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CS/HB 115, Engrossed 1

2009 Legislature

1 A bill to be entitled
2 An act relating to sexual offenders and predators;
3 amending s. 257.12, F.S.; encouraging all public libraries
4 to implement an Internet safety education program for
5 children and adults; providing minimum requirements for
6 the program; requiring libraries to annually report to the
7 Division of Library and Information Services of the
8 Department of State the number of participants who
9 complete the program; requiring that the division adopt
10 rules to award additional points to grant applicants
11 implementing such a program; amending ss. 775.21,
12 943.0435, 944.606, 944.607, and 985.481, F.S.; requiring
13 sexual offenders and predators to provide home telephone
14 numbers and any cellular telephone numbers as part of the
15 registration process; correcting cross-references to apply
16 exclusions from designation as a sexual offender or
17 predator to owners or operators of computer services
18 rather than to persons traveling to meet a minor; amending
19 ss. 847.0135 and 847.0138, F.S.; removing residency
20 requirements in statutes relating to computer pornography
21 involving minor children and the transmission of material
22 harmful to a minor by electronic device or equipment,
23 respectively; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Subsection (3) is added to section 257.12,
28 Florida Statutes, to read:

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29 257.12 Division of Library and Information Services
30 authorized to accept and expend federal funds.--

31 (3) All public libraries are encouraged to adopt an
32 Internet safety education program, including the implementation
33 of a computer-based educational program, which has been endorsed
34 by a government-sanctioned law enforcement agency or other
35 reputable public safety advocacy organization and is designed
36 for children and adults. The purpose of the Internet safety
37 education program is to promote the use of prudent online
38 deportment and broaden awareness of online predators. The
39 program must be interactive and age-appropriate. Each library
40 shall annually report to the division the annual number of
41 program participants who complete the Internet safety education
42 program. By April 1, 2010, the division shall adopt rules for
43 rewarding those libraries in the program grant application
44 process which have had 1 percent or more of their annual number
45 of program participants, based on the total number of registered
46 borrowers from the preceding year, complete the Internet safety
47 education program adopted by the library. Program participants
48 completing the program as a result of strategic partnerships or
49 collaboration between the library and other entities shall be
50 integrated into the library's annual report. The division shall
51 adopt rules to allocate 10 percent of the total points available
52 in the library services and technology grant application
53 evaluation process to public libraries that are in compliance
54 with this section, beginning with the grant application cycle
55 for the 2011-2012 fiscal year.

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56 Section 2. Paragraph (a) of subsection (4), paragraph (a)
57 of subsection (6), paragraph (a) of subsection (8), and
58 paragraph (a) of subsection (10) of section 775.21, Florida
59 Statutes, are amended to read:

60 775.21 The Florida Sexual Predators Act.--

61 (4) SEXUAL PREDATOR CRITERIA.--

62 (a) For a current offense committed on or after October 1,
63 1993, upon conviction, an offender shall be designated as a
64 "sexual predator" under subsection (5), and subject to
65 registration under subsection (6) and community and public
66 notification under subsection (7) if:

67 1. The felony is:

68 a. A capital, life, or first-degree felony violation, or
69 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
70 is a minor and the defendant is not the victim's parent or
71 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
72 violation of a similar law of another jurisdiction; or

73 b. Any felony violation, or any attempt thereof, of s.
74 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
75 minor and the defendant is not the victim's parent or guardian;
76 s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
77 796.035; s. 800.04; s. 825.1025(2)(b); s. 827.071; s.
78 847.0135(5); s. 847.0145; or s. 985.701(1); or a violation of a
79 similar law of another jurisdiction, and the offender has
80 previously been convicted of or found to have committed, or has
81 pled nolo contendere or guilty to, regardless of adjudication,
82 any violation of s. 787.01, s. 787.02, or s. 787.025(2)(c),
83 where the victim is a minor and the defendant is not the

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84 victim's parent or guardian; s. 794.011, excluding s.
 85 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
 86 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
 87 847.0135~~(6)~~~~(4)~~; s. 847.0145; or s. 985.701(1); or a violation of
 88 a similar law of another jurisdiction;

89 2. The offender has not received a pardon for any felony
 90 or similar law of another jurisdiction that is necessary for the
 91 operation of this paragraph; and

92 3. A conviction of a felony or similar law of another
 93 jurisdiction necessary to the operation of this paragraph has
 94 not been set aside in any postconviction proceeding.

