



875572

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/14/2009	.	
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The Committee on Criminal Justice (Crist) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 856.022, Florida Statutes, is created to  
read:

856.022 Loitering or prowling by certain offenders in close  
proximity to children; penalty.-

(1) This section applies to an offender convicted of  
committing, or attempting, soliciting, or conspiring to commit,  
any of the criminal offenses proscribed in the following



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12 statutes in this state or similar offenses in another  
13 jurisdiction against a victim who was under the age of 18 at the  
14 time of the offense: s. 787.01, s. 787.02, or s. 787.025(2)(c),  
15 where the victim is a minor and the offender was not the  
16 victim's parent or guardian; s. 794.011, excluding s.  
17 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
18 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
19 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s.  
20 985.701(1); or any similar offense committed in this state that  
21 has been redesignated from a former statute number to one of  
22 those listed in this subsection, provided the offender has not  
23 received a pardon for any felony or similar law of another  
24 jurisdiction that is necessary for the operation of this  
25 subsection and a conviction of a felony or similar law of  
26 another jurisdiction necessary to the operation of this  
27 subsection has not been set aside in any postconviction  
28 proceeding.

29 (2) An offender described in subsection (1) commits  
30 loitering and prowling by a person convicted of a sexual offense  
31 against a minor if, in committing loitering and prowling, he or  
32 she was within 300 feet of a place where children regularly  
33 congregate, including but not limited to a school, day care  
34 center, playground, or park.

35 (3) It is unlawful for an offender described in subsection  
36 (1) to:

37 (a) Knowingly approach, contact, or communicate with a  
38 child under 18 years of age in any public park building or on  
39 real property comprising any public park or playground with  
40 intent to engage in conduct of a sexual nature, or to make a



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41 communication of any type containing any content of a sexual  
42 nature unless the offender is a parent or guardian of a person  
43 under 18 years of age who is also present within close proximity  
44 in the building or on the grounds;

45 1. This paragraph shall apply only to an offender described  
46 in subsection (1) whose offense was committed on or after July  
47 1, 2009.

48 (b)1.a. Knowingly be present in any child care facility or  
49 pre-K through 12 school or on real property comprising any child  
50 care facility or pre-K through 12 school when the child care  
51 facility or school is in operation unless the offender has  
52 provided written notification of his or her intent to be present  
53 to the school board, superintendent, principal, or child care  
54 facility owner.

55 b. Fail to notify the child care facility owner or the  
56 principal's office when he or she arrives and departs the child  
57 care facility or school.

58 c. Fail to remain under direct supervision of a child care  
59 facility or school official or designated chaperone when present  
60 in the vicinity of children.

61 d. The offender is not in violation of this subsection if:

62 (I) The child care facility or school is a voting location  
63 and the offender is present for the purpose of voting during the  
64 hours designated for voting; or

65 (II) The offender is only dropping off or picking up his or  
66 her own children or grandchildren at the child care facility or  
67 school.

68 2. As used in this paragraph, the term "school official"  
69 means a principal, school resource officer, teacher, or any



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70 other employee of the school, the superintendent of schools, a  
71 member of the school board, a child care facility owner, or a  
72 child care provider.

73 (3) Any person who violates this section commits a misdemeanor  
74 of the first degree, punishable as provided in s. 775.082 or s.  
75 775.083.

76 Section 2. Paragraph(g) of subsection (2), paragraphs (a)  
77 and (c) of subsection (4), paragraph (a) of subsection (5),  
78 paragraphs (a), (f), (g), (i), and (j) of subsection (6),  
79 paragraph (a) of subsection (7), and paragraph (a) of subsection  
80 (8) of section 775.21, Florida Statutes, are amended, and  
81 paragraph (1) is added to subsection (2) of that section, to  
82 read:

83 775.21 The Florida Sexual Predators Act.—

84 (2) DEFINITIONS.—As used in this section, the term:

85 (g) "Temporary residence" means a place where the person  
86 abides, lodges, or resides, including, but not limited to,  
87 vacation, business, or personal travel destinations in or out of  
88 this state, for a period of 5 or more days in the aggregate  
89 during any calendar year and which is not the person's permanent  
90 address or, for a person whose permanent residence is not in  
91 this state, a place where the person is employed, practices a  
92 vocation, or is enrolled as a student for any period of time in  
93 this state.

94 (1) "Transient residence" means a place or county where a  
95 person lives, remains, or is located for a period of 5 or more  
96 days in the aggregate during a calendar year and which is not  
97 the person's permanent or temporary address. The term includes,  
98 but is not limited to, a place where the person sleeps or seeks



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99 shelter and a location that has no specific street address.

100 (4) SEXUAL PREDATOR CRITERIA.—

101 (a) For a current offense committed on or after October 1,  
102 1993, upon conviction, an offender shall be designated as a  
103 "sexual predator" under subsection (5), and subject to  
104 registration under subsection (6) and community and public  
105 notification under subsection (7) if:

106 1. The felony is:

107 a. A capital, life, or first-degree felony violation, or  
108 any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
109 is a minor and the defendant is not the victim's parent or  
110 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a  
111 violation of a similar law of another jurisdiction; or

112 b. Any felony violation, or any attempt thereof, of s.  
113 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
114 minor and the defendant is not the victim's parent or guardian;  
115 s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
116 796.035; s. 800.04; s. 825.1025(2)(b); s. 827.071; s.  
117 847.0135(5); s. 847.0145; or s. 985.701(1); or a violation of a  
118 similar law of another jurisdiction, and the offender has  
119 previously been convicted of or found to have committed, or has  
120 pled nolo contendere or guilty to, regardless of adjudication,  
121 any violation of s. 787.01, s. 787.02, or s. 787.025(2)(c),  
122 where the victim is a minor and the defendant is not the  
123 victim's parent or guardian; s. 794.011, excluding s.  
124 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
125 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
126 847.0135(6) ~~847.0135(4)~~; s. 847.0145; or s. 985.701(1); or a  
127 violation of a similar law of another jurisdiction;



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

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

134           (c) If an offender has been registered as a sexual predator  
135 by the Department of Corrections, the department, or any other  
136 law enforcement agency and if:

137           1. The court did not, for whatever reason, make a written  
138 finding at the time of sentencing that the offender was a sexual  
139 predator; or

140           2. The offender was administratively registered as a sexual  
141 predator because the Department of Corrections, the department,  
142 or any other law enforcement agency obtained information that  
143 indicated that the offender met the criteria for designation as  
144 a sexual predator based on a violation of a similar law in  
145 another jurisdiction,

146  
147 the department shall remove that offender from the department's  
148 list of sexual predators and, for an offender described under  
149 subparagraph 1., shall notify the state attorney who prosecuted  
150 the offense that met the criteria for administrative designation  
151 as a sexual predator, and, for an offender described under this  
152 paragraph, shall notify the state attorney of the county where  
153 the offender establishes or maintains a permanent, ~~or~~ temporary,  
154 or transient residence. The state attorney shall bring the  
155 matter to the court's attention in order to establish that the  
156 offender meets the criteria for designation as a sexual



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157 predator. If the court makes a written finding that the offender  
158 is a sexual predator, the offender must be designated as a  
159 sexual predator, must register or be registered as a sexual  
160 predator with the department as provided in subsection (6), and  
161 is subject to the community and public notification as provided  
162 in subsection (7). If the court does not make a written finding  
163 that the offender is a sexual predator, the offender may not be  
164 designated as a sexual predator with respect to that offense and  
165 is not required to register or be registered as a sexual  
166 predator with the department.

