

1 A bill to be entitled
 2 An act relating to sexual offenders and predators;
 3 amending ss. 775.21, 943.0435, and 944.606, F.S.;
 4 requiring sexual offenders and predators to provide home
 5 telephone numbers and any cellular telephone numbers as
 6 part of the registration process; providing an effective
 7 date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

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

14 775.21 The Florida Sexual Predators Act.--

15 (6) REGISTRATION.--

16 (a) A sexual predator must register with the department
 17 through the sheriff's office by providing the following
 18 information to the department:

19 1. Name, social security number, age, race, sex, date of
 20 birth, height, weight, hair and eye color, photograph, address
 21 of legal residence and address of any current temporary
 22 residence, within the state or out of state, including a rural
 23 route address and a post office box, any electronic mail address
 24 and any instant message name required to be provided pursuant to
 25 subparagraph (g)4., home telephone number and any cellular
 26 telephone number, date and place of any employment, date and
 27 place of each conviction, fingerprints, and a brief description
 28 of the crime or crimes committed by the offender. A post office

29 | box shall not be provided in lieu of a physical residential
30 | address.

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

45 | b. If the sexual predator is enrolled, employed, or
46 | carrying on a vocation at an institution of higher education in
47 | this state, the sexual predator shall also provide to the
48 | department the name, address, and county of each institution,
49 | including each campus attended, and the sexual predator's
50 | enrollment or employment status. Each change in enrollment or
51 | employment status shall be reported in person at the sheriff's
52 | office, or the Department of Corrections if the sexual predator
53 | is in the custody or control of or under the supervision of the
54 | Department of Corrections, within 48 hours after any change in
55 | status. The sheriff or the Department of Corrections shall
56 | promptly notify each institution of the sexual predator's

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57 | presence and any change in the sexual predator's enrollment or
58 | employment status.

59 | 2. Any other information determined necessary by the
60 | department, including criminal and corrections records;
61 | nonprivileged personnel and treatment records; and evidentiary
62 | genetic markers when available.

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

81 | (a) A sexual predator must report in person each year
82 | during the month of the sexual predator's birthday and during
83 | every third month thereafter to the sheriff's office in the
84 | county in which he or she resides or is otherwise located to

85 reregister. The sheriff's office may determine the appropriate
86 times and days for reporting by the sexual predator, which shall
87 be consistent with the reporting requirements of this paragraph.
88 Reregistration shall include any changes to the following
89 information:

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

101 2. If the sexual predator is enrolled, employed, or
102 carrying on a vocation at an institution of higher education in
103 this state, the sexual predator shall also provide to the
104 department the name, address, and county of each institution,
105 including each campus attended, and the sexual predator's
106 enrollment or employment status.

107 3. If the sexual predator's place of residence is a motor
108 vehicle, trailer, mobile home, or manufactured home, as defined
109 in chapter 320, the sexual predator shall also provide the
110 vehicle identification number; the license tag number; the
111 registration number; and a description, including color scheme,
112 of the motor vehicle, trailer, mobile home, or manufactured

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113 home. If the sexual predator's place of residence is a vessel,
114 live-aboard vessel, or houseboat, as defined in chapter 327, the
115 sexual predator shall also provide the hull identification
116 number; the manufacturer's serial number; the name of the
117 vessel, live-aboard vessel, or houseboat; the registration
118 number; and a description, including color scheme, of the
119 vessel, live-aboard vessel, or houseboat.

120 (10) PENALTIES.--

121 (a) Except as otherwise specifically provided, a sexual
122 predator who fails to register; who fails, after registration,
123 to maintain, acquire, or renew a driver's license or
124 identification card; who fails to provide required location
125 information, electronic mail address information, instant
126 message name information, home telephone number and any cellular
127 telephone number, or change-of-name information; who fails to
128 make a required report in connection with vacating a permanent
129 residence; who fails to reregister as required; who fails to
130 respond to any address verification correspondence from the
131 department within 3 weeks of the date of the correspondence; or
132 who otherwise fails, by act or omission, to comply with the
133 requirements of this section, commits a felony of the third
134 degree, punishable as provided in s. 775.082, s. 775.083, or s.
135 775.084.