95 (6) REGISTRATION.--

96 (a) A sexual predator must register with the department
 97 through the sheriff's office by providing the following
 98 information to the department:

99 1. Name, social security number, age, race, sex, date of
 100 birth, height, weight, hair and eye color, photograph, address
 101 of legal residence and address of any current temporary
 102 residence, within the state or out of state, including a rural
 103 route address and a post office box, any electronic mail address
 104 and any instant message name required to be provided pursuant to
 105 subparagraph (g)4., home telephone number and any cellular
 106 telephone number, date and place of any employment, date and
 107 place of each conviction, fingerprints, and a brief description
 108 of the crime or crimes committed by the offender. A post office
 109 box shall not be provided in lieu of a physical residential
 110 address.

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111 a. If the sexual predator's place of residence is a motor
112 vehicle, trailer, mobile home, or manufactured home, as defined
113 in chapter 320, the sexual predator shall also provide to the
114 department written notice of the vehicle identification number;
115 the license tag number; the registration number; and a
116 description, including color scheme, of the motor vehicle,
117 trailer, mobile home, or manufactured home. If a sexual
118 predator's place of residence is a vessel, live-aboard vessel,
119 or houseboat, as defined in chapter 327, the sexual predator
120 shall also provide to the department written notice of the hull
121 identification number; the manufacturer's serial number; the
122 name of the vessel, live-aboard vessel, or houseboat; the
123 registration number; and a description, including color scheme,
124 of the vessel, live-aboard vessel, or houseboat.

125 b. If the sexual predator is enrolled, employed, or
126 carrying on a vocation at an institution of higher education in
127 this state, the sexual predator shall also provide to the
128 department the name, address, and county of each institution,
129 including each campus attended, and the sexual predator's
130 enrollment or employment status. Each change in enrollment or
131 employment status shall be reported in person at the sheriff's
132 office, or the Department of Corrections if the sexual predator
133 is in the custody or control of or under the supervision of the
134 Department of Corrections, within 48 hours after any change in
135 status. The sheriff or the Department of Corrections shall
136 promptly notify each institution of the sexual predator's
137 presence and any change in the sexual predator's enrollment or
138 employment status.

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139 2. Any other information determined necessary by the
140 department, including criminal and corrections records;
141 nonprivileged personnel and treatment records; and evidentiary
142 genetic markers when available.

143 (8) VERIFICATION.--The department and the Department of
144 Corrections shall implement a system for verifying the addresses
145 of sexual predators. The system must be consistent with the
146 provisions of the federal Adam Walsh Child Protection and Safety
147 Act of 2006 and any other federal standards applicable to such
148 verification or required to be met as a condition for the
149 receipt of federal funds by the state. The Department of
150 Corrections shall verify the addresses of sexual predators who
151 are not incarcerated but who reside in the community under the
152 supervision of the Department of Corrections and shall report to
153 the department any failure by a sexual predator to comply with
154 registration requirements. County and local law enforcement
155 agencies, in conjunction with the department, shall verify the
156 addresses of sexual predators who are not under the care,
157 custody, control, or supervision of the Department of
158 Corrections. Local law enforcement agencies shall report to the
159 department any failure by a sexual predator to comply with
160 registration requirements.