167 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated  
168 as a sexual predator as follows:

169 (a)1. An offender who meets the sexual predator criteria  
170 described in paragraph (4)(d) is a sexual predator, and the  
171 court shall make a written finding at the time such offender is  
172 determined to be a sexually violent predator under chapter 394  
173 that such person meets the criteria for designation as a sexual  
174 predator for purposes of this section. The clerk shall transmit  
175 a copy of the order containing the written finding to the  
176 department within 48 hours after the entry of the order;

177 2. An offender who meets the sexual predator criteria  
178 described in paragraph (4)(a) who is before the court for  
179 sentencing for a current offense committed on or after October  
180 1, 1993, is a sexual predator, and the sentencing court must  
181 make a written finding at the time of sentencing that the  
182 offender is a sexual predator, and the clerk of the court shall  
183 transmit a copy of the order containing the written finding to  
184 the department within 48 hours after the entry of the order; or

185 3. If the Department of Corrections, the department, or any



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186 other law enforcement agency obtains information which indicates  
187 that an offender who establishes or maintains a permanent, ~~or~~  
188 temporary, or transient residence in this state meets the sexual  
189 predator criteria described in paragraph (4) (a) or paragraph  
190 (4) (d) because the offender was civilly committed or committed a  
191 similar violation in another jurisdiction on or after October 1,  
192 1993, the Department of Corrections, the department, or the law  
193 enforcement agency shall notify the state attorney of the county  
194 where the offender establishes or maintains a permanent, ~~or~~  
195 temporary, or transient residence of the offender's presence in  
196 the community. The state attorney shall file a petition with the  
197 criminal division of the circuit court for the purpose of  
198 holding a hearing to determine if the offender's criminal record  
199 or record of civil commitment from another jurisdiction meets  
200 the sexual predator criteria. If the court finds that the  
201 offender meets the sexual predator criteria because the offender  
202 has violated a similar law or similar laws in another  
203 jurisdiction, the court shall make a written finding that the  
204 offender is a sexual predator.

205  
206 When the court makes a written finding that an offender is a  
207 sexual predator, the court shall inform the sexual predator of  
208 the registration and community and public notification  
209 requirements described in this section. Within 48 hours after  
210 the court designating an offender as a sexual predator, the  
211 clerk of the circuit court shall transmit a copy of the court's  
212 written sexual predator finding to the department. If the  
213 offender is sentenced to a term of imprisonment or supervision,  
214 a copy of the court's written sexual predator finding must be





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215 submitted to the Department of Corrections.

216 (6) REGISTRATION.—

217 (a) A sexual predator must register with the department  
218 through the sheriff's office by providing the following  
219 information to the department:

220 1. Name, social security number, age, race, sex, date of  
221 birth, height, weight, hair and eye color, photograph, address  
222 of legal residence and address of any current temporary  
223 residence, within the state or out of state, including a rural  
224 route address and a post office box, if no permanent or  
225 temporary address, any transient residence within the state,  
226 address, location, or description and dates of any current or  
227 known future temporary residence within the state or out of  
228 state, any electronic mail address and any instant message name  
229 required to be provided pursuant to subparagraph (g)4., date and  
230 place of any employment, date and place of each conviction,  
231 fingerprints, and a brief description of the crime or crimes  
232 committed by the offender. A post office box shall not be  
233 provided in lieu of a physical residential address.

234 a. If the sexual predator's place of residence is a motor  
235 vehicle, trailer, mobile home, or manufactured home, as defined  
236 in chapter 320, the sexual predator shall also provide to the  
237 department written notice of the vehicle identification number;  
238 the license tag number; the registration number; and a  
239 description, including color scheme, of the motor vehicle,  
240 trailer, mobile home, or manufactured home. If a sexual  
241 predator's place of residence is a vessel, live-aboard vessel,  
242 or houseboat, as defined in chapter 327, the sexual predator  
243 shall also provide to the department written notice of the hull



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244 identification number; the manufacturer's serial number; the  
245 name of the vessel, live-aboard vessel, or houseboat; the  
246 registration number; and a description, including color scheme,  
247 of the vessel, live-aboard vessel, or houseboat.

248       b. If the sexual predator is enrolled, employed, or  
249 carrying on a vocation at an institution of higher education in  
250 this state, the sexual predator shall also provide to the  
251 department the name, address, and county of each institution,  
252 including each campus attended, and the sexual predator's  
253 enrollment or employment status. Each change in enrollment or  
254 employment status shall be reported in person at the sheriff's  
255 office, or the Department of Corrections if the sexual predator  
256 is in the custody or control of or under the supervision of the  
257 Department of Corrections, within 48 hours after any change in  
258 status. The sheriff or the Department of Corrections shall  
259 promptly notify each institution of the sexual predator's  
260 presence and any change in the sexual predator's enrollment or  
261 employment status.

262       2. Any other information determined necessary by the  
263 department, including criminal and corrections records;  
264 nonprivileged personnel and treatment records; and evidentiary  
265 genetic markers when available.

266       (f) Within 48 hours after the registration required under  
267 paragraph (a) or paragraph (e), a sexual predator who is not  
268 incarcerated and who resides in the community, including a  
269 sexual predator under the supervision of the Department of  
270 Corrections, shall register in person at a driver's license  
271 office of the Department of Highway Safety and Motor Vehicles  
272 and shall present proof of registration. At the driver's license



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273 office the sexual predator shall:

274 1. If otherwise qualified, secure a Florida driver's  
275 license, renew a Florida driver's license, or secure an  
276 identification card. The sexual predator shall identify himself  
277 or herself as a sexual predator who is required to comply with  
278 this section, provide his or her place of permanent, ~~or~~  
279 temporary, or transient residence, including a rural route  
280 address and a post office box, and submit to the taking of a  
281 photograph for use in issuing a driver's license, renewed  
282 license, or identification card, and for use by the department  
283 in maintaining current records of sexual predators. A post  
284 office box shall not be provided in lieu of a physical  
285 residential address. If the sexual predator's place of residence  
286 is a motor vehicle, trailer, mobile home, or manufactured home,  
287 as defined in chapter 320, the sexual predator shall also  
288 provide to the Department of Highway Safety and Motor Vehicles  
289 the vehicle identification number; the license tag number; the  
290 registration number; and a description, including color scheme,  
291 of the motor vehicle, trailer, mobile home, or manufactured  
292 home. If a sexual predator's place of residence is a vessel,  
293 live-aboard vessel, or houseboat, as defined in chapter 327, the  
294 sexual predator shall also provide to the Department of Highway  
295 Safety and Motor Vehicles the hull identification number; the  
296 manufacturer's serial number; the name of the vessel, live-  
297 aboard vessel, or houseboat; the registration number; and a  
298 description, including color scheme, of the vessel, live-aboard  
299 vessel, or houseboat.

300 2. Pay the costs assessed by the Department of Highway  
301 Safety and Motor Vehicles for issuing or renewing a driver's



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302 license or identification card as required by this section. The  
303 driver's license or identification card issued to the sexual  
304 predator must be in compliance with s. 322.141(3).

305 3. Provide, upon request, any additional information  
306 necessary to confirm the identity of the sexual predator,  
307 including a set of fingerprints.

308 (g)1. Each time a sexual predator's driver's license or  
309 identification card is subject to renewal, and, without regard  
310 to the status of the predator's driver's license or  
311 identification card, within 48 hours after any change of the  
312 predator's residence or change in the predator's name by reason  
313 of marriage or other legal process, the predator shall report in  
314 person to a driver's license office and shall be subject to the  
315 requirements specified in paragraph (f). The Department of  
316 Highway Safety and Motor Vehicles shall forward to the  
317 department and to the Department of Corrections all photographs  
318 and information provided by sexual predators. Notwithstanding  
319 the restrictions set forth in s. 322.142, the Department of  
320 Highway Safety and Motor Vehicles is authorized to release a  
321 reproduction of a color-photograph or digital-image license to  
322 the Department of Law Enforcement for purposes of public  
323 notification of sexual predators as provided in this section.

324 2. A sexual predator who vacates a permanent, temporary, or  
325 transient residence and fails to establish or maintain another  
326 permanent or temporary residence shall, within 48 hours after  
327 vacating the permanent or temporary residence, report in person  
328 to the sheriff's office of the county in which he or she is  
329 located. The sexual predator shall specify the date upon which  
330 he or she intends to or did vacate such residence. The sexual



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331 predator must provide or update all of the registration  
332 information required under paragraph (a). The sexual predator  
333 must provide an address for the residence or other place  
334 ~~location~~ that he or she is or will be located ~~occupying~~ during  
335 the time in which he or she fails to establish or maintain a  
336 permanent or temporary residence.

