

By Senator Crist

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1                   A bill to be entitled  
2           An act relating to sexual offenders and predators;  
3           creating s. 856.022, F.S.; prohibiting loitering or  
4           prowling by certain offenders within a specified  
5           distance of places where children regularly  
6           congregate; providing exceptions; providing penalties;  
7           amending s. 775.21, F.S.; revising and providing  
8           definitions; revising provisions relating to reporting  
9           requirements for sexual predators in transient status;  
10          amending s. 943.0435, F.S.; revising provisions  
11          relating to reporting requirements for sexual  
12          offenders in transient status; amending s. 943.04352,  
13          F.S.; requiring search in an additional specified sex  
14          offender registry for information regarding sexual  
15          predators and sexual offenders when an offender is  
16          placed on misdemeanor probation; amending s. 944.606,  
17          F.S.; revising address reporting requirements for  
18          sexual offenders; amending s. 944.607, F.S.; requiring  
19          additional registration information from sex offenders  
20          under the supervision of the Department of Corrections  
21          but not incarcerated; amending s. 947.1405, F.S.;  
22          revising provisions relating to polygraph examinations  
23          of specified conditional releasees who have committed  
24          specified sexual offenses; providing additional  
25          restrictions for certain conditional releasees who  
26          committed sexual offenses with minors under the age of  
27          16 or who have been designated as sexual predators or  
28          received similar designations or determinations in  
29          another jurisdiction; amending s. 948.30, F.S.;

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30 revising provisions relating to polygraph examinations  
 31 of specified probationers or community controllees who  
 32 have committed specified sexual offenses; providing  
 33 additional restrictions for certain probationers or  
 34 community controllees who committed sexual offenses  
 35 with minors under the age of 16 or who have been  
 36 designated as sexual predators or received similar  
 37 designations or determinations in another  
 38 jurisdiction; amending s. 948.31, F.S.; deleting a  
 39 requirement for diagnosis of certain sexual predators  
 40 and sexual offenders on community control; revising  
 41 provisions relating to treatment for such offenders  
 42 and predators; amending s. 985.481, F.S.; providing  
 43 additional address reporting requirements for sexual  
 44 offenders adjudicated delinquent; amending s.  
 45 985.4815, F.S.; providing transient and temporary  
 46 residence reporting requirements for sexual offenders  
 47 adjudicated delinquent; providing an effective date.  
 48

49 Be It Enacted by the Legislature of the State of Florida:

50  
 51 Section 1. Section 856.022, Florida Statutes, is created to  
 52 read:

53 856.022 Loitering or prowling by certain offenders in close  
 54 proximity to children; penalty.-

55 (1) As used in this section, the term "loiter or prowl"  
 56 shall have the same meaning as in s. 856.021.

57 (2) This section applies to an offender convicted of  
 58 committing, or attempting, soliciting, or conspiring to commit,

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59 any of the criminal offenses proscribed in the following  
60 statutes in this state or similar offenses in another  
61 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
62 the victim is a minor and the offender was not the victim's  
63 parent or guardian; s. 794.011, excluding s. 794.011(10); s.  
64 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s.  
65 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(4); s.  
66 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any  
67 similar offense committed in this state that has been  
68 redesignated from a former statute number to one of those listed  
69 in this subsection, provided the offender has not received a  
70 pardon for any felony or similar law of another jurisdiction  
71 that is necessary for the operation of this subsection and a  
72 conviction of a felony or similar law of another jurisdiction  
73 necessary to the operation of this subsection has not been set  
74 aside in any postconviction proceeding.

75 (3) If an offender as provided in subsection (2) committed  
76 one or more of his or her qualifying offenses against a victim  
77 who was under the age of 18 at the time of the offense, it is  
78 unlawful for the offender to:

79 (a) Loiter or prowl within 300 feet of a place where  
80 children regularly congregate, including, but not limited to, a  
81 school, day care center, playground, or park without a  
82 justifiable reason or purpose;

83 (b) Knowingly approach, contact, or communicate with a  
84 child under 18 years of age in any public park building or on  
85 real property comprising any public park or playground unless  
86 the offender is a parent or guardian of a person under 18 years  
87 of age who is also present within close proximity in the

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88 building or on the grounds; or

89 (c)1.a. Knowingly be present in any child care facility or  
90 pre-K through 12 school or on real property comprising any child  
91 care facility or pre-K through 12 school when the child care  
92 facility or school is in operation unless the offender has  
93 provided written notification of his or her intent to be present  
94 to the school board, superintendent, principal, or child care  
95 facility owner. The offender is responsible for notifying the  
96 child care facility owner or the principal's office when he or  
97 she arrives and departs the child care facility or school. If  
98 the offender is to be present in the vicinity of children, the  
99 offender has the duty to remain under direct supervision of a  
100 child care facility or school official or designated chaperone.

101 b. The offender is not in violation of this section if:

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

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

108 2. As used in this paragraph, the term "school official"  
109 means a principal, school resource officer, teacher, or any  
110 other certified employee of the school, the superintendent of  
111 schools, a member of the school board, a child care facility  
112 owner, or a child care provider.

113 (4) Any person who violates this section commits a  
114 misdemeanor of the first degree, punishable as provided in s.  
115 775.082 or s. 775.083.

116 Section 2. Paragraph (g) of subsection (2), paragraph (c)

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117 of subsection (4), paragraph (a) of subsection (5), paragraphs  
118 (a), (f), (g), (i), and (j) of subsection (6), paragraph (a) of  
119 subsection (7), and paragraph (a) of subsection (8) of section  
120 775.21, Florida Statutes, are amended, and paragraph (1) is  
121 added to subsection (2) of that section, to read:

122 775.21 The Florida Sexual Predators Act.—

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

124 (g) "Temporary residence" means a place where the person  
125 abides, lodges, or resides, including, but not limited to,  
126 vacation, business, or personal travel destinations in or out of  
127 this state, for a period of 5 or more days in the aggregate  
128 during any calendar year and which is not the person's permanent  
129 address or, for a person whose permanent residence is not in  
130 this state, a place where the person is employed, practices a  
131 vocation, or is enrolled as a student for any period of time in  
132 this state.