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

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167 | be consistent with the reporting requirements of this paragraph.
 168 | Reregistration shall include any changes to the following
 169 | information:

170 | 1. Name; social security number; age; race; sex; date of
 171 | birth; height; weight; hair and eye color; address of any
 172 | permanent residence and address of any current temporary
 173 | residence, within the state or out of state, including a rural
 174 | route address and a post office box; any electronic mail address
 175 | and any instant message name required to be provided pursuant to
 176 | subparagraph (6)(g)4.; home telephone number and any cellular
 177 | telephone number; date and place of any employment; vehicle
 178 | make, model, color, and license tag number; fingerprints; and
 179 | photograph. A post office box shall not be provided in lieu of a
 180 | physical residential address.

181 | 2. If the sexual predator is enrolled, employed, or
 182 | carrying on a vocation at an institution of higher education in
 183 | this state, the sexual predator shall also provide to the
 184 | department the name, address, and county of each institution,
 185 | including each campus attended, and the sexual predator's
 186 | enrollment or employment status.

187 | 3. If the sexual predator's place of residence is a motor
 188 | vehicle, trailer, mobile home, or manufactured home, as defined
 189 | in chapter 320, the sexual predator shall also provide the
 190 | vehicle identification number; the license tag number; the
 191 | registration number; and a description, including color scheme,
 192 | of the motor vehicle, trailer, mobile home, or manufactured
 193 | home. If the sexual predator's place of residence is a vessel,
 194 | live-aboard vessel, or houseboat, as defined in chapter 327, the

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195 sexual predator shall also provide the hull identification
 196 number; the manufacturer's serial number; the name of the
 197 vessel, live-aboard vessel, or houseboat; the registration
 198 number; and a description, including color scheme, of the
 199 vessel, live-aboard vessel, or houseboat.

200 (10) PENALTIES.--

201 (a) Except as otherwise specifically provided, a sexual
 202 predator who fails to register; who fails, after registration,
 203 to maintain, acquire, or renew a driver's license or
 204 identification card; who fails to provide required location
 205 information, electronic mail address information, instant
 206 message name information, home telephone number and any cellular
 207 telephone number, or change-of-name information; who fails to
 208 make a required report in connection with vacating a permanent
 209 residence; who fails to reregister as required; who fails to
 210 respond to any address verification correspondence from the
 211 department within 3 weeks of the date of the correspondence; or
 212 who otherwise fails, by act or omission, to comply with the
 213 requirements of this section, commits a felony of the third
 214 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 215 775.084.

216 Section 3. Paragraph (a) of subsection (1), paragraph (b)
 217 of subsection (2), and paragraph (c) of subsection (14) of
 218 section 943.0435, Florida Statutes, are amended to read:

219 943.0435 Sexual offenders required to register with the
 220 department; penalty.--

221 (1) As used in this section, the term:

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222 (a)1. "Sexual offender" means a person who meets the
 223 criteria in sub-subparagraph a., sub-subparagraph b., sub-
 224 subparagraph c., or sub-subparagraph d., as follows:

225 a.(I) Has been convicted of committing, or attempting,
 226 soliciting, or conspiring to commit, any of the criminal
 227 offenses proscribed in the following statutes in this state or
 228 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
 229 or s. 787.025(2)(c), where the victim is a minor and the
 230 defendant is not the victim's parent or guardian; s. 794.011,
 231 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.
 232 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
 233 excluding s. 847.0135(6)~~(4)~~; s. 847.0137; s. 847.0138; s.
 234 847.0145; or s. 985.701(1); or any similar offense committed in
 235 this state which has been redesignated from a former statute
 236 number to one of those listed in this sub-sub-subparagraph; and

237 (II) Has been released on or after October 1, 1997, from
 238 the sanction imposed for any conviction of an offense described
 239 in sub-sub-subparagraph (I). For purposes of sub-sub-
 240 subparagraph (I), a sanction imposed in this state or in any
 241 other jurisdiction includes, but is not limited to, a fine,
 242 probation, community control, parole, conditional release,
 243 control release, or incarceration in a state prison, federal
 244 prison, private correctional facility, or local detention
 245 facility;

246 b. Establishes or maintains a residence in this state and
 247 who has not been designated as a sexual predator by a court of
 248 this state but who has been designated as a sexual predator, as
 249 a sexually violent predator, or by another sexual offender