337 3. A sexual predator who remains at a permanent, temporary,  
338 or transient residence after reporting his or her intent to  
339 vacate such residence shall, within 48 hours after the date upon  
340 which the predator indicated he or she would or did vacate such  
341 residence, report in person to the sheriff's office to which he  
342 or she reported pursuant to subparagraph 2. for the purpose of  
343 reporting his or her address at such residence. When the sheriff  
344 receives the report, the sheriff shall promptly convey the  
345 information to the department. An offender who makes a report as  
346 required under subparagraph 2. but fails to make a report as  
347 required under this subparagraph commits a felony of the second  
348 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
349 775.084.

350 4. A sexual predator must register any electronic mail  
351 address or instant message name with the department prior to  
352 using such electronic mail address or instant message name on or  
353 after October 1, 2007. The department shall establish an online  
354 system through which sexual predators may securely access and  
355 update all electronic mail address and instant message name  
356 information.

357 (i) A sexual predator who intends to establish a permanent,  
358 temporary, or transient residence in another state or  
359 jurisdiction other than the State of Florida shall report in



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360 person to the sheriff of the county of current residence within  
361 48 hours before the date he or she intends to leave this state  
362 to establish residence in another state or jurisdiction. The  
363 sexual predator must provide to the sheriff the address,  
364 municipality, county, and state of intended residence. The  
365 sheriff shall promptly provide to the department the information  
366 received from the sexual predator. The department shall notify  
367 the statewide law enforcement agency, or a comparable agency, in  
368 the intended state or jurisdiction of residence of the sexual  
369 predator's intended residence. The failure of a sexual predator  
370 to provide his or her intended place of residence is punishable  
371 as provided in subsection (10).

372 (j) A sexual predator who indicates his or her intent to  
373 ~~reside~~ establish a permanent, temporary, or transient residence  
374 in another state or jurisdiction other than the State of Florida  
375 and later decides to remain in this state shall, within 48 hours  
376 after the date upon which the sexual predator indicated he or  
377 she would leave this state, report in person to the sheriff to  
378 which the sexual predator reported the intended change of  
379 residence, and report his or her intent to remain in this state.  
380 If the sheriff is notified by the sexual predator that he or she  
381 intends to remain in this state, the sheriff shall promptly  
382 report this information to the department. A sexual predator who  
383 reports his or her intent to ~~reside~~ establish a permanent,  
384 temporary, or transient residence in another state or  
385 jurisdiction, but who remains in this state without reporting to  
386 the sheriff in the manner required by this paragraph, commits a  
387 felony of the second degree, punishable as provided in s.  
388 775.082, s. 775.083, or s. 775.084.



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389 (7) COMMUNITY AND PUBLIC NOTIFICATION.—

390 (a) Law enforcement agencies must inform members of the  
391 community and the public of a sexual predator's presence. Upon  
392 notification of the presence of a sexual predator, the sheriff  
393 of the county or the chief of police of the municipality where  
394 the sexual predator establishes or maintains a permanent or  
395 temporary residence shall notify members of the community and  
396 the public of the presence of the sexual predator in a manner  
397 deemed appropriate by the sheriff or the chief of police. Within  
398 48 hours after receiving notification of the presence of a  
399 sexual predator, the sheriff of the county or the chief of  
400 police of the municipality where the sexual predator temporarily  
401 or permanently resides shall notify each licensed day care  
402 center, elementary school, middle school, and high school within  
403 a 1-mile radius of the temporary or permanent residence of the  
404 sexual predator of the presence of the sexual predator.  
405 Information provided to members of the community and the public  
406 regarding a sexual predator must include:

- 407 1. The name of the sexual predator;
- 408 2. A description of the sexual predator, including a  
409 photograph;
- 410 3. The sexual predator's current permanent, temporary, and  
411 transient addresses, and descriptions of registered locations  
412 that have no specific street address, including the name of the  
413 county or municipality if known;
- 414 4. The circumstances of the sexual predator's offense or  
415 offenses; and
- 416 5. Whether the victim of the sexual predator's offense or  
417 offenses was, at the time of the offense, a minor or an adult.



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418  
419 This paragraph does not authorize the release of the name of any  
420 victim of the sexual predator.

421 (8) VERIFICATION.—The department and the Department of  
422 Corrections shall implement a system for verifying the addresses  
423 of sexual predators. The system must be consistent with the  
424 provisions of the federal Adam Walsh Child Protection and Safety  
425 Act of 2006 and any other federal standards applicable to such  
426 verification or required to be met as a condition for the  
427 receipt of federal funds by the state. The Department of  
428 Corrections shall verify the addresses of sexual predators who  
429 are not incarcerated but who reside in the community under the  
430 supervision of the Department of Corrections and shall report to  
431 the department any failure by a sexual predator to comply with  
432 registration requirements. County and local law enforcement  
433 agencies, in conjunction with the department, shall verify the  
434 addresses of sexual predators who are not under the care,  
435 custody, control, or supervision of the Department of  
436 Corrections. Local law enforcement agencies shall report to the  
437 department any failure by a sexual predator to comply with  
438 registration requirements.

439 (a) A sexual predator must report in person each year  
440 during the month of the sexual predator's birthday and during  
441 every third month thereafter to the sheriff's office in the  
442 county in which he or she resides or is otherwise located to  
443 reregister. The sheriff's office may determine the appropriate  
444 times and days for reporting by the sexual predator, which shall  
445 be consistent with the reporting requirements of this paragraph.  
446 Reregistration shall include any changes to the following





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447 information:

448 1. Name; social security number; age; race; sex; date of  
449 birth; height; weight; hair and eye color; address of any  
450 permanent residence and address of any current temporary  
451 residence, within the state or out of state, including a rural  
452 route address and a post office box; if no permanent or  
453 temporary address, any transient residence within the state;  
454 address, location, or description and dates of any current or  
455 known future temporary residence within the state or out of  
456 state; any electronic mail address and any instant message name  
457 required to be provided pursuant to subparagraph (6)(g)4.; date  
458 and place of any employment; vehicle make, model, color, and  
459 license tag number; fingerprints; and photograph. A post office  
460 box shall not be provided in lieu of a physical residential  
461 address.

462 2. If the sexual predator is enrolled, employed, or  
463 carrying on a vocation at an institution of higher education in  
464 this state, the sexual predator shall also provide to the  
465 department the name, address, and county of each institution,  
466 including each campus attended, and the sexual predator's  
467 enrollment or employment status.

468 3. If the sexual predator's place of residence is a motor  
469 vehicle, trailer, mobile home, or manufactured home, as defined  
470 in chapter 320, the sexual predator shall also provide the  
471 vehicle identification number; the license tag number; the  
472 registration number; and a description, including color scheme,  
473 of the motor vehicle, trailer, mobile home, or manufactured  
474 home. If the sexual predator's place of residence is a vessel,  
475 live-aboard vessel, or houseboat, as defined in chapter 327, the



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476 sexual predator shall also provide the hull identification  
477 number; the manufacturer's serial number; the name of the  
478 vessel, live-aboard vessel, or houseboat; the registration  
479 number; and a description, including color scheme, of the  
480 vessel, live-aboard vessel, or houseboat.

481 Section 3. Paragraph (c) of subsection (1), subsection (2),  
482 paragraphs (a), (b), and (c) of subsection (4), subsections (7),  
483 (8), and (10), and paragraph (c) of subsection (14) of section  
484 943.0435, Florida Statutes, are amended to read:

485 943.0435 Sexual offenders required to register with the  
486 department; penalty.—

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

488 (c) "Permanent residence," ~~and~~ "temporary residence," and  
489 "transient residence" have the same meaning ascribed in s.  
490 775.21.