136 Section 2. Paragraph (b) of subsection (2) and paragraph
137 (c) of subsection (14) of section 943.0435, Florida Statutes,
138 are amended to read:

139 943.0435 Sexual offenders required to register with the
140 department; penalty.--

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141 (2) A sexual offender shall:

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

154 1. If the sexual offender's place of residence is a motor
155 vehicle, trailer, mobile home, or manufactured home, as defined
156 in chapter 320, the sexual offender shall also provide to the
157 department through the sheriff's office written notice of the
158 vehicle identification number; the license tag number; the
159 registration number; and a description, including color scheme,
160 of the motor vehicle, trailer, mobile home, or manufactured
161 home. If the sexual offender's place of residence is a vessel,
162 live-aboard vessel, or houseboat, as defined in chapter 327, the
163 sexual offender shall also provide to the department written
164 notice of the hull identification number; the manufacturer's
165 serial number; the name of the vessel, live-aboard vessel, or
166 houseboat; the registration number; and a description, including
167 color scheme, of the vessel, live-aboard vessel, or houseboat.

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

179

180 When a sexual offender reports at the sheriff's office, the
181 sheriff shall take a photograph and a set of fingerprints of the
182 offender and forward the photographs and fingerprints to the
183 department, along with the information provided by the sexual
184 offender. The sheriff shall promptly provide to the department
185 the information received from the sexual offender.

186 (14)

187 (c) The sheriff's office may determine the appropriate
188 times and days for reporting by the sexual offender, which shall
189 be consistent with the reporting requirements of this
190 subsection. Reregistration shall include any changes to the
191 following information:

192 1. Name; social security number; age; race; sex; date of
193 birth; height; weight; hair and eye color; address of any
194 permanent residence and address of any current temporary
195 residence, within the state or out of state, including a rural

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196 route address and a post office box; any electronic mail address
197 and any instant message name required to be provided pursuant to
198 paragraph (4) (d); telephone number, including any cellular
199 telephone number; date and place of any employment; vehicle
200 make, model, color, and license tag number; fingerprints; and
201 photograph. A post office box shall not be provided in lieu of a
202 physical residential address.

203 2. If the sexual offender is enrolled, employed, or
204 carrying on a vocation at an institution of higher education in
205 this state, the sexual offender shall also provide to the
206 department the name, address, and county of each institution,
207 including each campus attended, and the sexual offender's
208 enrollment or employment status.

209 3. If the sexual offender's place of residence is a motor
210 vehicle, trailer, mobile home, or manufactured home, as defined
211 in chapter 320, the sexual offender shall also provide 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 the hull identification
218 number; the manufacturer's serial number; the name of the
219 vessel, live-aboard vessel, or houseboat; the registration
220 number; and a description, including color scheme, of the
221 vessel, live-aboard vessel or houseboat.

222 4. Any sexual offender who fails to report in person as
223 required at the sheriff's office, or who fails to respond to any

224 address verification correspondence from the department within 3
 225 weeks of the date of the correspondence or who fails to report
 226 electronic mail addresses or instant message names, commits a
 227 felony of the third degree, punishable as provided in s.
 228 775.082, s. 775.083, or s. 775.084.

229 Section 3. Paragraph (a) of subsection (3) of section
 230 944.606, Florida Statutes, is amended to read:

231 944.606 Sexual offenders; notification upon release.--

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

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

246 943.0435(4) (d); telephone number, including any cellular
 247 telephone number; and the offender's intended residence address,
 248 if known. The department shall notify the Department of Law
 249 Enforcement if the sexual offender escapes, absconds, or dies.
 250 If the sexual offender is in the custody of a private
 251 correctional facility, the facility shall take the digitized

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252 | photograph of the sexual offender within 60 days before the
253 | sexual offender's release and provide this photograph to the
254 | Department of Corrections and also place it in the sexual
255 | offender's file. If the sexual offender is in the custody of a
256 | local jail, the custodian of the local jail shall register the
257 | offender within 3 business days after intake of the offender for
258 | any reason and upon release, and shall notify the Department of
259 | Law Enforcement of the sexual offender's release and provide to
260 | the Department of Law Enforcement the information specified in
261 | this paragraph and any information specified in subparagraph 2.
262 | that the Department of Law Enforcement requests.

263 | 2. The department may provide any other information deemed
264 | necessary, including criminal and corrections records,
265 | nonprivileged personnel and treatment records, when available.

266 | Section 4. This act shall take effect October 1, 2009.