133 (1) "Transient residence" means a place or county where a  
134 person lives, remains, or is located for a period of 5 or more  
135 days in the aggregate during a calendar year and which is not  
136 the person's permanent or temporary address. The term may  
137 include, but is not limited to, a place where the person sleeps  
138 or seeks shelter and a location that has no specific street  
139 address.

140 (4) SEXUAL PREDATOR CRITERIA.—

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

144 1. The court did not, for whatever reason, make a written  
145 finding at the time of sentencing that the offender was a sexual

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146 predator; or

147 2. The offender was administratively registered as a sexual  
148 predator because the Department of Corrections, the department,  
149 or any other law enforcement agency obtained information that  
150 indicated that the offender met the criteria for designation as  
151 a sexual predator based on a violation of a similar law in  
152 another jurisdiction,

153  
154 the department shall remove that offender from the department's  
155 list of sexual predators and, for an offender described under  
156 subparagraph 1., shall notify the state attorney who prosecuted  
157 the offense that met the criteria for administrative designation  
158 as a sexual predator, and, for an offender described under this  
159 paragraph, shall notify the state attorney of the county where  
160 the offender establishes or maintains a permanent, ~~or~~ temporary,  
161 or transient residence. The state attorney shall bring the  
162 matter to the court's attention in order to establish that the  
163 offender meets the criteria for designation as a sexual  
164 predator. If the court makes a written finding that the offender  
165 is a sexual predator, the offender must be designated as a  
166 sexual predator, must register or be registered as a sexual  
167 predator with the department as provided in subsection (6), and  
168 is subject to the community and public notification as provided  
169 in subsection (7). If the court does not make a written finding  
170 that the offender is a sexual predator, the offender may not be  
171 designated as a sexual predator with respect to that offense and  
172 is not required to register or be registered as a sexual  
173 predator with the department.

174 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated

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175 as a sexual predator as follows:

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

184 2. An offender who meets the sexual predator criteria  
185 described in paragraph (4) (a) who is before the court for  
186 sentencing for a current offense committed on or after October  
187 1, 1993, is a sexual predator, and the sentencing court must  
188 make a written finding at the time of sentencing that the  
189 offender is a sexual predator, and the clerk of the court shall  
190 transmit a copy of the order containing the written finding to  
191 the department within 48 hours after the entry of the order; or

192 3. If the Department of Corrections, the department, or any  
193 other law enforcement agency obtains information which indicates  
194 that an offender who establishes or maintains a permanent, ~~or~~  
195 temporary, or transient residence in this state meets the sexual  
196 predator criteria described in paragraph (4) (a) or paragraph  
197 (4) (d) because the offender was civilly committed or committed a  
198 similar violation in another jurisdiction on or after October 1,  
199 1993, the Department of Corrections, the department, or the law  
200 enforcement agency shall notify the state attorney of the county  
201 where the offender establishes or maintains a permanent, ~~or~~  
202 temporary, or transient residence of the offender's presence in  
203 the community. The state attorney shall file a petition with the

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204 criminal division of the circuit court for the purpose of  
205 holding a hearing to determine if the offender's criminal record  
206 or record of civil commitment from another jurisdiction meets  
207 the sexual predator criteria. If the court finds that the  
208 offender meets the sexual predator criteria because the offender  
209 has violated a similar law or similar laws in another  
210 jurisdiction, the court shall make a written finding that the  
211 offender is a sexual predator.

212  
213 When the court makes a written finding that an offender is a  
214 sexual predator, the court shall inform the sexual predator of  
215 the registration and community and public notification  
216 requirements described in this section. Within 48 hours after  
217 the court designating an offender as a sexual predator, the  
218 clerk of the circuit court shall transmit a copy of the court's  
219 written sexual predator finding to the department. If the  
220 offender is sentenced to a term of imprisonment or supervision,  
221 a copy of the court's written sexual predator finding must be  
222 submitted to the Department of Corrections.

223 (6) REGISTRATION.—

224 (a) A sexual predator must register with the department  
225 through the sheriff's office by providing the following  
226 information to the department:

227 1. Name, social security number, age, race, sex, date of  
228 birth, height, weight, hair and eye color, photograph, address  
229 of legal residence and address of any current temporary  
230 residence, within the state or out of state, including a rural  
231 route address and a post office box, if no permanent or  
232 temporary address, any transient residence within the state,



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233 address, location, or description and dates of any current or  
234 known future temporary residence within the state or out of  
235 state, any electronic mail address and any instant message name  
236 required to be provided pursuant to subparagraph (g)4., date and  
237 place of any employment, date and place of each conviction,  
238 fingerprints, and a brief description of the crime or crimes  
239 committed by the offender. A post office box shall not be  
240 provided in lieu of a physical residential address.

241 a. If the sexual predator's place of residence is a motor  
242 vehicle, trailer, mobile home, or manufactured home, as defined  
243 in chapter 320, the sexual predator shall also provide to the  
244 department written notice of the vehicle identification number;  
245 the license tag number; the registration number; and a  
246 description, including color scheme, of the motor vehicle,  
247 trailer, mobile home, or manufactured home. If a sexual  
248 predator's place of residence is a vessel, live-aboard vessel,  
249 or houseboat, as defined in chapter 327, the sexual predator  
250 shall also provide to the department written notice of the hull  
251 identification number; the manufacturer's serial number; the  
252 name of the vessel, live-aboard vessel, or houseboat; the  
253 registration number; and a description, including color scheme,  
254 of the vessel, live-aboard vessel, or houseboat.

255 b. If the sexual predator is enrolled, employed, or  
256 carrying on a vocation at an institution of higher education in  
257 this state, the sexual predator shall also provide to the  
258 department the name, address, and county of each institution,  
259 including each campus attended, and the sexual predator's  
260 enrollment or employment status. Each change in enrollment or  
261 employment status shall be reported in person at the sheriff's

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262 office, or the Department of Corrections if the sexual predator  
263 is in the custody or control of or under the supervision of the  
264 Department of Corrections, within 48 hours after any change in  
265 status. The sheriff or the Department of Corrections shall  
266 promptly notify each institution of the sexual predator's  
267 presence and any change in the sexual predator's enrollment or  
268 employment status.

269 2. Any other information determined necessary by the  
270 department, including criminal and corrections records;  
271 nonprivileged personnel and treatment records; and evidentiary  
272 genetic markers when available.