491 (2) A sexual offender shall:

492 (a) Report in person at the sheriff's office:

493 1. In the county in which the offender establishes or  
494 maintains a permanent, ~~or~~ temporary, or transient residence  
495 within 48 hours after:

496 a. Establishing permanent, ~~or~~ temporary, or transient  
497 residence in this state ; or

498 b. Being released from the custody, control, or supervision  
499 of the Department of Corrections or from the custody of a  
500 private correctional facility; or

501 2. In the county where he or she was convicted within 48  
502 hours after being convicted for a qualifying offense for  
503 registration under this section if the offender is not in the  
504 custody or control of, or under the supervision of, the



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505 Department of Corrections, or is not in the custody of a private  
506 correctional facility.

507  
508 Any change in the information required to be provided pursuant  
509 to paragraph (b), including, but not limited to, any change in  
510 the sexual offender's permanent, ~~or~~ temporary, or transient  
511 residence, name, any electronic mail address, and any instant  
512 message name required to be provided pursuant to paragraph  
513 (4) (d), after the sexual offender reports in person at the  
514 sheriff's office, shall be accomplished in the manner provided  
515 in subsections (4), (7), and (8).

516 (b) Provide his or her name, date of birth, social security  
517 number, race, sex, height, weight, hair and eye color, tattoos  
518 or other identifying marks, occupation and place of employment,  
519 address of permanent or legal residence or address of any  
520 current temporary residence, within the state and out of state,  
521 including a rural route address and a post office box, if no  
522 permanent or temporary address, any transient residence within  
523 the state, address, location, or description and dates of any  
524 current or known future temporary residence within the state or  
525 out of state, any electronic mail address and any instant  
526 message name required to be provided pursuant to paragraph  
527 (4) (d), date and place of each conviction, and a brief  
528 description of the crime or crimes committed by the offender. A  
529 post office box shall not be provided in lieu of a physical  
530 residential address.

531 1. If the sexual offender's place of residence is a motor  
532 vehicle, trailer, mobile home, or manufactured home, as defined  
533 in chapter 320, the sexual offender shall also provide to the



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534 department through the sheriff's office written notice of the  
535 vehicle identification number; the license tag number; the  
536 registration number; and a description, including color scheme,  
537 of the motor vehicle, trailer, mobile home, or manufactured  
538 home. If the sexual offender's place of residence is a vessel,  
539 live-aboard vessel, or houseboat, as defined in chapter 327, the  
540 sexual offender shall also provide to the department written  
541 notice of the hull identification number; the manufacturer's  
542 serial number; the name of the vessel, live-aboard vessel, or  
543 houseboat; the registration number; and a description, including  
544 color scheme, of the vessel, live-aboard vessel, or houseboat.

545 2. If the sexual offender is enrolled, employed, or  
546 carrying on a vocation at an institution of higher education in  
547 this state, the sexual offender shall also provide to the  
548 department through the sheriff's office the name, address, and  
549 county of each institution, including each campus attended, and  
550 the sexual offender's enrollment or employment status. Each  
551 change in enrollment or employment status shall be reported in  
552 person at the sheriff's office, within 48 hours after any change  
553 in status. The sheriff shall promptly notify each institution of  
554 the sexual offender's presence and any change in the sexual  
555 offender's enrollment or employment status.

556  
557 When a sexual offender reports at the sheriff's office, the  
558 sheriff shall take a photograph and a set of fingerprints of the  
559 offender and forward the photographs and fingerprints to the  
560 department, along with the information provided by the sexual  
561 offender. The sheriff shall promptly provide to the department  
562 the information received from the sexual offender.



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563           (4) (a) Each time a sexual offender's driver's license or  
564 identification card is subject to renewal, and, without regard  
565 to the status of the offender's driver's license or  
566 identification card, within 48 hours after any change in the  
567 offender's permanent, ~~or~~ temporary, or transient residence or  
568 change in the offender's name by reason of marriage or other  
569 legal process, the offender shall report in person to a driver's  
570 license office, and shall be subject to the requirements  
571 specified in subsection (3). The Department of Highway Safety  
572 and Motor Vehicles shall forward to the department all  
573 photographs and information provided by sexual offenders.  
574 Notwithstanding the restrictions set forth in s. 322.142, the  
575 Department of Highway Safety and Motor Vehicles is authorized to  
576 release a reproduction of a color-photograph or digital-image  
577 license to the Department of Law Enforcement for purposes of  
578 public notification of sexual offenders as provided in this  
579 section and ss. 943.043 and 944.606.

580           (b) A sexual offender who vacates a permanent, temporary,  
581 or transient residence and fails to establish or maintain  
582 another permanent or temporary residence shall, within 48 hours  
583 after vacating the permanent residence, report in person to the  
584 sheriff's office of the county in which he or she is located.  
585 The sexual offender shall specify the date upon which he or she  
586 intends to or did vacate such residence. The sexual offender  
587 must provide or update all of the registration information  
588 required under paragraph (2) (b). The sexual offender must  
589 provide an address for the residence or other place ~~location~~  
590 that he or she is or will be located ~~occupying~~ during the time  
591 in which he or she fails to establish or maintain a permanent or



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592 temporary residence.

593 (c) A sexual offender who remains at a permanent,  
594 temporary, or transient residence after reporting his or her  
595 intent to vacate such residence shall, within 48 hours after the  
596 date upon which the offender indicated he or she would or did  
597 vacate such residence, report in person to the agency to which  
598 he or she reported pursuant to paragraph (b) for the purpose of  
599 reporting his or her address at such residence. When the sheriff  
600 receives the report, the sheriff shall promptly convey the  
601 information to the department. An offender who makes a report as  
602 required under paragraph (b) but fails to make a report as  
603 required under this paragraph commits a felony of the second  
604 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
605 775.084.

606 (7) A sexual offender who intends to establish a permanent,  
607 temporary, or transient residence in another state or  
608 jurisdiction other than the State of Florida shall report in  
609 person to the sheriff of the county of current residence within  
610 48 hours before the date he or she intends to leave this state  
611 to establish residence in another state or jurisdiction. The  
612 notification must include the address, municipality, county, and  
613 state of intended residence. The sheriff shall promptly provide  
614 to the department the information received from the sexual  
615 offender. The department shall notify the statewide law  
616 enforcement agency, or a comparable agency, in the intended  
617 state or jurisdiction of residence of the sexual offender's  
618 intended residence. The failure of a sexual offender to provide  
619 his or her intended place of residence is punishable as provided  
620 in subsection (9).



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621           (8) A sexual offender who indicates his or her intent to  
622 ~~reside~~ or establish a permanent, temporary, or transient  
623 residence in another state or jurisdiction other than the State  
624 of Florida and later decides to remain in this state shall,  
625 within 48 hours after the date upon which the sexual offender  
626 indicated he or she would leave this state, report in person to  
627 the sheriff to which the sexual offender reported the intended  
628 change of permanent, temporary, or transient residence, and  
629 report his or her intent to remain in this state. The sheriff  
630 shall promptly report this information to the department. A  
631 sexual offender who reports his or her intent to ~~reside~~  
632 establish a permanent, temporary, or transient residence in  
633 another state or jurisdiction but who remains in this state  
634 without reporting to the sheriff in the manner required by this  
635 subsection commits a felony of the second degree, punishable as  
636 provided in s. 775.082, s. 775.083, or s. 775.084.

637           (10) The department, the Department of Highway Safety and  
638 Motor Vehicles, the Department of Corrections, the Department of  
639 Juvenile Justice, any law enforcement agency in this state, and  
640 the personnel of those departments; an elected or appointed  
641 official, public employee, or school administrator; or an  
642 employee, agency, or any individual or entity acting at the  
643 request or upon the direction of any law enforcement agency is  
644 immune from civil liability for damages for good faith  
645 compliance with the requirements of this section or for the  
646 release of information under this section, and shall be presumed  
647 to have acted in good faith in compiling, recording, reporting,  
648 or releasing the information. The presumption of good faith is  
649 not overcome if a technical or clerical error is made by the



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650 department, the Department of Highway Safety and Motor Vehicles,  
651 the Department of Corrections, the Department of Juvenile  
652 Justice, the personnel of those departments, or any individual  
653 or entity acting at the request or upon the direction of any of  
654 those departments in compiling or providing information, or if  
655 information is incomplete or incorrect because a sexual offender  
656 fails to report or falsely reports his or her current place of  
657 permanent, ~~or~~ temporary, or transient residence.