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250 designation in another state or jurisdiction and was, as a
251 result of such designation, subjected to registration or
252 community or public notification, or both, or would be if the
253 person were a resident of that state or jurisdiction, without
254 regard to whether the person otherwise meets the criteria for
255 registration as a sexual offender;

256 c. Establishes or maintains a residence in this state who
257 is in the custody or control of, or under the supervision of,
258 any other state or jurisdiction as a result of a conviction for
259 committing, or attempting, soliciting, or conspiring to commit,
260 any of the criminal offenses proscribed in the following
261 statutes or similar offense in another jurisdiction: s. 787.01,
262 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
263 the defendant is not the victim's parent or guardian; s.
264 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
265 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
266 847.0135, excluding s. 847.0135 (6) ~~(4)~~; s. 847.0137; s. 847.0138;
267 s. 847.0145; or s. 985.701(1); or any similar offense committed
268 in this state which has been redesignated from a former statute
269 number to one of those listed in this sub-subparagraph; or

270 d. On or after July 1, 2007, has been adjudicated
271 delinquent for committing, or attempting, soliciting, or
272 conspiring to commit, any of the criminal offenses proscribed in
273 the following statutes in this state or similar offenses in
274 another jurisdiction when the juvenile was 14 years of age or
275 older at the time of the offense:

276 (I) Section 794.011, excluding s. 794.011(10);

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277 (II) Section 800.04(4)(b) where the victim is under 12
 278 years of age or where the court finds sexual activity by the use
 279 of force or coercion;

280 (III) Section 800.04(5)(c)1. where the court finds
 281 molestation involving unclothed genitals; or

282 (IV) Section 800.04(5)(d) where the court finds the use of
 283 force or coercion and unclothed genitals.

284 2. For all qualifying offenses listed in sub-subparagraph
 285 (1)(a)1.d., the court shall make a written finding of the age of
 286 the offender at the time of the offense.

287
 288 For each violation of a qualifying offense listed in this
 289 subsection, the court shall make a written finding of the age of
 290 the victim at the time of the offense. For a violation of s.
 291 800.04(4), the court shall additionally make a written finding
 292 indicating that the offense did or did not involve sexual
 293 activity and indicating that the offense did or did not involve
 294 force or coercion. For a violation of s. 800.04(5), the court
 295 shall additionally make a written finding that the offense did
 296 or did not involve unclothed genitals or genital area and that
 297 the offense did or did not involve the use of force or coercion.

298 (2) A sexual offender shall:

299 (b) Provide his or her name, date of birth, social
 300 security number, race, sex, height, weight, hair and eye color,
 301 tattoos or other identifying marks, occupation and place of
 302 employment, address of permanent or legal residence or address
 303 of any current temporary residence, within the state and out of
 304 state, including a rural route address and a post office box,

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305 home telephone number and any cellular telephone number, any
306 electronic mail address and any instant message name required to
307 be provided pursuant to paragraph (4) (d), date and place of each
308 conviction, and a brief description of the crime or crimes
309 committed by the offender. A post office box shall not be
310 provided in lieu of a physical residential address.

311 1. If the sexual offender's place of residence is a motor
312 vehicle, trailer, mobile home, or manufactured home, as defined
313 in chapter 320, the sexual offender shall also provide to the
314 department through the sheriff's office written notice of the
315 vehicle identification number; the license tag number; the
316 registration number; and a description, including color scheme,
317 of the motor vehicle, trailer, mobile home, or manufactured
318 home. If the sexual offender's place of residence is a vessel,
319 live-aboard vessel, or houseboat, as defined in chapter 327, the
320 sexual offender shall also provide to the department written
321 notice of the hull identification number; the manufacturer's
322 serial number; the name of the vessel, live-aboard vessel, or
323 houseboat; the registration number; and a description, including
324 color scheme, of the vessel, live-aboard vessel, or houseboat.

