

By the Committee on Criminal Justice and 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; prohibiting certain actions toward a child  
7           at a public park or playground by certain offenders;  
8           prohibiting the presence of certain offenders at a  
9           child care facility without notice and supervision;  
10          providing exceptions; providing penalties; amending s.  
11          775.21, F.S.; revising and providing definitions;  
12          revising provisions relating to reporting requirements  
13          for sexual predators who are in a transient status;  
14          amending s. 943.0435, F.S.; revising provisions  
15          relating to residence reporting requirements for  
16          sexual offenders; amending s. 943.04352, F.S.;  
17          requiring that the probation services provider search  
18          in an additional specified sex offender registry for  
19          information regarding sexual predators and sexual  
20          offenders when an offender is placed on misdemeanor  
21          probation; amending s. 944.606, F.S.; revising address  
22          reporting requirements for sexual offenders; amending  
23          s. 944.607, F.S.; requiring additional registration  
24          information from sex offenders who are under the  
25          supervision of the Department of Corrections but who  
26          are not incarcerated; amending s. 947.1405, F.S.;  
27          revising provisions relating to polygraph examinations  
28          of specified conditional releasees who have committed  
29          specified sexual offenses; providing additional

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30 restrictions for certain conditional releasees who  
31 have committed sexual offenses against minors under  
32 the age of 16 or who have been designated as sexual  
33 predators or received similar designations or  
34 determinations in another jurisdiction; amending s.  
35 948.30, F.S.; revising provisions relating to  
36 polygraph examinations of specified probationers or  
37 community controllees who have committed specified  
38 sexual offenses; providing additional restrictions for  
39 certain probationers or community controllees who  
40 committed sexual offenses against minors under the age  
41 of 16 or who have been designated as sexual predators  
42 or received similar designations or determinations in  
43 another jurisdiction; amending s. 948.31, F.S.;

44 deleting a requirement for diagnosis of certain sexual  
45 predators and sexual offenders on community control;  
46 revising provisions relating to treatment for such  
47 offenders and predators; amending s. 985.481, F.S.;

48 providing additional address reporting requirements  
49 for sexual offenders adjudicated delinquent; amending  
50 s. 985.4815, F.S.; revising provisions relating to  
51 address and residence reporting requirements for  
52 sexual offenders adjudicated delinquent; providing an  
53 effective date.

54  
55 Be It Enacted by the Legislature of the State of Florida:

56  
57 Section 1. Section 856.022, Florida Statutes, is created to  
58 read:

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59 856.022 Loitering or prowling by certain offenders in close  
60 proximity to children; penalty.-

61 (1) This section applies to an offender convicted of  
62 committing, or attempting, soliciting, or conspiring to commit,  
63 any of the criminal offenses proscribed in the following  
64 statutes in this state or similar offenses in another  
65 jurisdiction against a victim who was under the age of 18 at the  
66 time of the offense: s. 787.01, s. 787.02, or s. 787.025(2)(c),  
67 where the victim is a minor and the offender was not the  
68 victim's parent or guardian; s. 794.011, excluding s.  
69 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
70 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
71 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.  
72 985.701(1); or any similar offense committed in this state which  
73 has been redesignated from a former statute number to one of  
74 those listed in this subsection, if the offender has not  
75 received a pardon for any felony or similar law of another  
76 jurisdiction necessary for the operation of this subsection and  
77 a conviction of a felony or similar law of another jurisdiction  
78 necessary for the operation of this subsection has not been set  
79 aside in any postconviction proceeding.

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

86 (3) It is unlawful for an offender described in subsection  
87 (1) to:

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88       (a) Knowingly approach, contact, or communicate with a  
89 child under 18 years of age in any public park building or on  
90 real property comprising any public park or playground with  
91 intent to engage in conduct of a sexual nature, or to make a  
92 communication of any type containing any content of a sexual  
93 nature. This paragraph applies only to an offender described in  
94 subsection (1) whose offense was committed on or after July 1,  
95 2009.

96       (b)1. Knowingly be present in any child care facility or  
97 pre-K through 12 school or on real property comprising any child  
98 care facility or pre-K through 12 school when the child care  
99 facility or school is in operation unless the offender has  
100 provided written notification of his or her intent to be present  
101 to the school board, superintendent, principal, or child care  
102 facility owner.

103       2. Fail to notify the child care facility owner or the  
104 principal's office when he or she arrives and departs the child  
105 care facility or school.

106       3. Fail to remain under direct supervision of a school  
107 official or designated chaperone when present in the vicinity of  
108 children. As used in this subparagraph, the term "school  
109 official" means a principal, school resource officer, teacher or  
110 any other employee of the school, the superintendent of schools,  
111 a member of the school board, a child care facility owner, or a  
112 child care provider.

113       (4) The offender is not in violation of subsection (3) if:

114       (a) The child care facility or school is a voting location  
115 and the offender is present for the purpose of voting during the  
116 hours designated for voting; or

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117       (b) The offender is only dropping off or picking up his or  
118 her own children or grandchildren at the child care facility or  
119 school.