658 (14)

659 (c) The sheriff's office may determine the appropriate  
660 times and days for reporting by the sexual offender, which shall  
661 be consistent with the reporting requirements of this  
662 subsection. Reregistration shall include any changes to the  
663 following information:

664 1. Name; social security number; age; race; sex; date of  
665 birth; height; weight; hair and eye color; address of any  
666 permanent residence and address of any current temporary  
667 residence, within the state or out of state, including a rural  
668 route address and a post office box; if no permanent or  
669 temporary address, any transient residence within the state;  
670 address, location, or description and dates of any current or  
671 known future temporary residence within the state or out of  
672 state; any electronic mail address and any instant message name  
673 required to be provided pursuant to paragraph (4) (d); date and  
674 place of any employment; vehicle make, model, color, and license  
675 tag number; fingerprints; and photograph. A post office box  
676 shall not be provided in lieu of a physical residential address.

677 2. If the sexual offender is enrolled, employed, or  
678 carrying on a vocation at an institution of higher education in





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679 this state, the sexual offender shall also provide to the  
680 department the name, address, and county of each institution,  
681 including each campus attended, and the sexual offender's  
682 enrollment or employment status.

683 3. If the sexual offender's place of residence is a motor  
684 vehicle, trailer, mobile home, or manufactured home, as defined  
685 in chapter 320, the sexual offender shall also provide the  
686 vehicle identification number; the license tag number; the  
687 registration number; and a description, including color scheme,  
688 of the motor vehicle, trailer, mobile home, or manufactured  
689 home. If the sexual offender's place of residence is a vessel,  
690 live-aboard vessel, or houseboat, as defined in chapter 327, the  
691 sexual offender shall also provide the hull identification  
692 number; the manufacturer's serial number; the name of the  
693 vessel, live-aboard vessel, or houseboat; the registration  
694 number; and a description, including color scheme, of the  
695 vessel, live-aboard vessel or houseboat.

696 4. Any sexual offender who fails to report in person as  
697 required at the sheriff's office, or who fails to respond to any  
698 address verification correspondence from the department within 3  
699 weeks of the date of the correspondence or who fails to report  
700 electronic mail addresses or instant message names, commits a  
701 felony of the third degree, punishable as provided in s.  
702 775.082, s. 775.083, or s. 775.084.

703 Section 4. Section 943.04352, Florida Statutes, is amended  
704 to read:

705 943.04352 Search of registration information regarding  
706 sexual predators and sexual offenders required when placement on  
707 misdemeanor probation.—When the court places a defendant on



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708 misdemeanor probation pursuant to ss. 948.01 and 948.15, the  
709 public or private entity providing probation services must  
710 conduct a search of the probationer's name or other identifying  
711 information against the registration information regarding  
712 sexual predators and sexual offenders maintained by the  
713 Department of Law Enforcement under s. 943.043. The probation  
714 services provider may conduct the search using the Internet site  
715 maintained by the Department of Law Enforcement. Also, a  
716 national search must be conducted through the Dru Sjodin  
717 National Sex Offender Public Website maintained by the United  
718 States Department of Justice.

719 Section 5. Paragraph (a) of subsection (3) of section  
720 944.606, Florida Statutes, is amended to read:

721 944.606 Sexual offenders; notification upon release.—

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

725 1. The department must provide: the sexual offender's name,  
726 any change in the offender's name by reason of marriage or other  
727 legal process, and any alias, if known; the correctional  
728 facility from which the sexual offender is released; the sexual  
729 offender's social security number, race, sex, date of birth,  
730 height, weight, and hair and eye color; address of any planned  
731 permanent residence or temporary residence, within the state or  
732 out of state, including a rural route address and a post office  
733 box; if no permanent or temporary address, any transient  
734 residence within the state; address, location, or description  
735 and dates of any known future temporary residence within the  
736 state or out of state; date and county of sentence and each



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737 crime for which the offender was sentenced; a copy of the  
738 offender's fingerprints and a digitized photograph taken within  
739 60 days before release; the date of release of the sexual  
740 offender; any electronic mail address and any instant message  
741 name required to be provided pursuant to s. 943.0435(4)(d) ~~and~~  
742 ~~the offender's intended residence address, if known.~~ The  
743 department shall notify the Department of Law Enforcement if the  
744 sexual offender escapes, absconds, or dies. If the sexual  
745 offender is in the custody of a private correctional facility,  
746 the facility shall take the digitized photograph of the sexual  
747 offender within 60 days before the sexual offender's release and  
748 provide this photograph to the Department of Corrections and  
749 also place it in the sexual offender's file. If the sexual  
750 offender is in the custody of a local jail, the custodian of the  
751 local jail shall register the offender within 3 business days  
752 after intake of the offender for any reason and upon release,  
753 and shall notify the Department of Law Enforcement of the sexual  
754 offender's release and provide to the Department of Law  
755 Enforcement the information specified in this paragraph and any  
756 information specified in subparagraph 2. that the Department of  
757 Law Enforcement requests.

758 2. The department may provide any other information deemed  
759 necessary, including criminal and corrections records,  
760 nonprivileged personnel and treatment records, when available.

761 Section 6. Subsections (4) and (6) and paragraph (c) of  
762 subsection (13) of section 944.607, Florida Statutes, are  
763 amended to read:

764 944.607 Notification to Department of Law Enforcement of  
765 information on sexual offenders.-



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766 (4) A sexual offender, as described in this section, who is  
767 under the supervision of the Department of Corrections but is  
768 not incarcerated must register with the Department of  
769 Corrections within 3 business days after sentencing for a  
770 registrable ~~registerable~~ offense and otherwise provide  
771 information as required by this subsection.

772 (a) The sexual offender shall provide his or her name; date  
773 of birth; social security number; race; sex; height; weight;  
774 hair and eye color; tattoos or other identifying marks; any  
775 electronic mail address and any instant message name required to  
776 be provided pursuant to s. 943.0435(4) (d); and permanent or  
777 legal residence and address of temporary residence within the  
778 state or out of state while the sexual offender is under  
779 supervision in this state, including any rural route address or  
780 post office box; if no permanent or temporary address, any  
781 transient residence within the state; address, location, or  
782 description and dates of any current or known future temporary  
783 residence within the state or out of state. The Department of  
784 Corrections shall verify the address of each sexual offender in  
785 the manner described in ss. 775.21 and 943.0435. The department  
786 shall report to the Department of Law Enforcement any failure by  
787 a sexual predator or sexual offender to comply with registration  
788 requirements.

789 (b) If the sexual offender is enrolled, employed, or  
790 carrying on a vocation at an institution of higher education in  
791 this state, the sexual offender shall provide the name, address,  
792 and county of each institution, including each campus attended,  
793 and the sexual offender's enrollment or employment status. Each  
794 change in enrollment or employment status shall be reported to



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795 the department within 48 hours after the change in status. The  
796 Department of Corrections shall promptly notify each institution  
797 of the sexual offender's presence and any change in the sexual  
798 offender's enrollment or employment status.