273 (f) Within 48 hours after the registration required under  
274 paragraph (a) or paragraph (e), a sexual predator who is not  
275 incarcerated and who resides in the community, including a  
276 sexual predator under the supervision of the Department of  
277 Corrections, shall register in person at a driver's license  
278 office of the Department of Highway Safety and Motor Vehicles  
279 and shall present proof of registration. At the driver's license  
280 office the sexual predator shall:

281 1. If otherwise qualified, secure a Florida driver's  
282 license, renew a Florida driver's license, or secure an  
283 identification card. The sexual predator shall identify himself  
284 or herself as a sexual predator who is required to comply with  
285 this section, provide his or her place of permanent, ~~or~~  
286 temporary, or transient residence, including a rural route  
287 address and a post office box, and submit to the taking of a  
288 photograph for use in issuing a driver's license, renewed  
289 license, or identification card, and for use by the department  
290 in maintaining current records of sexual predators. A post

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291 office box shall not be provided in lieu of a physical  
292 residential address. If the sexual predator's place of residence  
293 is a motor vehicle, trailer, mobile home, or manufactured home,  
294 as defined in chapter 320, the sexual predator shall also  
295 provide to the Department of Highway Safety and Motor Vehicles  
296 the vehicle identification number; the license tag number; the  
297 registration number; and a description, including color scheme,  
298 of the motor vehicle, trailer, mobile home, or manufactured  
299 home. If a sexual predator's place of residence is a vessel,  
300 live-aboard vessel, or houseboat, as defined in chapter 327, the  
301 sexual predator shall also provide to the Department of Highway  
302 Safety and Motor Vehicles the hull identification number; the  
303 manufacturer's serial number; the name of the vessel, live-  
304 aboard vessel, or houseboat; the registration number; and a  
305 description, including color scheme, of the vessel, live-aboard  
306 vessel, or houseboat.

307 2. Pay the costs assessed by the Department of Highway  
308 Safety and Motor Vehicles for issuing or renewing a driver's  
309 license or identification card as required by this section. The  
310 driver's license or identification card issued to the sexual  
311 predator must be in compliance with s. 322.141(3).

312 3. Provide, upon request, any additional information  
313 necessary to confirm the identity of the sexual predator,  
314 including a set of fingerprints.

315 (g)1. Each time a sexual predator's driver's license or  
316 identification card is subject to renewal, and, without regard  
317 to the status of the predator's driver's license or  
318 identification card, within 48 hours after any change of the  
319 predator's residence or change in the predator's name by reason

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320 of marriage or other legal process, the predator shall report in  
321 person to a driver's license office and shall be subject to the  
322 requirements specified in paragraph (f). The Department of  
323 Highway Safety and Motor Vehicles shall forward to the  
324 department and to the Department of Corrections all photographs  
325 and information provided by sexual predators. Notwithstanding  
326 the restrictions set forth in s. 322.142, the Department of  
327 Highway Safety and Motor Vehicles is authorized to release a  
328 reproduction of a color-photograph or digital-image license to  
329 the Department of Law Enforcement for purposes of public  
330 notification of sexual predators as provided in this section.

331 2. A sexual predator who vacates a permanent or temporary  
332 residence and fails to establish or maintain another permanent  
333 or temporary residence shall, within 48 hours after vacating the  
334 permanent or temporary residence, report in person to the  
335 sheriff's office of the county in which he or she is located.  
336 The sexual predator shall specify the date upon which he or she  
337 intends to or did vacate such residence. The sexual predator  
338 must provide or update all of the registration information  
339 required under paragraph (a). The sexual predator must provide  
340 an address for the residence or other place location that he or  
341 she is or will be located ~~occupying~~ during the time in which he  
342 or she fails to establish or maintain a permanent or temporary  
343 residence.

344 3. A sexual predator who remains at a permanent or  
345 temporary residence after reporting his or her intent to vacate  
346 such residence shall, within 48 hours after the date upon which  
347 the predator indicated he or she would or did vacate such  
348 residence, report in person to the sheriff's office to which he

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349 or she reported pursuant to subparagraph 2. for the purpose of  
350 reporting his or her address at such residence. When the sheriff  
351 receives the report, the sheriff shall promptly convey the  
352 information to the department. An offender who makes a report as  
353 required under subparagraph 2. but fails to make a report as  
354 required under this subparagraph commits a felony of the second  
355 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
356 775.084.

357 4. A sexual predator must register any electronic mail  
358 address or instant message name with the department prior to  
359 using such electronic mail address or instant message name on or  
360 after October 1, 2007. The department shall establish an online  
361 system through which sexual predators may securely access and  
362 update all electronic mail address and instant message name  
363 information.

364 (i) A sexual predator who intends to establish a permanent,  
365 temporary, or transient residence in another state or  
366 jurisdiction other than the State of Florida shall report in  
367 person to the sheriff of the county of current residence within  
368 48 hours before the date he or she intends to leave this state  
369 to establish residence in another state or jurisdiction. The  
370 sexual predator must provide to the sheriff the address,  
371 municipality, county, and state of intended residence. The  
372 sheriff shall promptly provide to the department the information  
373 received from the sexual predator. The department shall notify  
374 the statewide law enforcement agency, or a comparable agency, in  
375 the intended state or jurisdiction of residence of the sexual  
376 predator's intended residence. The failure of a sexual predator  
377 to provide his or her intended place of residence is punishable

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378 as provided in subsection (10).

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

396 (7) COMMUNITY AND PUBLIC NOTIFICATION.—

397 (a) Law enforcement agencies must inform members of the  
398 community and the public of a sexual predator's presence. Upon  
399 notification of the presence of a sexual predator, the sheriff  
400 of the county or the chief of police of the municipality where  
401 the sexual predator establishes or maintains a permanent or  
402 temporary residence shall notify members of the community and  
403 the public of the presence of the sexual predator in a manner  
404 deemed appropriate by the sheriff or the chief of police. Within  
405 48 hours after receiving notification of the presence of a  
406 sexual predator, the sheriff of the county or the chief of

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407 police of the municipality where the sexual predator temporarily  
408 or permanently resides shall notify each licensed day care  
409 center, elementary school, middle school, and high school within  
410 a 1-mile radius of the temporary or permanent residence of the  
411 sexual predator of the presence of the sexual predator.  
412 Information provided to members of the community and the public  
413 regarding a sexual predator must include:

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

425  
426 This paragraph does not authorize the release of the name of any  
427 victim of the sexual predator.

