

1 A bill to be entitled
 2 An act relating to sexual offenders and sexual predators;
 3 creating s. 943.04355, F.S.; requiring a landlord who
 4 knowingly solicits, rents, or leases a dwelling unit to a
 5 sexual offender or sexual predator to verify that
 6 individual's address; requiring that the landlord notify
 7 the sheriff in certain instances; providing definitions;
 8 providing that the Attorney General may enforce the stated
 9 obligations; providing that a circuit court may assess a
 10 civil penalty against a landlord who willfully violates
 11 the required obligations; limiting the amount of the civil
 12 penalty; providing that the Attorney General is entitled
 13 to reasonable attorney's fees and costs if a civil penalty
 14 is assessed; amending ss. 775.21, 943.0435, and 944.606,
 15 F.S.; requiring sexual offenders and predators to provide
 16 home telephone numbers and any cellular telephone numbers
 17 as part of the registration process; providing an
 18 effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 943.04355, Florida Statutes, is created
 23 to read:

24 943.04355 Dwelling rental or solicitation; sexual
 25 offenders and predators.--

26 (1) A landlord who knowingly solicits an individual who is
 27 registered as a sexual offender or a sexual predator to rent or
 28 lease a dwelling unit because of his or her status as a

29 registered sexual offender or a sexual predator, shall, within 5
30 days after the date the individual occupies the dwelling unit as
31 a tenant, do all of the following:

32 (a) Conduct a search for the tenant's name in the sexual
33 offender database.

34 (b) Confirm that the address of the tenant identified as a
35 sexual offender or sexual predator is correctly reflected on the
36 sexual offender database.

37 (c) Notify the sheriff of the county in which the dwelling
38 is located if the address of a tenant identified as a sexual
39 offender or sexual predator is not correctly reflected on the
40 sexual offender database.

41 (2) As used in this section, the term:

42 (a) "Dwelling unit," "landlord," "rent," and "tenant" have
43 the same meanings as provided in s. 83.43.

44 (b) "Sexual offender" has the same meaning as provided in
45 s. 943.0435.

46 (c) "Sexual offender database" means the database of
47 registration information regarding sexual predators and sexual
48 offenders maintained by the department under s. 943.043.

49 (d) "Sexual predator" has the same meaning as provided in
50 s. 775.21.

51 (e) "Solicit" means to initiate contact with a sexual
52 offender or sexual predator for the purpose of attempting to
53 rent or lease a dwelling unit, where such sexual offender or
54 sexual predator has expressed no previous interest in renting or
55 leasing the dwelling unit.

56 (3) Any person who willfully violates this section is

57 liable for a civil penalty that may not exceed \$10,000 for each
 58 violation. A civil penalty may be recovered in any action
 59 brought in the circuit court by the Attorney General to enforce
 60 this section. If a civil penalty is assessed against the
 61 landlord, the Attorney General is entitled to recover reasonable
 62 attorney's fees and costs. A civil penalty collected under this
 63 subsection shall accrue to the state and be deposited as
 64 received into the General Revenue Fund unallocated.

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

68 775.21 The Florida Sexual Predators Act.--

69 (6) REGISTRATION.--

70 (a) A sexual predator must register with the department
 71 through the sheriff's office by providing the following
 72 information to the department:

73 1. Name, social security number, age, race, sex, date of
 74 birth, height, weight, hair and eye color, photograph, address
 75 of legal residence and address of any current temporary
 76 residence, within the state or out of state, including a rural
 77 route address and a post office box, any electronic mail address
 78 and any instant message name required to be provided pursuant to
 79 subparagraph (g)4., home telephone number and any cellular
 80 telephone number, date and place of any employment, date and
 81 place of each conviction, fingerprints, and a brief description
 82 of the crime or crimes committed by the offender. A post office
 83 box shall not be provided in lieu of a physical residential
 84 address.

85 a. If the sexual predator's place of residence is a motor
86 vehicle, trailer, mobile home, or manufactured home, as defined
87 in chapter 320, the sexual predator shall also provide to the
88 department written notice of the vehicle identification number;
89 the license tag number; the registration number; and a
90 description, including color scheme, of the motor vehicle,
91 trailer, mobile home, or manufactured home. If a sexual
92 predator's place of residence is a vessel, live-aboard vessel,
93 or houseboat, as defined in chapter 327, the sexual predator
94 shall also provide to the department written notice of the hull
95 identification number; the manufacturer's serial number; the
96 name of the vessel, live-aboard vessel, or houseboat; the
97 registration number; and a description, including color scheme,
98 of the vessel, live-aboard vessel, or houseboat.