325 2. If the sexual offender is enrolled, employed, or
326 carrying on a vocation at an institution of higher education in
327 this state, the sexual offender shall also provide to the
328 department through the sheriff's office the name, address, and
329 county of each institution, including each campus attended, and
330 the sexual offender's enrollment or employment status. Each
331 change in enrollment or employment status shall be reported in
332 person at the sheriff's office, within 48 hours after any change

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333 in status. The sheriff shall promptly notify each institution of
 334 the sexual offender's presence and any change in the sexual
 335 offender's enrollment or employment status.

336
 337 When a sexual offender reports at the sheriff's office, the
 338 sheriff shall take a photograph and a set of fingerprints of the
 339 offender and forward the photographs and fingerprints to the
 340 department, along with the information provided by the sexual
 341 offender. The sheriff shall promptly provide to the department
 342 the information received from the sexual offender.

343 (14)

344 (c) The sheriff's office may determine the appropriate
 345 times and days for reporting by the sexual offender, which shall
 346 be consistent with the reporting requirements of this
 347 subsection. Reregistration shall include any changes to the
 348 following information:

349 1. Name; social security number; age; race; sex; date of
 350 birth; height; weight; hair and eye color; address of any
 351 permanent residence and address of any current temporary
 352 residence, within the state or out of state, including a rural
 353 route address and a post office box; any electronic mail address
 354 and any instant message name required to be provided pursuant to
 355 paragraph (4) (d); home telephone number and any cellular
 356 telephone number; date and place of any employment; vehicle
 357 make, model, color, and license tag number; fingerprints; and
 358 photograph. A post office box shall not be provided in lieu of a
 359 physical residential address.

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360 2. If the sexual offender is enrolled, employed, or
361 carrying on a vocation at an institution of higher education in
362 this state, the sexual offender shall also provide to the
363 department the name, address, and county of each institution,
364 including each campus attended, and the sexual offender's
365 enrollment or employment status.

366 3. If the sexual offender's place of residence is a motor
367 vehicle, trailer, mobile home, or manufactured home, as defined
368 in chapter 320, the sexual offender shall also provide the
369 vehicle identification number; the license tag number; the
370 registration number; and a description, including color scheme,
371 of the motor vehicle, trailer, mobile home, or manufactured
372 home. If the sexual offender's place of residence is a vessel,
373 live-aboard vessel, or houseboat, as defined in chapter 327, the
374 sexual offender shall also provide the hull identification
375 number; the manufacturer's serial number; the name of the
376 vessel, live-aboard vessel, or houseboat; the registration
377 number; and a description, including color scheme, of the
378 vessel, live-aboard vessel or houseboat.

379 4. Any sexual offender who fails to report in person as
380 required at the sheriff's office, or who fails to respond to any
381 address verification correspondence from the department within 3
382 weeks of the date of the correspondence or who fails to report
383 electronic mail addresses or instant message names, commits a
384 felony of the third degree, punishable as provided in s.
385 775.082, s. 775.083, or s. 775.084.

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386 Section 4. Paragraph (b) of subsection (1) and paragraph
 387 (a) of subsection (3) of section 944.606, Florida Statutes, are
 388 amended to read:

389 944.606 Sexual offenders; notification upon release.--

390 (1) As used in this section:

391 (b) "Sexual offender" means a person who has been
 392 convicted of committing, or attempting, soliciting, or
 393 conspiring to commit, any of the criminal offenses proscribed in
 394 the following statutes in this state or similar offenses in
 395 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
 396 where the victim is a minor and the defendant is not the
 397 victim's parent or guardian; s. 794.011, excluding s.
 398 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
 399 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
 400 847.0135(6)~~(4)~~; s. 847.0137; s. 847.0138; s. 847.0145; or s.
 401 985.701(1); or any similar offense committed in this state which
 402 has been redesignated from a former statute number to one of
 403 those listed in this subsection, when the department has
 404 received verified information regarding such conviction; an
 405 offender's computerized criminal history record is not, in and
 406 of itself, verified information.