428 (8) VERIFICATION.—The department and the Department of  
429 Corrections shall implement a system for verifying the addresses  
430 of sexual predators. The system must be consistent with the  
431 provisions of the federal Adam Walsh Child Protection and Safety  
432 Act of 2006 and any other federal standards applicable to such  
433 verification or required to be met as a condition for the  
434 receipt of federal funds by the state. The Department of  
435 Corrections shall verify the addresses of sexual predators who

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436 are not incarcerated but who reside in the community under the  
437 supervision of the Department of Corrections and shall report to  
438 the department any failure by a sexual predator to comply with  
439 registration requirements. County and local law enforcement  
440 agencies, in conjunction with the department, shall verify the  
441 addresses of sexual predators who are not under the care,  
442 custody, control, or supervision of the Department of  
443 Corrections. Local law enforcement agencies shall report to the  
444 department any failure by a sexual predator to comply with  
445 registration requirements.

446 (a) A sexual predator must report in person each year  
447 during the month of the sexual predator's birthday and during  
448 every third month thereafter to the sheriff's office in the  
449 county in which he or she resides or is otherwise located to  
450 reregister. The sheriff's office may determine the appropriate  
451 times and days for reporting by the sexual predator, which shall  
452 be consistent with the reporting requirements of this paragraph.  
453 Reregistration shall include any changes to the following  
454 information:

455 1. Name; social security number; age; race; sex; date of  
456 birth; height; weight; hair and eye color; address of any  
457 permanent residence and address of any current temporary  
458 residence, within the state or out of state, including a rural  
459 route address and a post office box; if no permanent or  
460 temporary address, any transient residence within the state;  
461 address, location, or description and dates of any current or  
462 known future temporary residence within the state or out of  
463 state; any electronic mail address and any instant message name  
464 required to be provided pursuant to subparagraph (6)(g)4.; date



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465 and place of any employment; vehicle make, model, color, and  
466 license tag number; fingerprints; and photograph. A post office  
467 box shall not be provided in lieu of a physical residential  
468 address.

469 2. If the sexual predator is enrolled, employed, or  
470 carrying on a vocation at an institution of higher education in  
471 this state, the sexual predator shall also provide to the  
472 department the name, address, and county of each institution,  
473 including each campus attended, and the sexual predator's  
474 enrollment or employment status.

475 3. If the sexual predator's place of residence is a motor  
476 vehicle, trailer, mobile home, or manufactured home, as defined  
477 in chapter 320, the sexual predator shall also provide the  
478 vehicle identification number; the license tag number; the  
479 registration number; and a description, including color scheme,  
480 of the motor vehicle, trailer, mobile home, or manufactured  
481 home. If the sexual predator's place of residence is a vessel,  
482 live-aboard vessel, or houseboat, as defined in chapter 327, the  
483 sexual predator shall also provide the hull identification  
484 number; the manufacturer's serial number; the name of the  
485 vessel, live-aboard vessel, or houseboat; the registration  
486 number; and a description, including color scheme, of the  
487 vessel, live-aboard vessel, or houseboat.

488 Section 3. Paragraph (c) of subsection (1), subsection (2),  
489 paragraphs (a), (b), and (c) of subsection (4), subsections (7),  
490 (8), and (10), and paragraph (c) of subsection (14) of section  
491 943.0435, Florida Statutes, are amended to read:

492 943.0435 Sexual offenders required to register with the  
493 department; penalty.—

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

495 (c) "Permanent residence," ~~and~~ "temporary residence," and  
496 "transient residence" have the same meaning ascribed in s.  
497 775.21.

498 (2) A sexual offender shall:

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

500 1. In the county in which the offender establishes or  
501 maintains a permanent, ~~or~~ temporary, or transient residence  
502 within 48 hours after:

503 a. Establishing permanent or temporary residence in this  
504 state or attaining transient status; or

505 b. Being released from the custody, control, or supervision  
506 of the Department of Corrections or from the custody of a  
507 private correctional facility; or

508 2. In the county where he or she was convicted within 48  
509 hours after being convicted for a qualifying offense for  
510 registration under this section if the offender is not in the  
511 custody or control of, or under the supervision of, the  
512 Department of Corrections, or is not in the custody of a private  
513 correctional facility.

514  
515 Any change in the information required to be provided pursuant  
516 to paragraph (b), including, but not limited to, any change in  
517 the sexual offender's permanent, ~~or~~ temporary, or transient  
518 residence, name, any electronic mail address, and any instant

519 message name required to be provided pursuant to paragraph  
520 (4) (d), after the sexual offender reports in person at the  
521 sheriff's office, shall be accomplished in the manner provided  
522 in subsections (4), (7), and (8).

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

538 1. If the sexual offender's place of residence is a motor  
539 vehicle, trailer, mobile home, or manufactured home, as defined  
540 in chapter 320, the sexual offender shall also provide to the  
541 department through the sheriff's office written notice of the  
542 vehicle identification number; the license tag number; the  
543 registration number; and a description, including color scheme,  
544 of the motor vehicle, trailer, mobile home, or manufactured  
545 home. If the sexual offender's place of residence is a vessel,  
546 live-aboard vessel, or houseboat, as defined in chapter 327, the  
547 sexual offender shall also provide to the department written  
548 notice of the hull identification number; the manufacturer's  
549 serial number; the name of the vessel, live-aboard vessel, or  
550 houseboat; the registration number; and a description, including  
551 color scheme, of the vessel, live-aboard vessel, or houseboat.

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

563

564 When a sexual offender reports at the sheriff's office, the  
565 sheriff shall take a photograph and a set of fingerprints of the  
566 offender and forward the photographs and fingerprints to the  
567 department, along with the information provided by the sexual  
568 offender. The sheriff shall promptly provide to the department  
569 the information received from the sexual offender.