99 b. If the sexual predator is enrolled, employed, or
100 carrying on a vocation at an institution of higher education in
101 this state, the sexual predator shall also provide to the
102 department the name, address, and county of each institution,
103 including each campus attended, and the sexual predator's
104 enrollment or employment status. Each change in enrollment or
105 employment status shall be reported in person at the sheriff's
106 office, or the Department of Corrections if the sexual predator
107 is in the custody or control of or under the supervision of the
108 Department of Corrections, within 48 hours after any change in
109 status. The sheriff or the Department of Corrections shall
110 promptly notify each institution of the sexual predator's
111 presence and any change in the sexual predator's enrollment or
112 employment status.

113 2. Any other information determined necessary by the
114 department, including criminal and corrections records;
115 nonprivileged personnel and treatment records; and evidentiary
116 genetic markers when available.

117 (8) VERIFICATION.--The department and the Department of
118 Corrections shall implement a system for verifying the addresses
119 of sexual predators. The system must be consistent with the
120 provisions of the federal Adam Walsh Child Protection and Safety
121 Act of 2006 and any other federal standards applicable to such
122 verification or required to be met as a condition for the
123 receipt of federal funds by the state. The Department of
124 Corrections shall verify the addresses of sexual predators who
125 are not incarcerated but who reside in the community under the
126 supervision of the Department of Corrections and shall report to
127 the department any failure by a sexual predator to comply with
128 registration requirements. County and local law enforcement
129 agencies, in conjunction with the department, shall verify the
130 addresses of sexual predators who are not under the care,
131 custody, control, or supervision of the Department of
132 Corrections. Local law enforcement agencies shall report to the
133 department any failure by a sexual predator to comply with
134 registration requirements.

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

141 be consistent with the reporting requirements of this paragraph.
142 Reregistration shall include any changes to the following
143 information:

144 1. Name; social security number; age; race; sex; date of
145 birth; height; weight; hair and eye color; address of any
146 permanent residence and address of any current temporary
147 residence, within the state or out of state, including a rural
148 route address and a post office box; any electronic mail address
149 and any instant message name required to be provided pursuant to
150 subparagraph (6)(g)4.; home telephone number and any cellular
151 telephone number; date and place of any employment; vehicle
152 make, model, color, and license tag number; fingerprints; and
153 photograph. A post office box shall not be provided in lieu of a
154 physical residential address.

155 2. If the sexual predator is enrolled, employed, or
156 carrying on a vocation at an institution of higher education in
157 this state, the sexual predator shall also provide to the
158 department the name, address, and county of each institution,
159 including each campus attended, and the sexual predator's
160 enrollment or employment status.

161 3. If the sexual predator's place of residence is a motor
162 vehicle, trailer, mobile home, or manufactured home, as defined
163 in chapter 320, the sexual predator shall also provide the
164 vehicle identification number; the license tag number; the
165 registration number; and a description, including color scheme,
166 of the motor vehicle, trailer, mobile home, or manufactured
167 home. If the sexual predator's place of residence is a vessel,
168 live-aboard vessel, or houseboat, as defined in chapter 327, the

169 sexual predator shall also provide the hull identification
 170 number; the manufacturer's serial number; the name of the
 171 vessel, live-aboard vessel, or houseboat; the registration
 172 number; and a description, including color scheme, of the
 173 vessel, live-aboard vessel, or houseboat.

174 (10) PENALTIES.--

175 (a) Except as otherwise specifically provided, a sexual
 176 predator who fails to register; who fails, after registration,
 177 to maintain, acquire, or renew a driver's license or
 178 identification card; who fails to provide required location
 179 information, electronic mail address information, instant
 180 message name information, home telephone number and any cellular
 181 telephone number, or change-of-name information; who fails to
 182 make a required report in connection with vacating a permanent
 183 residence; who fails to reregister as required; who fails to
 184 respond to any address verification correspondence from the
 185 department within 3 weeks of the date of the correspondence; or
 186 who otherwise fails, by act or omission, to comply with the
 187 requirements of this section, commits a felony of the third
 188 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 189 775.084.

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

193 943.0435 Sexual offenders required to register with the
 194 department; penalty.--

195 (2) A sexual offender shall:

196 (b) Provide his or her name, date of birth, social

197 security number, race, sex, height, weight, hair and eye color,
198 tattoos or other identifying marks, occupation and place of
199 employment, address of permanent or legal residence or address
200 of any current temporary residence, within the state and out of
201 state, including a rural route address and a post office box,
202 home telephone number and any cellular telephone number, any
203 electronic mail address and any instant message name required to
204 be provided pursuant to paragraph (4) (d), date and place of each
205 conviction, and a brief description of the crime or crimes
206 committed by the offender. A post office box shall not be
207 provided in lieu of a physical residential address.

208 1. If the sexual offender's place of residence is a motor
209 vehicle, trailer, mobile home, or manufactured home, as defined
210 in chapter 320, the sexual offender shall also provide to the
211 department through the sheriff's office written notice of the
212 vehicle identification number; the license tag number; the
213 registration number; and a description, including color scheme,
214 of the motor vehicle, trailer, mobile home, or manufactured
215 home. If the sexual offender's place of residence is a vessel,
216 live-aboard vessel, or houseboat, as defined in chapter 327, the
217 sexual offender shall also provide to the department written
218 notice of the hull identification number; the manufacturer's
219 serial number; the name of the vessel, live-aboard vessel, or
220 houseboat; the registration number; and a description, including
221 color scheme, of the vessel, live-aboard vessel, or houseboat.