799 (6) The information provided to the Department of Law  
800 Enforcement must include:

801 (a) The information obtained from the sexual offender under  
802 subsection (4);

803 (b) The sexual offender's most current address and place of  
804 permanent and temporary residence within the state or out of  
805 state or transient residence, and address, location, or  
806 description and dates of any current or known future temporary  
807 residence within the state or out of state, while the sexual  
808 offender is under supervision in this state, including the name  
809 of the county or municipality in which the offender permanently  
810 or temporarily resides, or has a transient residence, and  
811 address, location, or description and dates of any current or  
812 known future temporary residence within the state or out of  
813 state, and, if known, the intended place of permanent, ~~or~~  
814 temporary, or transient residence, and address, location, or  
815 description and dates of any current or known future temporary  
816 residence within the state or out of state upon satisfaction of  
817 all sanctions;

818 (c) The legal status of the sexual offender and the  
819 scheduled termination date of that legal status;

820 (d) The location of, and local telephone number for, any  
821 Department of Corrections' office that is responsible for  
822 supervising the sexual offender;

823 (e) An indication of whether the victim of the offense that



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824 resulted in the offender's status as a sexual offender was a  
825 minor;

826 (f) The offense or offenses at conviction which resulted in  
827 the determination of the offender's status as a sex offender;  
828 and

829 (g) A digitized photograph of the sexual offender which  
830 must have been taken within 60 days before the offender is  
831 released from the custody of the department or a private  
832 correctional facility by expiration of sentence under s. 944.275  
833 or must have been taken by January 1, 1998, or within 60 days  
834 after the onset of the department's supervision of any sexual  
835 offender who is on probation, community control, conditional  
836 release, parole, provisional release, or control release or who  
837 is supervised by the department under the Interstate Compact  
838 Agreement for Probationers and Parolees. If the sexual offender  
839 is in the custody of a private correctional facility, the  
840 facility shall take a digitized photograph of the sexual  
841 offender within the time period provided in this paragraph and  
842 shall provide the photograph to the department.

843  
844 If any information provided by the department changes during the  
845 time the sexual offender is under the department's control,  
846 custody, or supervision, including any change in the offender's  
847 name by reason of marriage or other legal process, the  
848 department shall, in a timely manner, update the information and  
849 provide it to the Department of Law Enforcement in the manner  
850 prescribed in subsection (2).

851 (13)

852 (c) The sheriff's office may determine the appropriate



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853 times and days for reporting by the sexual offender, which shall  
854 be consistent with the reporting requirements of this  
855 subsection. Reregistration shall include any changes to the  
856 following information:

857 1. Name; social security number; age; race; sex; date of  
858 birth; height; weight; hair and eye color; address of any  
859 permanent residence and address of any current temporary  
860 residence, within the state or out of state, including a rural  
861 route address and a post office box; if no permanent or  
862 temporary address, any transient residence; address, location,  
863 or description and dates of any current or known future  
864 temporary residence both within the state and out of state; any  
865 electronic mail address and any instant message name required to  
866 be provided pursuant to s. 943.0435(4)(d); date and place of any  
867 employment; vehicle make, model, color, and license tag number;  
868 fingerprints; and photograph. A post office box shall not be  
869 provided in lieu of a physical residential address.

870 2. If the sexual offender is enrolled, employed, or  
871 carrying on a vocation at an institution of higher education in  
872 this state, the sexual offender shall also provide to the  
873 department the name, address, and county of each institution,  
874 including each campus attended, and the sexual offender's  
875 enrollment or employment status.

876 3. If the sexual offender's place of residence is a motor  
877 vehicle, trailer, mobile home, or manufactured home, as defined  
878 in chapter 320, the sexual offender shall also provide the  
879 vehicle identification number; the license tag number; the  
880 registration number; and a description, including color scheme,  
881 of the motor vehicle, trailer, mobile home, or manufactured



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882 home. If the sexual offender's place of residence is a vessel,  
883 live-aboard vessel, or houseboat, as defined in chapter 327, the  
884 sexual offender shall also provide the hull identification  
885 number; the manufacturer's serial number; the name of the  
886 vessel, live-aboard vessel, or houseboat; the registration  
887 number; and a description, including color scheme, of the  
888 vessel, live-aboard vessel or houseboat.

889 4. Any sexual offender who fails to report in person as  
890 required at the sheriff's office, or who fails to respond to any  
891 address verification correspondence from the department within 3  
892 weeks of the date of the correspondence, or who fails to report  
893 electronic mail addresses or instant message names, commits a  
894 felony of the third degree, punishable as provided in s.  
895 775.082, s. 775.083, or s. 775.084.

896 Section 7. Paragraph (b) of subsection (7) of section  
897 947.1405, Florida Statutes, is amended, and subsection (12) is  
898 added to that section, to read:

899 947.1405 Conditional release program.-

900 (7)

901 (b) For a releasee whose crime was committed on or after  
902 October 1, 1997, in violation of chapter 794, s. 800.04, s.  
903 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to  
904 conditional release supervision, in addition to any other  
905 provision of this subsection, the commission shall impose the  
906 following additional conditions of conditional release  
907 supervision:

908 1. As part of a treatment program, participation in a  
909 minimum of one annual polygraph examination to obtain  
910 information necessary for risk management and treatment and to





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911 reduce the sex offender's denial mechanisms. The polygraph  
912 examination must be conducted by a polygrapher trained  
913 specifically in the use of the polygraph for the monitoring of  
914 sex offenders who has been authorized by the department, where  
915 available, and at the expense of the releasee ~~sex offender~~. The  
916 results of the polygraph examination shall be provided to the  
917 releasee's probation officer and therapist and shall not be used  
918 as evidence in a hearing to prove that a violation of  
919 supervision has occurred.

920 2. Maintenance of a driving log and a prohibition against  
921 driving a motor vehicle alone without the prior approval of the  
922 supervising officer.

923 3. A prohibition against obtaining or using a post office  
924 box without the prior approval of the supervising officer.

925 4. If there was sexual contact, a submission to, at the  
926 releasee's ~~probationer's or community controllee's~~ expense, an  
927 HIV test with the results to be released to the victim or the  
928 victim's parent or guardian.

929 5. Electronic monitoring of any form when ordered by the  
930 commission.

931 (12) (a) For a releasee whose crime was committed on or  
932 after July 1, 2009, the commission must, in addition to all  
933 other provisions of this section, impose the special conditions  
934 in paragraph (b) on the following releasees:

935 1. A releasee whose crime was committed on or after July 1,  
936 2009, in violation of s. 800.04(4), (5), or (6); s. 827.071; or  
937 s. 847.0145 in this state or a similar offense in another  
938 jurisdiction when, at the time of the offense, the victim was  
939 under 16 years of age and the releasee was 18 years of age or



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940 older.

941 2. A releasee who is designated as a sexual predator under  
942 s. 775.21 or who has received a similar designation or  
943 determination in another jurisdiction.

944 3. A releasee subject to registration as a sexual predator  
945 under s. 775.21 or as a sexual offender under s. 943.0435 who  
946 has committed an offense that would meet the criteria for the  
947 designation or registration when at the time of the offense the  
948 victim was under 16 years of age and the releasee was 18 years  
949 of age or older, who commits a violation of s. 775.21 or s.  
950 943.0435 on or after July 1, 2009, and who is not otherwise  
951 subject to this paragraph.

952 (b) The commission must order:

953 1. A prohibition on visiting areas where children regularly  
954 congregate, including, but not limited to, schools, day care  
955 centers, parks, and playgrounds. The commission may also  
956 designate additional locations to protect a victim. The  
957 prohibition ordered under this subparagraph does not prohibit  
958 the releasee's attendance at religious services as defined in s.  
959 775.0861.

960 2. A prohibition on distributing candy or other items to  
961 children on Halloween; wearing a Santa Claus costume, or other  
962 costume to appeal to children, on or preceding Christmas;  
963 wearing an Easter Bunny costume, or other costume to appeal to  
964 children, on or preceding Easter; entertaining at children's  
965 parties; or wearing a clown costume; without prior approval from  
966 the commission.

967 Section 8. Paragraph (a) of subsection (2) of section  
968 948.30, Florida Statutes, is amended, and subsection (4) is



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969 added to that section, to read:

970 948.30 Additional terms and conditions of probation or  
971 community control for certain sex offenses.—Conditions imposed  
972 pursuant to this section do not require oral pronouncement at  
973 the time of sentencing and shall be considered standard  
974 conditions of probation or community control for offenders  
975 specified in this section.