570           (4) (a) Each time a sexual offender's driver's license or  
571 identification card is subject to renewal, and, without regard  
572 to the status of the offender's driver's license or  
573 identification card, within 48 hours after any change in the  
574 offender's permanent, ~~or~~ temporary, or transient residence or  
575 change in the offender's name by reason of marriage or other  
576 legal process, the offender shall report in person to a driver's  
577 license office, and shall be subject to the requirements  
578 specified in subsection (3). The Department of Highway Safety  
579 and Motor Vehicles shall forward to the department all  
580 photographs and information provided by sexual offenders.

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581 Notwithstanding the restrictions set forth in s. 322.142, the  
582 Department of Highway Safety and Motor Vehicles is authorized to  
583 release a reproduction of a color-photograph or digital-image  
584 license to the Department of Law Enforcement for purposes of  
585 public notification of sexual offenders as provided in this  
586 section and ss. 943.043 and 944.606.

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

600 (c) A sexual offender who remains at a permanent or  
601 temporary residence after reporting his or her intent to vacate  
602 such residence shall, within 48 hours after the date upon which  
603 the offender indicated he or she would or did vacate such  
604 residence, report in person to the agency to which he or she  
605 reported pursuant to paragraph (b) for the purpose of reporting  
606 his or her address at such residence. When the sheriff receives  
607 the report, the sheriff shall promptly convey the information to  
608 the department. An offender who makes a report as required under  
609 paragraph (b) but fails to make a report as required under this

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610 paragraph commits a felony of the second degree, punishable as  
611 provided in s. 775.082, s. 775.083, or s. 775.084.

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

627 (8) A sexual offender who indicates his or her intent to  
628 reside or establish a temporary or transient residence in  
629 another state or jurisdiction other than the State of Florida  
630 and later decides to remain in this state shall, within 48 hours  
631 after the date upon which the sexual offender indicated he or  
632 she would leave this state, report in person to the sheriff to  
633 which the sexual offender reported the intended change of  
634 temporary or transient residence, and report his or her intent  
635 to remain in this state. The sheriff shall promptly report this  
636 information to the department. A sexual offender who reports his  
637 or her intent to reside or establish a temporary or transient  
638 residence in another state or jurisdiction but who remains in

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639 this state without reporting to the sheriff in the manner  
640 required by this subsection commits a felony of the second  
641 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
642 775.084.

643 (10) The department, the Department of Highway Safety and  
644 Motor Vehicles, the Department of Corrections, the Department of  
645 Juvenile Justice, any law enforcement agency in this state, and  
646 the personnel of those departments; an elected or appointed  
647 official, public employee, or school administrator; or an  
648 employee, agency, or any individual or entity acting at the  
649 request or upon the direction of any law enforcement agency is  
650 immune from civil liability for damages for good faith  
651 compliance with the requirements of this section or for the  
652 release of information under this section, and shall be presumed  
653 to have acted in good faith in compiling, recording, reporting,  
654 or releasing the information. The presumption of good faith is  
655 not overcome if a technical or clerical error is made by the  
656 department, the Department of Highway Safety and Motor Vehicles,  
657 the Department of Corrections, the Department of Juvenile  
658 Justice, the personnel of those departments, or any individual  
659 or entity acting at the request or upon the direction of any of  
660 those departments in compiling or providing information, or if  
661 information is incomplete or incorrect because a sexual offender  
662 fails to report or falsely reports his or her current place of  
663 permanent, ~~or~~ temporary, or transient residence.

664 (14)

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

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668 subsection. Reregistration shall include any changes to the  
669 following information:

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

683 2. If the sexual offender is enrolled, employed, or  
684 carrying on a vocation at an institution of higher education in  
685 this state, the sexual offender shall also provide to the  
686 department the name, address, and county of each institution,  
687 including each campus attended, and the sexual offender's  
688 enrollment or employment status.

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



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697 sexual offender shall also provide the hull identification  
698 number; the manufacturer's serial number; the name of the  
699 vessel, live-aboard vessel, or houseboat; the registration  
700 number; and a description, including color scheme, of the  
701 vessel, live-aboard vessel or houseboat.

702 4. Any sexual offender who fails to report in person as  
703 required at the sheriff's office, or who fails to respond to any  
704 address verification correspondence from the department within 3  
705 weeks of the date of the correspondence or who fails to report  
706 electronic mail addresses or instant message names, commits a  
707 felony of the third degree, punishable as provided in s.  
708 775.082, s. 775.083, or s. 775.084.

709 Section 4. Section 943.04352, Florida Statutes, is amended  
710 to read:

711 943.04352 Search of registration information regarding  
712 sexual predators and sexual offenders required when placement on  
713 misdemeanor probation.—When the court places a defendant on  
714 misdemeanor probation pursuant to ss. 948.01 and 948.15, the  
715 public or private entity providing probation services must  
716 conduct a search of the probationer's name or other identifying  
717 information against the registration information regarding  
718 sexual predators and sexual offenders maintained by the  
719 Department of Law Enforcement under s. 943.043. The probation  
720 services provider may conduct the search using the Internet site  
721 maintained by the Department of Law Enforcement. Also, a  
722 national search must be conducted through the National Sex  
723 Offender Registry maintained by the United States Department of  
724 Justice.

725 Section 5. Paragraph (a) of subsection (3) of section

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726 944.606, Florida Statutes, is amended to read:

727 944.606 Sexual offenders; notification upon release.-

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

731 1. The department must provide: the sexual offender's name,  
732 any change in the offender's name by reason of marriage or other  
733 legal process, and any alias, if known; the correctional  
734 facility from which the sexual offender is released; the sexual  
735 offender's social security number, race, sex, date of birth,  
736 height, weight, and hair and eye color; address of any planned  
737 permanent residence or temporary residence, within the state or  
738 out of state, including a rural route address and a post office  
739 box; if no permanent or temporary address, any transient  
740 residence within the state; address, location, or description  
741 and dates of any known future temporary residence within the  
742 state or out of state; date and county of sentence and each  
743 crime for which the offender was sentenced; a copy of the  
744 offender's fingerprints and a digitized photograph taken within  
745 60 days before release; the date of release of the sexual  
746 offender; any electronic mail address and any instant message  
747 name required to be provided pursuant to s. 943.0435(4) (d); and  
748 the offender's intended residence address, if known. The  
749 department shall notify the Department of Law Enforcement if the  
750 sexual offender escapes, absconds, or dies. If the sexual  
751 offender is in the custody of a private correctional facility,  
752 the facility shall take the digitized photograph of the sexual  
753 offender within 60 days before the sexual offender's release and  
754 provide this photograph to the Department of Corrections and

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755 also place it in the sexual offender's file. If the sexual  
756 offender is in the custody of a local jail, the custodian of the  
757 local jail shall register the offender within 3 business days  
758 after intake of the offender for any reason and upon release,  
759 and shall notify the Department of Law Enforcement of the sexual  
760 offender's release and provide to the Department of Law  
761 Enforcement the information specified in this paragraph and any  
762 information specified in subparagraph 2. that the Department of  
763 Law Enforcement requests.