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

225 department through the sheriff's office the name, address, and
226 county of each institution, including each campus attended, and
227 the sexual offender's enrollment or employment status. Each
228 change in enrollment or employment status shall be reported in
229 person at the sheriff's office, within 48 hours after any change
230 in status. The sheriff shall promptly notify each institution of
231 the sexual offender's presence and any change in the sexual
232 offender's enrollment or employment status.

233
234 When a sexual offender reports at the sheriff's office, the
235 sheriff shall take a photograph and a set of fingerprints of the
236 offender and forward the photographs and fingerprints to the
237 department, along with the information provided by the sexual
238 offender. The sheriff shall promptly provide to the department
239 the information received from the sexual offender.

240 (14)

241 (c) The sheriff's office may determine the appropriate
242 times and days for reporting by the sexual offender, which shall
243 be consistent with the reporting requirements of this
244 subsection. Reregistration shall include any changes to the
245 following information:

246 1. Name; social security number; age; race; sex; date of
247 birth; height; weight; hair and eye color; address of any
248 permanent residence and address of any current temporary
249 residence, within the state or out of state, including a rural
250 route address and a post office box; any electronic mail address
251 and any instant message name required to be provided pursuant to
252 paragraph (4) (d); telephone number, including any cellular

253 telephone number; date and place of any employment; vehicle
254 make, model, color, and license tag number; fingerprints; and
255 photograph. A post office box shall not be provided in lieu of a
256 physical residential address.

257 2. If the sexual offender is enrolled, employed, or
258 carrying on a vocation at an institution of higher education in
259 this state, the sexual offender shall also provide to the
260 department the name, address, and county of each institution,
261 including each campus attended, and the sexual offender's
262 enrollment or employment status.

263 3. If the sexual offender's place of residence is a motor
264 vehicle, trailer, mobile home, or manufactured home, as defined
265 in chapter 320, the sexual offender shall also provide the
266 vehicle identification number; the license tag number; the
267 registration number; and a description, including color scheme,
268 of the motor vehicle, trailer, mobile home, or manufactured
269 home. If the sexual offender's place of residence is a vessel,
270 live-aboard vessel, or houseboat, as defined in chapter 327, the
271 sexual offender shall also provide the hull identification
272 number; the manufacturer's serial number; the name of the
273 vessel, live-aboard vessel, or houseboat; the registration
274 number; and a description, including color scheme, of the
275 vessel, live-aboard vessel or houseboat.

276 4. Any sexual offender who fails to report in person as
277 required at the sheriff's office, or who fails to respond to any
278 address verification correspondence from the department within 3
279 weeks of the date of the correspondence or who fails to report
280 electronic mail addresses or instant message names, commits a

281 felony of the third degree, punishable as provided in s.
282 775.082, s. 775.083, or s. 775.084.

283 Section 4. Paragraph (a) of subsection (3) of section
284 944.606, Florida Statutes, is amended to read:

285 944.606 Sexual offenders; notification upon release.--

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

289 1. The department must provide: the sexual offender's
290 name, any change in the offender's name by reason of marriage or
291 other legal process, and any alias, if known; the correctional
292 facility from which the sexual offender is released; the sexual
293 offender's social security number, race, sex, date of birth,
294 height, weight, and hair and eye color; date and county of
295 sentence and each crime for which the offender was sentenced; a
296 copy of the offender's fingerprints and a digitized photograph
297 taken within 60 days before release; the date of release of the
298 sexual offender; any electronic mail address and any instant
299 message name required to be provided pursuant to s.

300 943.0435(4) (d); telephone number, including any cellular
301 telephone number; and the offender's intended residence address,
302 if known. The department shall notify the Department of Law
303 Enforcement if the sexual offender escapes, absconds, or dies.
304 If the sexual offender is in the custody of a private
305 correctional facility, the facility shall take the digitized
306 photograph of the sexual offender within 60 days before the
307 sexual offender's release and provide this photograph to the
308 Department of Corrections and also place it in the sexual

309 offender's file. If the sexual offender is in the custody of a
310 local jail, the custodian of the local jail shall register the
311 offender within 3 business days after intake of the offender for
312 any reason and upon release, and shall notify the Department of
313 Law Enforcement of the sexual offender's release and provide to
314 the Department of Law Enforcement the information specified in
315 this paragraph and any information specified in subparagraph 2.
316 that the Department of Law Enforcement requests.

317 2. The department may provide any other information deemed
318 necessary, including criminal and corrections records,
319 nonprivileged personnel and treatment records, when available.

320 Section 5. This act shall take effect July 1, 2008.