976 (2) Effective for a probationer or community controllee  
977 whose crime was committed on or after October 1, 1997, and who  
978 is placed on community control or sex offender probation for a  
979 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),  
980 or s. 847.0145, in addition to any other provision of this  
981 section, the court must impose the following conditions of  
982 probation or community control:

983 (a) As part of a treatment program, participation at least  
984 annually in polygraph examinations to obtain information  
985 necessary for risk management and treatment and to reduce the  
986 sex offender's denial mechanisms. A polygraph examination must  
987 be conducted by a polygrapher trained specifically in the use of  
988 the polygraph for the monitoring of sex offenders who has been  
989 authorized by the department, where available, and shall be paid  
990 for by the probationer or community controllee ~~sex offender~~. The  
991 results of the polygraph examination shall be provided to the  
992 probationer's or community controllee's probation officer and  
993 therapist and shall not be used as evidence in court to prove  
994 that a violation of community supervision has occurred.

995 (4) (a) The court must, in addition to all other provisions  
996 of this section, impose the special conditions in paragraph (b)  
997 on the following probationers or community controllees whose



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998 crime was committed on or after July 1, 2009:

999 1. A probationer or community controllee who violated s.  
1000 800.04(4), (5), or (6); s. 827.071; or s. 847.0145 in this state  
1001 or committed a similar offense in another jurisdiction when, at  
1002 the time of the offense, the victim was under 16 years of age  
1003 and the probationer or community controllee was 18 years of age  
1004 or older.

1005 2. A probationer or community controllee who is designated  
1006 as a sexual predator under s. 775.21 or who has received a  
1007 similar designation or determination in another jurisdiction.

1008 3. A probationer or community controllee subject to  
1009 registration as a sexual predator under s. 775.21 or as a sexual  
1010 offender pursuant to s. 943.0435 who has committed an offense  
1011 that would meet the criteria for the designation or registration  
1012 when at the time of the offense the victim was under 16 years of  
1013 age and the probationer or community controllee was 18 years of  
1014 age or older, who commits a violation of s. 775.21 or s.  
1015 943.0435 on or after July 1, 2009, and who is not otherwise  
1016 subject to this paragraph.

1017 (b) The court must order:

1018 1. A prohibition on visiting areas where children regularly  
1019 congregate, including, but not limited to, schools, day care  
1020 centers, parks, and playgrounds. The court may also designate  
1021 additional locations to protect the victim. The prohibition  
1022 ordered under this subparagraph does not prohibit the  
1023 probationer or community controllee's attendance at religious  
1024 services as defined in s. 775.0861.

1025 2. A prohibition on distributing candy or other items to  
1026 children on Halloween; wearing a Santa Claus costume, or other



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1027 costume to appeal to children, on or preceding Christmas;  
1028 wearing an Easter Bunny costume, or other costume to appeal to  
1029 children, on or preceding Easter; entertaining at children's  
1030 parties; or wearing a clown costume; without prior approval from  
1031 the commission.

1032 Section 9. Section 948.31, Florida Statutes, is amended to  
1033 read:

1034 948.31 ~~Diagnosis, Evaluation, and treatment of~~ sexual  
1035 predators and offenders placed on probation or community control  
1036 ~~for certain sex offenses or child exploitation.~~ The court shall  
1037 require an a diagnosis and evaluation to determine the need of a  
1038 probationer or community controllee ~~offender in community~~  
1039 ~~control~~ for treatment. If the court determines that a need  
1040 therefor is established by the ~~such diagnosis and~~ evaluation  
1041 process, the court shall require sexual offender treatment  
1042 ~~outpatient counseling~~ as a term or condition of probation or  
1043 community control for any person who meets the criteria to be  
1044 designated as a sexual predator under s. 775.21 or to be subject  
1045 to registration as a sexual offender under s. 943.0435, 944.606,  
1046 or 944.607. ~~was found guilty of any of the following, or whose~~  
1047 ~~plea of guilty or nolo contendere to any of the following was~~  
1048 ~~accepted by the court:~~

1049 (1) ~~Lewd or lascivious battery, lewd or lascivious~~  
1050 ~~molestation, lewd or lascivious conduct, or lewd or lascivious~~  
1051 ~~exhibition, as defined in s. 800.04 or s. 847.0135(5).~~

1052 (2) ~~Sexual battery, as defined in chapter 794, against a~~  
1053 ~~child.~~

1054 (3) ~~Exploitation of a child as provided in s. 450.151, or~~  
1055 ~~for prostitution.~~



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1056  
1057       Such treatment ~~counseling~~ shall be required to be obtained  
1058 from a qualified practitioner as defined in s. 948.001(6) who is  
1059 specifically trained to treat sex offenders. Treatment may not  
1060 be administered by a qualified practitioner who has been  
1061 convicted or adjudicated delinquent of committing, or  
1062 attempting, soliciting, or conspiring to commit, any offense  
1063 that is listed in s. 943.0435(1) (a)1.a.(I). The court shall  
1064 impose a restriction against contact with minors if sexual  
1065 offender treatment is recommended ~~a community mental health~~  
1066 ~~center, a recognized social service agency providing mental~~  
1067 ~~health services, or a private mental health professional or~~  
1068 ~~through other professional counseling.~~ The evaluation and  
1069 recommendations ~~plan for treatment of counseling for the~~  
1070 probationer or community controllee individual shall be provided  
1071 to the court for review.

1072       Section 10. Paragraph (a) of subsection (3) of section  
1073 985.481, Florida Statutes, is amended to read:

1074       985.481 Sexual offenders adjudicated delinquent;  
1075 notification upon release.-

1076       (3) (a) The department must provide information regarding  
1077 any sexual offender who is being released after serving a period  
1078 of residential commitment under the department for any offense,  
1079 as follows:

1080       1. The department must provide the sexual offender's name,  
1081 any change in the offender's name by reason of marriage or other  
1082 legal process, and any alias, if known; the correctional  
1083 facility from which the sexual offender is released; the sexual  
1084 offender's social security number, race, sex, date of birth,



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1085 height, weight, and hair and eye color; address of any planned  
1086 permanent residence or temporary residence, within the state or  
1087 out of state, including a rural route address and a post office  
1088 box; if no permanent or temporary address, any transient  
1089 residence within the state; address, location, or description  
1090 and dates of any known future temporary residence within the  
1091 state or out of state; date and county of disposition and each  
1092 crime for which there was a disposition; a copy of the  
1093 offender's fingerprints and a digitized photograph taken within  
1094 60 days before release; the date of release of the sexual  
1095 offender; ~~and the offender's intended residence address, if~~  
1096 ~~known~~. The department shall notify the Department of Law  
1097 Enforcement if the sexual offender escapes, absconds, or dies.  
1098 If the sexual offender is in the custody of a private  
1099 correctional facility, the facility shall take the digitized  
1100 photograph of the sexual offender within 60 days before the  
1101 sexual offender's release and also place it in the sexual  
1102 offender's file. If the sexual offender is in the custody of a  
1103 local jail, the custodian of the local jail shall register the  
1104 offender within 3 business days after intake of the offender for  
1105 any reason and upon release, and shall notify the Department of  
1106 Law Enforcement of the sexual offender's release and provide to  
1107 the Department of Law Enforcement the information specified in  
1108 this subparagraph and any information specified in subparagraph  
1109 2. which the Department of Law Enforcement requests.

1110 2. The department may provide any other information  
1111 considered necessary, including criminal and delinquency  
1112 records, when available.

1113 Section 11. Paragraph (a) of subsection (4), paragraph (a)



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1114 of subsection (6), and paragraph (b) of subsection (13) of  
1115 section 985.4815, Florida Statutes, are amended to read:

1116 985.4815 Notification to Department of Law Enforcement of  
1117 information on juvenile sexual offenders.—

1118 (4) A sexual offender, as described in this section, who is  
1119 under the supervision of the department but who is not committed  
1120 must register with the department within 3 business days after  
1121 adjudication and disposition for a registrable offense and  
1122 otherwise provide information as required by this subsection.