764 2. The department may provide any other information deemed  
765 necessary, including criminal and corrections records,  
766 nonprivileged personnel and treatment records, when available.

767 Section 6. Subsections (4) and (6) and paragraph (c) of  
768 subsection (13) of section 944.607, Florida Statutes, are  
769 amended to read:

770 944.607 Notification to Department of Law Enforcement of  
771 information on sexual offenders.—

772 (4) A sexual offender, as described in this section, who is  
773 under the supervision of the Department of Corrections but is  
774 not incarcerated must register with the Department of  
775 Corrections within 3 business days after sentencing for a  
776 registrable ~~registerable~~ offense and otherwise provide  
777 information as required by this subsection.

778 (a) The sexual offender shall provide his or her name; date  
779 of birth; social security number; race; sex; height; weight;  
780 hair and eye color; tattoos or other identifying marks; any  
781 electronic mail address and any instant message name required to  
782 be provided pursuant to s. 943.0435(4) (d); and permanent or  
783 legal residence and address of temporary residence within the

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784 state or out of state while the sexual offender is under  
785 supervision in this state, including any rural route address or  
786 post office box; if no permanent or temporary address, any  
787 transient residence within the state; address, location, or  
788 description and dates of any current or known future temporary  
789 residence within the state or out of state. The Department of  
790 Corrections shall verify the address of each sexual offender in  
791 the manner described in ss. 775.21 and 943.0435. The department  
792 shall report to the Department of Law Enforcement any failure by  
793 a sexual predator or sexual offender to comply with registration  
794 requirements.

795 (b) If the sexual offender is enrolled, employed, or  
796 carrying on a vocation at an institution of higher education in  
797 this state, the sexual offender shall provide the name, address,  
798 and county of each institution, including each campus attended,  
799 and the sexual offender's enrollment or employment status. Each  
800 change in enrollment or employment status shall be reported to  
801 the department within 48 hours after the change in status. The  
802 Department of Corrections shall promptly notify each institution  
803 of the sexual offender's presence and any change in the sexual  
804 offender's enrollment or employment status.

805 (6) The information provided to the Department of Law  
806 Enforcement must include:

807 (a) The information obtained from the sexual offender under  
808 subsection (4);

809 (b) The sexual offender's most current address and place of  
810 permanent and temporary residence within the state or out of  
811 state or transient residence, and address, location, or  
812 description and dates of any current or known future temporary

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813 residence within the state or out of state, while the sexual  
814 offender is under supervision in this state, including the name  
815 of the county or municipality in which the offender permanently,  
816 ~~or~~ temporarily, or transiently resides, and address, location,  
817 or description and dates of any current or known future  
818 temporary residence within the state or out of state, and, if  
819 known, the intended place of permanent or temporary residence or  
820 transient residence, and address, location, or description and  
821 dates of any current or known future temporary residence within  
822 the state or out of state upon satisfaction of all sanctions;

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

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

828 (e) An indication of whether the victim of the offense that  
829 resulted in the offender's status as a sexual offender was a  
830 minor;

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

834 (g) A digitized photograph of the sexual offender which  
835 must have been taken within 60 days before the offender is  
836 released from the custody of the department or a private  
837 correctional facility by expiration of sentence under s. 944.275  
838 or must have been taken by January 1, 1998, or within 60 days  
839 after the onset of the department's supervision of any sexual  
840 offender who is on probation, community control, conditional  
841 release, parole, provisional release, or control release or who

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842 is supervised by the department under the Interstate Compact  
843 Agreement for Probationers and Parolees. If the sexual offender  
844 is in the custody of a private correctional facility, the  
845 facility shall take a digitized photograph of the sexual  
846 offender within the time period provided in this paragraph and  
847 shall provide the photograph to the department.

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

856 (13)

857 (c) The sheriff's office may determine the appropriate  
858 times and days for reporting by the sexual offender, which shall  
859 be consistent with the reporting requirements of this  
860 subsection. Reregistration shall include any changes to the  
861 following information:

862 1. Name; social security number; age; race; sex; date of  
863 birth; height; weight; hair and eye color; address of any  
864 permanent residence and address of any current temporary  
865 residence, within the state or out of state, including a rural  
866 route address and a post office box; if no permanent or  
867 temporary address, any transient residence; address, location,  
868 or description and dates of any current or known future  
869 temporary residence both within the state and out of state; any  
870 electronic mail address and any instant message name required to

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871 be provided pursuant to s. 943.0435(4) (d); date and place of any  
872 employment; vehicle make, model, color, and license tag number;  
873 fingerprints; and photograph. A post office box shall not be  
874 provided in lieu of a physical residential address.

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

881 3. If the sexual offender's place of residence is a motor  
882 vehicle, trailer, mobile home, or manufactured home, as defined  
883 in chapter 320, the sexual offender shall also provide the  
884 vehicle identification number; the license tag number; the  
885 registration number; and a description, including color scheme,  
886 of the motor vehicle, trailer, mobile home, or manufactured  
887 home. If the sexual offender's place of residence is a vessel,  
888 live-aboard vessel, or houseboat, as defined in chapter 327, the  
889 sexual offender shall also provide the hull identification  
890 number; the manufacturer's serial number; the name of the  
891 vessel, live-aboard vessel, or houseboat; the registration  
892 number; and a description, including color scheme, of the  
893 vessel, live-aboard vessel or houseboat.

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

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900 775.082, s. 775.083, or s. 775.084.

