

4/29/2008 11:27 AM

Amendment No.

128 degree, punishable as provided in s. 775.082, s. 775.083, or s.
129 775.084.

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

133 943.0435 Sexual offenders required to register with the
134 department; penalty.--

135 (2) A sexual offender shall:

136 (b) Provide his or her name, date of birth, social
137 security number, race, sex, height, weight, hair and eye color,
138 tattoos or other identifying marks, occupation and place of
139 employment, address of permanent or legal residence or address
140 of any current temporary residence, within the state and out of
141 state, including a rural route address and a post office box,
142 home telephone number and any cellular telephone number, any
143 electronic mail address and any instant message name required to
144 be provided pursuant to paragraph (4)(d), date and place of each
145 conviction, and a brief description of the crime or crimes
146 committed by the offender. A post office box shall not be
147 provided in lieu of a physical residential address.

148 1. If the sexual offender's place of residence is a motor
149 vehicle, trailer, mobile home, or manufactured home, as defined
150 in chapter 320, the sexual offender shall also provide to the
151 department through the sheriff's office written notice of the
152 vehicle identification number; the license tag number; the
153 registration number; and a description, including color scheme,
154 of the motor vehicle, trailer, mobile home, or manufactured
155 home. If the sexual offender's place of residence is a vessel,

479449

4/29/2008 11:27 AM

Amendment No.

156 live-aboard vessel, or houseboat, as defined in chapter 327, the
157 sexual offender shall also provide to the department written
158 notice of the hull identification number; the manufacturer's
159 serial number; the name of the vessel, live-aboard vessel, or
160 houseboat; the registration number; and a description, including
161 color scheme, of the vessel, live-aboard vessel, or houseboat.

162 2. If the sexual offender is enrolled, employed, or
163 carrying on a vocation at an institution of higher education in
164 this state, the sexual offender shall also provide to the
165 department through the sheriff's office the name, address, and
166 county of each institution, including each campus attended, and
167 the sexual offender's enrollment or employment status. Each
168 change in enrollment or employment status shall be reported in
169 person at the sheriff's office, within 48 hours after any change
170 in status. The sheriff shall promptly notify each institution of
171 the sexual offender's presence and any change in the sexual
172 offender's enrollment or employment status.

173
174 When a sexual offender reports at the sheriff's office, the
175 sheriff shall take a photograph and a set of fingerprints of the
176 offender and forward the photographs and fingerprints to the
177 department, along with the information provided by the sexual
178 offender. The sheriff shall promptly provide to the department
179 the information received from the sexual offender.

180 (14)

181 (c) The sheriff's office may determine the appropriate
182 times and days for reporting by the sexual offender, which shall
183 be consistent with the reporting requirements of this

479449

4/29/2008 11:27 AM

Amendment No.

184 subsection. Reregistration shall include any changes to the
185 following information:

186 1. Name; social security number; age; race; sex; date of
187 birth; height; weight; hair and eye color; address of any
188 permanent residence and address of any current temporary
189 residence, within the state or out of state, including a rural
190 route address and a post office box; any electronic mail address
191 and any instant message name required to be provided pursuant to
192 paragraph (4) (d); telephone number, including any cellular
193 telephone number; date and place of any employment; vehicle
194 make, model, color, and license tag number; fingerprints; and
195 photograph. A post office box shall not be provided in lieu of a
196 physical residential address.

197 2. If the sexual offender is enrolled, employed, or
198 carrying on a vocation at an institution of higher education in
199 this state, the sexual offender shall also provide to the
200 department the name, address, and county of each institution,
201 including each campus attended, and the sexual offender's
202 enrollment or employment status.

203 3. If the sexual offender's place of residence is a motor
204 vehicle, trailer, mobile home, or manufactured home, as defined
205 in chapter 320, the sexual offender shall also provide the
206 vehicle identification number; the license tag number; the
207 registration number; and a description, including color scheme,
208 of the motor vehicle, trailer, mobile home, or manufactured
209 home. If the sexual offender's place of residence is a vessel,
210 live-aboard vessel, or houseboat, as defined in chapter 327, the
211 sexual offender shall also provide the hull identification

479449

4/29/2008 11:27 AM

Amendment No.

212 number; the manufacturer's serial number; the name of the
213 vessel, live-aboard vessel, or houseboat; the registration
214 number; and a description, including color scheme, of the
215 vessel, live-aboard vessel or houseboat.

216 4. Any sexual offender who fails to report in person as
217 required at the sheriff's office, or who fails to respond to any
218 address verification correspondence from the department within 3
219 weeks of the date of the correspondence or who fails to report
220 electronic mail addresses or instant message names, commits a
221 felony of the third degree, punishable as provided in s.
222 775.082, s. 775.083, or s. 775.084.

223 Section 4. Paragraph (a) of subsection (3) of section
224 944.606, Florida Statutes, is amended to read:

225 944.606 Sexual offenders; notification upon release.--

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

229 1. The department must provide: the sexual offender's
230 name, any change in the offender's name by reason of marriage or
231 other legal process, and any alias, if known; the correctional
232 facility from which the sexual offender is released; the sexual
233 offender's social security number, race, sex, date of birth,
234 height, weight, and hair and eye color; date and county of
235 sentence and each crime for which the offender was sentenced; a
236 copy of the offender's fingerprints and a digitized photograph
237 taken within 60 days before release; the date of release of the
238 sexual offender; any electronic mail address and any instant
239 message name required to be provided pursuant to s.

479449

4/29/2008 11:27 AM

Amendment No.

240 943.0435(4) (d); telephone number, including any cellular
241 telephone number; and the offender's intended residence address,
242 if known. The department shall notify the Department of Law
243 Enforcement if the sexual offender escapes, absconds, or dies.
244 If the sexual offender is in the custody of a private
245 correctional facility, the facility shall take the digitized
246 photograph of the sexual offender within 60 days before the
247 sexual offender's release and provide this photograph to the
248 Department of Corrections and also place it in the sexual
249 offender's file. If the sexual offender is in the custody of a
250 local jail, the custodian of the local jail shall register the
251 offender within 3 business days after intake of the offender for
252 any reason and upon release, and shall notify the Department of
253 Law Enforcement of the sexual offender's release and provide to
254 the Department of Law Enforcement the information specified in
255 this paragraph and any information specified in subparagraph 2.
256 that the Department of Law Enforcement requests.

257 2. The department may provide any other information deemed
258 necessary, including criminal and corrections records,
259 nonprivileged personnel and treatment records, when available.

260

261 -----

262 **T I T L E A M E N D M E N T**

263 Remove line 14 and insert:
264 is assessed; amending ss. 775.21, 943.0435, and 944.606, F.S.;
265 requiring sexual offenders and predators to provide home
266 telephone numbers and any cellular telephone numbers as part of
267 the registration process; providing an effective date.

479449

4/29/2008 11:27 AM