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

410 1. The department must provide: the sexual offender's
 411 name, any change in the offender's name by reason of marriage or
 412 other legal process, and any alias, if known; the correctional
 413 facility from which the sexual offender is released; the sexual

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414 offender's social security number, race, sex, date of birth,
415 height, weight, and hair and eye color; date and county of
416 sentence and each crime for which the offender was sentenced; a
417 copy of the offender's fingerprints and a digitized photograph
418 taken within 60 days before release; the date of release of the
419 sexual offender; any electronic mail address and any instant
420 message name required to be provided pursuant to s.
421 943.0435(4)(d); home telephone number and any cellular telephone
422 number; and the offender's intended residence address, if known.
423 The department shall notify the Department of Law Enforcement if
424 the sexual offender escapes, absconds, or dies. If the sexual
425 offender is in the custody of a private correctional facility,
426 the facility shall take the digitized photograph of the sexual
427 offender within 60 days before the sexual offender's release and
428 provide this photograph to the Department of Corrections and
429 also place it in the sexual offender's file. If the sexual
430 offender is in the custody of a local jail, the custodian of the
431 local jail shall register the offender within 3 business days
432 after intake of the offender for any reason and upon release,
433 and shall notify the Department of Law Enforcement of the sexual
434 offender's release and provide to the Department of Law
435 Enforcement the information specified in this paragraph and any
436 information specified in subparagraph 2. that the Department of
437 Law Enforcement requests.

438 2. The department may provide any other information deemed
439 necessary, including criminal and corrections records,
440 nonprivileged personnel and treatment records, when available.

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441 Section 5. Paragraph (a) of subsection (1) of section
 442 944.607, Florida Statutes, is amended to read:

443 944.607 Notification to Department of Law Enforcement of
 444 information on sexual offenders.--

445 (1) As used in this section, the term:

446 (a) "Sexual offender" means a person who is in the custody
 447 or control of, or under the supervision of, the department or is
 448 in the custody of a private correctional facility:

449 1. On or after October 1, 1997, as a result of a
 450 conviction for committing, or attempting, soliciting, or
 451 conspiring to commit, any of the criminal offenses proscribed in
 452 the following statutes in this state or similar offenses in
 453 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
 454 where the victim is a minor and the defendant is not the
 455 victim's parent or guardian; s. 794.011, excluding s.
 456 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
 457 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
 458 847.0135 (6) ~~(4)~~; s. 847.0137; s. 847.0138; s. 847.0145; or s.
 459 985.701(1); or any similar offense committed in this state which
 460 has been redesignated from a former statute number to one of
 461 those listed in this paragraph; or

462 2. Who establishes or maintains a residence in this state
 463 and who has not been designated as a sexual predator by a court
 464 of this state but who has been designated as a sexual predator,
 465 as a sexually violent predator, or by another sexual offender
 466 designation in another state or jurisdiction and was, as a
 467 result of such designation, subjected to registration or
 468 community or public notification, or both, or would be if the

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469 person were a resident of that state or jurisdiction, without
 470 regard as to whether the person otherwise meets the criteria for
 471 registration as a sexual offender.

472 Section 6. Paragraph (a) of subsection (3) of section
 473 985.481, Florida Statutes, is amended to read:

474 985.481 Sexual offenders adjudicated delinquent;
 475 notification upon release.--

476 (3) (a) The department must provide information regarding
 477 any sexual offender who is being released after serving a period
 478 of residential commitment under the department for any offense,
 479 as follows:

480 1. The department must provide the sexual offender's name,
 481 any change in the offender's name by reason of marriage or other
 482 legal process, and any alias, if known; the correctional
 483 facility from which the sexual offender is released; the sexual
 484 offender's social security number, race, sex, date of birth,
 485 height, weight, and hair and eye color; date and county of
 486 disposition and each crime for which there was a disposition; a
 487 copy of the offender's fingerprints and a digitized photograph
 488 taken within 60 days before release; the date of release of the
 489 sexual offender; home telephone number and any cellular
 490 telephone number; and the offender's intended residence address,
 491 if known. The department shall notify the Department of Law
 492 Enforcement if the sexual offender escapes, absconds, or dies.
 493 If the sexual offender is in the custody of a private
 494 correctional facility, the facility shall take the digitized
 495 photograph of the sexual offender within 60 days before the
 496 sexual offender's release and also place it in the sexual

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497 offender's file. If the sexual offender is in the custody of a
 498 local jail, the custodian of the local jail shall register the
 499 offender within 3 business days after intake of the offender for
 500 any reason and upon release, and shall notify the Department of
 501 Law Enforcement of the sexual offender's release and provide to
 502 the Department of Law Enforcement the information specified in
 503 this subparagraph and any information specified in subparagraph
 504 2. which the Department of Law Enforcement requests.

505 2. The department may provide any other information
 506 considered necessary, including criminal and delinquency
 507 records, when available.

508 Section 7. Paragraph (a) of subsection (5) and subsection
 509 (7) of section 847.0135, Florida Statutes, are amended to read:

510 847.0135 Computer pornography; traveling to meet minor;
 511 penalties.--

512 (5) CERTAIN COMPUTER TRANSMISSIONS PROHIBITED.--

513 (a) A person who:

514 1. Intentionally masturbates;

515 2. Intentionally exposes the genitals in a lewd or
 516 lascivious manner; or

517 3. Intentionally commits any other sexual act that does
 518 not involve actual physical or sexual contact with the victim,
 519 including, but not limited to, sadomasochistic abuse, sexual
 520 bestiality, or the simulation of any act involving sexual
 521 activity

522
 523 live over a computer online service, Internet service, or local
 524 bulletin board service and who knows or should know or has

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525 | reason to believe that the transmission is viewed on a computer
 526 | or television monitor by a victim ~~in this state~~ who is less than
 527 | 16 years of age, commits lewd or lascivious exhibition in
 528 | violation of this subsection. The fact that an undercover
 529 | operative or law enforcement officer was involved in the
 530 | detection and investigation of an offense under this subsection
 531 | shall not constitute a defense to a prosecution under this
 532 | subsection.

533 | (7) STATE CRIMINAL JURISDICTION.--A person is subject to
 534 | prosecution in this state pursuant to chapter 910 for any
 535 | conduct proscribed by this section which the person engages in,
 536 | while either within or outside this state, if by such conduct
 537 | the person commits a violation of this section involving a child
 538 | ~~residing in this state~~, a child's guardian, or another person
 539 | believed by the person to be a child or a child's guardian
 540 | ~~residing in this state~~.

541 | Section 8. Subsections (2) and (3) of section 847.0138,
 542 | Florida Statutes, are amended to read:

543 | 847.0138 Transmission of material harmful to minors to a
 544 | minor by electronic device or equipment prohibited; penalties.--

545 | (2) Notwithstanding ss. 847.012 and 847.0133, any person
 546 | ~~in this state~~ who knew or believed that he or she was
 547 | transmitting an image, information, or data that is harmful to
 548 | minors, as defined in s. 847.001, to a specific individual known
 549 | by the defendant to be a minor ~~in this state~~ commits a felony of
 550 | the third degree, punishable as provided in s. 775.082, s.
 551 | 775.083, or s. 775.084.

552 | (3) Notwithstanding ss. 847.012 and 847.0133, any person

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553 | in any jurisdiction other than this state who knew or believed
554 | that he or she was transmitting an image, information, or data
555 | that is harmful to minors, as defined in s. 847.001, to a
556 | specific individual known by the defendant to be a minor ~~in this~~
557 | state commits a felony of the third degree, punishable as
558 | provided in s. 775.082, s. 775.083, or s. 775.084.

559

560 | The provisions of this section do not apply to subscription-
561 | based transmissions such as list servers.

562 | Section 9. This act shall take effect July 1, 2009.