901 Section 7. Paragraph (b) of subsection (7) of section  
902 947.1405, Florida Statutes, is amended, and subsection (12) is  
903 added to that section, to read:

904 947.1405 Conditional release program.—

905 (7)

906 (b) For a releasee whose crime was committed on or after  
907 October 1, 1997, in violation of chapter 794, s. 800.04, s.  
908 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to  
909 conditional release supervision, in addition to any other  
910 provision of this subsection, the commission shall impose the  
911 following additional conditions of conditional release  
912 supervision:

913 1. As part of a treatment program, participation in a  
914 minimum of one annual polygraph examination to obtain  
915 information necessary for risk management and treatment and to  
916 reduce the sex offender's denial mechanisms. The polygraph  
917 examination must be conducted by a polygrapher trained  
918 specifically in the use of the polygraph for the monitoring of  
919 sex offenders who has been authorized by the department and  
920 approved by the commission, where available, and at the expense  
921 of the releasee ~~sex offender~~. The results of the polygraph  
922 examination shall be provided to the releasee's probation  
923 officer and therapist and shall not be used as evidence in a  
924 hearing to prove that a violation of supervision has occurred.

925 2. Maintenance of a driving log and a prohibition against  
926 driving a motor vehicle alone without the prior approval of the  
927 supervising officer.

928 3. A prohibition against obtaining or using a post office



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929 box without the prior approval of the supervising officer.

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

934 5. Electronic monitoring of any form when ordered by the  
935 commission.

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

940 1. A releasee whose crime was committed on or after July 1,  
941 2009, in violation of s. 800.04(4), (5), or (6); s. 827.071; or  
942 s. 847.0145 in this state or a similar offense in another  
943 jurisdiction when, at the time of the offense, the victim was  
944 under 16 years of age and the releasee was 18 years of age or  
945 older.

946 2. A releasee who is designated as a sexual predator under  
947 s. 775.21 or who has received a similar designation or  
948 determination in another jurisdiction.

949 3. A releasee subject to registration as a sexual predator  
950 under s. 775.21 or as a sexual offender under s. 943.0435 who  
951 has committed an offense that would meet the criteria for the  
952 designation or registration when at the time of the offense the  
953 victim was under 16 years of age and the releasee was 18 years  
954 of age or older, who commits a violation of s. 775.21 or s.  
955 943.0435 on or after July 1, 2009, and who is not otherwise  
956 subject to this paragraph.

957 (b) The commission must order:

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958       1. A prohibition on visiting areas where children regularly  
959 congregate, including, but not limited to, schools, day care  
960 centers, parks, and playgrounds. The commission may also  
961 designate additional locations to protect a victim. The  
962 prohibition ordered under this subparagraph does not prohibit  
963 the releasee's attendance at religious services as defined in s.  
964 775.0861.

965       2. A prohibition on participation in holiday events where  
966 children are present without prior approval from the commission,  
967 including, but not limited to, distributing candy or other items  
968 to children on Halloween, entertaining at children's parties, or  
969 wearing a costume to appeal to children. Such costumes include,  
970 but are not limited to, a Santa Claus costume, an Easter Bunny  
971 costume, or a clown costume.

972       Section 8. Paragraph (a) of subsection (2) of section  
973 948.30, Florida Statutes, is amended, and subsection (4) is  
974 added to that section, to read:

975       948.30 Additional terms and conditions of probation or  
976 community control for certain sex offenses.—Conditions imposed  
977 pursuant to this section do not require oral pronouncement at  
978 the time of sentencing and shall be considered standard  
979 conditions of probation or community control for offenders  
980 specified in this section.

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

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987 probation or community control:

988 (a) As part of a treatment program, participation at least  
989 annually in polygraph examinations to obtain information  
990 necessary for risk management and treatment and to reduce the  
991 sex offender's denial mechanisms. A polygraph examination must  
992 be conducted by a polygrapher trained specifically in the use of  
993 the polygraph for the monitoring of sex offenders who has been  
994 authorized by the department and approved by the court, where  
995 available, and shall be paid for by the probationer or community  
996 controllee ~~sex offender~~. The results of the polygraph  
997 examination shall be provided to the probationer's or community  
998 controllee's probation officer and therapist and shall not be  
999 used as evidence in court to prove that a violation of community  
1000 supervision has occurred.

1001 (4) (a) The court must, in addition to all other provisions  
1002 of this section, impose the special conditions in paragraph (b)  
1003 on the following probationers or community controllees whose  
1004 crime was committed on or after July 1, 2009:

1005 1. A probationer or community controllee who violated s.  
1006 800.04(4), (5), or (6); s. 827.071; or s. 847.0145 in this state  
1007 or committed a similar offense in another jurisdiction when, at  
1008 the time of the offense, the victim was under 16 years of age  
1009 and the probationer or community controllee was 18 years of age  
1010 or older.

1011 2. A probationer or community controllee who is designated  
1012 as a sexual predator under s. 775.21 or who has received a  
1013 similar designation or determination in another jurisdiction.

1014 3. A probationer or community controllee subject to  
1015 registration as a sexual predator under s. 775.21 or as a sexual

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1016 offender pursuant to s. 943.0435 who has committed an offense  
1017 that would meet the criteria for the designation or registration  
1018 when at the time of the offense the victim was under 16 years of  
1019 age and the probationer or community controllee was 18 years of  
1020 age or older, who commits a violation of s. 775.21 or s.  
1021 943.0435 on or after July 1, 2009, and who is not otherwise  
1022 subject to this paragraph.

1023 (b) The court must order:

1024 1. A prohibition on visiting areas where children regularly  
1025 congregate, including, but not limited to, schools, day care  
1026 centers, parks, and playgrounds. The court may also designate  
1027 additional locations to protect the victim. The prohibition  
1028 ordered under this subparagraph does not prohibit the  
1029 probationer or community controllee's attendance at religious  
1030 services as defined in s. 775.0861.

1031 2. A prohibition on participation in holiday events where  
1032 children are present without prior approval from the court,  
1033 including, but not limited to, distributing candy or other items  
1034 to children on Halloween, entertaining at children's parties, or  
1035 wearing a costume to appeal to children. Such costumes include,  
1036 but are not limited to, a Santa Claus costume, an Easter Bunny  
1037 costume, or a clown costume.