1123 (a) The sexual offender shall provide his or her name; date  
1124 of birth; social security number; race; sex; height; weight;  
1125 hair and eye color; tattoos or other identifying marks; and  
1126 permanent or legal residence and address of temporary residence  
1127 within the state or out of state while the sexual offender is in  
1128 the care or custody or under the jurisdiction or supervision of  
1129 the department in this state, including any rural route address  
1130 or post office box, if no permanent or temporary address, any  
1131 transient residence; address, location, or description and dates  
1132 of any current or known future temporary residence within the  
1133 state or out of state, and the name and address of each school  
1134 attended. The department shall verify the address of each sexual  
1135 offender and shall report to the Department of Law Enforcement  
1136 any failure by a sexual offender to comply with registration  
1137 requirements.

1138 (6) (a) The information provided to the Department of Law  
1139 Enforcement must include the following:

1140 1. The information obtained from the sexual offender under  
1141 subsection (4).

1142 2. The sexual offender's most current address and place of





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1143 permanent or temporary residence within the state or out of  
1144 state or transient residence; and address, location, or  
1145 description and dates of any current or known future temporary  
1146 residence within the state or out of state while the sexual  
1147 offender is in the care or custody or under the jurisdiction or  
1148 supervision of the department in this state, including the name  
1149 of the county or municipality in which the offender permanently  
1150 or temporarily resides or has a transient residence and address,  
1151 location, or description and dates of any current or known  
1152 future temporary residence within the state or out of state;  
1153 and, if known, the intended place of permanent, ~~or~~ temporary,  
1154 residence or transient residence; and address, location, or  
1155 description and dates of any current or known future temporary  
1156 residence within the state or out of state upon satisfaction of  
1157 all sanctions.

1158 3. The legal status of the sexual offender and the  
1159 scheduled termination date of that legal status.

1160 4. The location of, and local telephone number for, any  
1161 department office that is responsible for supervising the sexual  
1162 offender.

1163 5. An indication of whether the victim of the offense that  
1164 resulted in the offender's status as a sexual offender was a  
1165 minor.

1166 6. The offense or offenses at adjudication and disposition  
1167 that resulted in the determination of the offender's status as a  
1168 sex offender.

1169 7. A digitized photograph of the sexual offender, which  
1170 must have been taken within 60 days before the offender was  
1171 released from the custody of the department or a private



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1172 correctional facility by expiration of sentence under s.  
1173 944.275, or within 60 days after the onset of the department's  
1174 supervision of any sexual offender who is on probation,  
1175 postcommitment probation, residential commitment, nonresidential  
1176 commitment, licensed child-caring commitment, community control,  
1177 conditional release, parole, provisional release, or control  
1178 release or who is supervised by the department under the  
1179 Interstate Compact Agreement for Probationers and Parolees. If  
1180 the sexual offender is in the custody of a private correctional  
1181 facility, the facility shall take a digitized photograph of the  
1182 sexual offender within the time period provided in this  
1183 subparagraph and shall provide the photograph to the department.

1184 (13)

1185 (b) The sheriff's office may determine the appropriate  
1186 times and days for reporting by the sexual offender, which shall  
1187 be consistent with the reporting requirements of this  
1188 subsection. Reregistration shall include any changes to the  
1189 following information:

1190 1. Name; social security number; age; race; sex; date of  
1191 birth; height; weight; hair and eye color; address of any  
1192 permanent residence and address of any current temporary  
1193 residence, within the state or out of state, including a rural  
1194 route address and a post office box; if no permanent or  
1195 temporary address, any transient residence; address, location,  
1196 or description and dates of any current or known future  
1197 temporary residence within the state or out of state; name and  
1198 address of each school attended; date and place of any  
1199 employment; vehicle make, model, color, and license tag number;  
1200 fingerprints; and photograph. A post office box shall not be



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1201 provided in lieu of a physical residential address.

1202         2. If the sexual offender is enrolled, employed, or  
1203 carrying on a vocation at an institution of higher education in  
1204 this state, the sexual offender shall also provide to the  
1205 department the name, address, and county of each institution,  
1206 including each campus attended, and the sexual offender's  
1207 enrollment or employment status.

1208         3. If the sexual offender's place of residence is a motor  
1209 vehicle, trailer, mobile home, or manufactured home, as defined  
1210 in chapter 320, the sexual offender shall also provide the  
1211 vehicle identification number; the license tag number; the  
1212 registration number; and a description, including color scheme,  
1213 of the motor vehicle, trailer, mobile home, or manufactured  
1214 home. If the sexual offender's place of residence is a vessel,  
1215 live-aboard vessel, or houseboat, as defined in chapter 327, the  
1216 sexual offender shall also provide the hull identification  
1217 number; the manufacturer's serial number; the name of the  
1218 vessel, live-aboard vessel, or houseboat; the registration  
1219 number; and a description, including color scheme, of the  
1220 vessel, live-aboard vessel, or houseboat.

1221         4. Any sexual offender who fails to report in person as  
1222 required at the sheriff's office, or who fails to respond to any  
1223 address verification correspondence from the department within 3  
1224 weeks after the date of the correspondence, commits a felony of  
1225 the third degree, punishable as provided in ss. 775.082,  
1226 775.083, and 775.084.

1227 Section 12. This act shall take effect July 1, 2009.

1228  
1229 ===== T I T L E   A M E N D M E N T =====



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1230 And the title is amended as follows:  
1231       Delete everything before the enacting clause  
1232 and insert:  
1233 An act relating to sexual offenders and predators; creating s.  
1234 856.022, F.S.; prohibiting loitering or prowling by certain  
1235 offenders within a specified distance of places where children  
1236 regularly congregate; prohibiting certain actions toward a child  
1237 at a public park or playground by certain offenders; prohibiting  
1238 presence of certain offenders at a child care facility without  
1239 notice and supervision; providing exceptions; providing  
1240 penalties; amending s. 775.21, F.S.; revising and providing  
1241 definitions; revising sexual predator criteria; revising  
1242 provisions relating to reporting requirements for sexual  
1243 predators in transient status; amending s. 943.0435, F.S.;  
1244 revising provisions relating to residence reporting requirements  
1245 for sexual offenders; amending s. 943.04352, F.S.; requiring  
1246 search in an additional specified sex offender registry for  
1247 information regarding sexual predators and sexual offenders when  
1248 an offender is placed on misdemeanor probation; amending s.  
1249 944.606, F.S.; revising address reporting requirements for  
1250 sexual offenders; amending s. 944.607, F.S.; requiring  
1251 additional registration information from sex offenders under the  
1252 supervision of the Department of Corrections but not  
1253 incarcerated; amending s. 947.1405, F.S.; revising provisions  
1254 relating to polygraph examinations of specified conditional  
1255 releasees who have committed specified sexual offenses;  
1256 providing additional restrictions for certain conditional  
1257 releasees who committed sexual offenses with minors under the  
1258 age of 16 or who have been designated as sexual predators or



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1259 received similar designations or determinations in another  
1260 jurisdiction; amending s. 948.30, F.S.; revising provisions  
1261 relating to polygraph examinations of specified probationers or  
1262 community controllees who have committed specified sexual  
1263 offenses; providing additional restrictions for certain  
1264 probationers or community controllees who committed sexual  
1265 offenses with minors under the age of 16 or who have been  
1266 designated as sexual predators or received similar designations  
1267 or determinations in another jurisdiction; amending s. 948.31,  
1268 F.S.; deleting a requirement for diagnosis of certain sexual  
1269 predators and sexual offenders on community control; revising  
1270 provisions relating to treatment for such offenders and  
1271 predators; amending s. 985.481, F.S.; providing additional  
1272 address reporting requirements for sexual offenders adjudicated  
1273 delinquent; amending s. 985.4815, F.S.; revising provisions  
1274 relating to address and residence reporting requirements for  
1275 sexual offenders adjudicated delinquent; providing an effective  
1276 date.