1038 Section 9. Section 948.31, Florida Statutes, is amended to  
1039 read:

1040 948.31 ~~Diagnosis, Evaluation, and treatment of~~ sexual  
1041 predators and offenders placed on probation or community control  
1042 ~~for certain sex offenses or child exploitation.~~ The court shall  
1043 require an a diagnosis and evaluation to determine the need of a  
1044 probationer or community controllee ~~offender in community~~

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1045 ~~control~~ for treatment. If the court determines that a need  
1046 therefor is established by the ~~such diagnosis and~~ evaluation  
1047 process, the court shall require sexual offender treatment  
1048 ~~outpatient counseling~~ as a term or condition of probation or  
1049 community control for any person who meets the criteria to be  
1050 designated as a sexual predator under s. 775.21 or to be subject  
1051 to registration as a sexual offender under s. 943.0435. ~~was~~  
1052 ~~found guilty of any of the following, or whose plea of guilty or~~  
1053 ~~nolo contendere to any of the following was accepted by the~~  
1054 ~~court:~~

1055       (1) ~~Lewd or lascivious battery, lewd or lascivious~~  
1056 ~~molestation, lewd or lascivious conduct, or lewd or lascivious~~  
1057 ~~exhibition, as defined in s. 800.04 or s. 847.0135(5).~~

1058       (2) ~~Sexual battery, as defined in chapter 794, against a~~  
1059 ~~child.~~

1060       (3) ~~Exploitation of a child as provided in s. 450.151, or~~  
1061 ~~for prostitution.~~

1062  
1063 Such treatment ~~counseling~~ shall be required to be obtained from  
1064 a qualified practitioner specifically trained to treat sex  
1065 offenders. The court shall impose a restriction against contact  
1066 with minors if sexual offender treatment is recommended a  
1067 ~~community mental health center, a recognized social service~~  
1068 ~~agency providing mental health services, or a private mental~~  
1069 ~~health professional or through other professional counseling.~~  
1070 The evaluation and recommendations ~~plan~~ for treatment of  
1071 ~~counseling for~~ the probationer or community controllee  
1072 ~~individual~~ shall be provided to the court for review.

1073       Section 10. Paragraph (a) of subsection (3) of section

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1074 985.481, Florida Statutes, is amended to read:

1075 985.481 Sexual offenders adjudicated delinquent;  
1076 notification upon release.-

1077 (3) (a) The department must provide information regarding  
1078 any sexual offender who is being released after serving a period  
1079 of residential commitment under the department for any offense,  
1080 as follows:

1081 1. The department must provide the sexual offender's name,  
1082 any change in the offender's name by reason of marriage or other  
1083 legal process, and any alias, if known; the correctional  
1084 facility from which the sexual offender is released; the sexual  
1085 offender's social security number, race, sex, date of birth,  
1086 height, weight, and hair and eye color; address of any planned  
1087 permanent residence or temporary residence, within the state or  
1088 out of state, including a rural route address and a post office  
1089 box; if no permanent or temporary address, any transient  
1090 residence within the state; address, location, or description  
1091 and dates of any known future temporary residence within the  
1092 state or out of state; date and county of disposition and each  
1093 crime for which there was a disposition; a copy of the  
1094 offender's fingerprints and a digitized photograph taken within  
1095 60 days before release; the date of release of the sexual  
1096 offender; and the offender's intended residence address, if  
1097 known. The department shall notify the Department of Law  
1098 Enforcement if the sexual offender escapes, absconds, or dies.  
1099 If the sexual offender is in the custody of a private  
1100 correctional facility, the facility shall take the digitized  
1101 photograph of the sexual offender within 60 days before the  
1102 sexual offender's release and also place it in the sexual

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1103 offender's file. If the sexual offender is in the custody of a  
1104 local jail, the custodian of the local jail shall register the  
1105 offender within 3 business days after intake of the offender for  
1106 any reason and upon release, and shall notify the Department of  
1107 Law Enforcement of the sexual offender's release and provide to  
1108 the Department of Law Enforcement the information specified in  
1109 this subparagraph and any information specified in subparagraph  
1110 2. which the Department of Law Enforcement requests.

1111 2. The department may provide any other information  
1112 considered necessary, including criminal and delinquency  
1113 records, when available.

1114 Section 11. Paragraph (a) of subsection (4), paragraph (a)  
1115 of subsection (6), and paragraph (b) of subsection (13) of  
1116 section 985.4815, Florida Statutes, are amended to read:

1117 985.4815 Notification to Department of Law Enforcement of  
1118 information on juvenile sexual offenders.—

1119 (4) A sexual offender, as described in this section, who is  
1120 under the supervision of the department but who is not committed  
1121 must register with the department within 3 business days after  
1122 adjudication and disposition for a registrable offense and  
1123 otherwise provide information as required by this subsection.

1124 (a) The sexual offender shall provide his or her name; date  
1125 of birth; social security number; race; sex; height; weight;  
1126 hair and eye color; tattoos or other identifying marks; and  
1127 permanent or legal residence and address of temporary residence  
1128 within the state or out of state while the sexual offender is in  
1129 the care or custody or under the jurisdiction or supervision of  
1130 the department in this state, including any rural route address  
1131 or post office box, if no permanent or temporary address, any

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1132 transient residence; address, location, or description and dates  
1133 of any current or known future temporary residence within the  
1134 state or out of state, and the name and address of each school  
1135 attended. The department shall verify the address of each sexual  
1136 offender and shall report to the Department of Law Enforcement  
1137 any failure by a sexual offender to comply with registration  
1138 requirements.

1139 (6) (a) The information provided to the Department of Law  
1140 Enforcement must include the following:

1141 1. The information obtained from the sexual offender under  
1142 subsection (4).

1143 2. The sexual offender's most current address and place of  
1144 permanent or temporary residence within the state or out of  
1145 state or transient residence; and address, location, or  
1146 description and dates of any current or known future temporary  
1147 residence within the state or out of state while the sexual  
1148 offender is in the care or custody or under the jurisdiction or  
1149 supervision of the department in this state, including the name  
1150 of the county or municipality in which the offender permanently,  
1151 ~~or~~ temporarily, or transiently resides; and address, location,  
1152 or description and dates of any current or known future  
1153 temporary residence within the state or out of state; and, if  
1154 known, the intended place of permanent or temporary residence or  
1155 transient residence; and address, location, or description and  
1156 dates of any current or known future temporary residence within  
1157 the state or out of state upon satisfaction of 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



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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  
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:

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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  
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

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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.