120       (5) Any person who violates this section commits a  
121 misdemeanor of the first degree, punishable as provided in s.  
122 775.082 or s. 775.083.

123       Section 2. Paragraph (g) of subsection (2), paragraphs (a)  
124 and (c) of subsection (4), paragraph (a) of subsection (5),  
125 paragraphs (a), (f), (g), (i), and (j) of subsection (6),  
126 paragraph (a) of subsection (7), and paragraph (a) of subsection  
127 (8) of section 775.21, Florida Statutes, are amended, and  
128 paragraph (l) is added to subsection (2) of that section, to  
129 read:

130       775.21 The Florida Sexual Predators Act.—

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

132       (g) "Temporary residence" means a place where the person  
133 abides, lodges, or resides, including, but not limited to,  
134 vacation, business, or personal travel destinations in or out of  
135 this state, for a period of 5 or more days in the aggregate  
136 during any calendar year and which is not the person's permanent  
137 address or, for a person whose permanent residence is not in  
138 this state, a place where the person is employed, practices a  
139 vocation, or is enrolled as a student for any period of time in  
140 this state.

141       (l) "Transient residence" means a place or county where a  
142 person lives, remains, or is located for a period of 5 or more  
143 days in the aggregate during a calendar year and which is not  
144 the person's permanent or temporary address. The term includes,  
145 but is not limited to, a place where the person sleeps or seeks

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

147 (4) SEXUAL PREDATOR CRITERIA.—

148 (a) For a current offense committed on or after October 1,  
149 1993, upon conviction, an offender shall be designated as a  
150 "sexual predator" under subsection (5), and subject to  
151 registration under subsection (6) and community and public  
152 notification under subsection (7) if:

153 1. The felony is:

154 a. A capital, life, or first-degree felony violation, or  
155 any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
156 is a minor and the defendant is not the victim's parent or  
157 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a  
158 violation of a similar law of another jurisdiction; or

159 b. Any felony violation, or any attempt thereof, of s.  
160 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
161 minor and the defendant is not the victim's parent or guardian;  
162 s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
163 796.035; s. 800.04; s. 825.1025(2)(b); s. 827.071; s.  
164 847.0135(5); s. 847.0145; or s. 985.701(1); or a violation of a  
165 similar law of another jurisdiction, and the offender has  
166 previously been convicted of or found to have committed, or has  
167 pled nolo contendere or guilty to, regardless of adjudication,  
168 any violation of s. 787.01, s. 787.02, or s. 787.025(2)(c),  
169 where the victim is a minor and the defendant is not the  
170 victim's parent or guardian; s. 794.011, excluding s.  
171 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
172 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
173 847.0135(6) ~~s. 847.0135(4)~~; s. 847.0145; or s. 985.701(1); or a  
174 violation of a similar law of another jurisdiction;

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

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

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

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

187           2. The offender was administratively registered as a sexual  
188 predator because the Department of Corrections, the department,  
189 or any other law enforcement agency obtained information that  
190 indicated that the offender met the criteria for designation as  
191 a sexual predator based on a violation of a similar law in  
192 another jurisdiction,

193  
194 the department shall remove that offender from the department's  
195 list of sexual predators and, for an offender described under  
196 subparagraph 1., shall notify the state attorney who prosecuted  
197 the offense that met the criteria for administrative designation  
198 as a sexual predator, and, for an offender described under this  
199 paragraph, shall notify the state attorney of the county where  
200 the offender establishes or maintains a permanent, ~~or~~ temporary,  
201 or transient residence. The state attorney shall bring the  
202 matter to the court's attention in order to establish that the  
203 offender meets the criteria for designation as a sexual

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204 predator. If the court makes a written finding that the offender  
205 is a sexual predator, the offender must be designated as a  
206 sexual predator, must register or be registered as a sexual  
207 predator with the department as provided in subsection (6), and  
208 is subject to the community and public notification as provided  
209 in subsection (7). If the court does not make a written finding  
210 that the offender is a sexual predator, the offender may not be  
211 designated as a sexual predator with respect to that offense and  
212 is not required to register or be registered as a sexual  
213 predator with the department.

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

216 (a)1. An offender who meets the sexual predator criteria  
217 described in paragraph (4) (d) is a sexual predator, and the  
218 court shall make a written finding at the time such offender is  
219 determined to be a sexually violent predator under chapter 394  
220 that such person meets the criteria for designation as a sexual  
221 predator for purposes of this section. The clerk shall transmit  
222 a copy of the order containing the written finding to the  
223 department within 48 hours after the entry of the order;

224 2. An offender who meets the sexual predator criteria  
225 described in paragraph (4) (a) who is before the court for  
226 sentencing for a current offense committed on or after October  
227 1, 1993, is a sexual predator, and the sentencing court must  
228 make a written finding at the time of sentencing that the  
229 offender is a sexual predator, and the clerk of the court shall  
230 transmit a copy of the order containing the written finding to  
231 the department within 48 hours after the entry of the order; or

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



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233 other law enforcement agency obtains information which indicates  
234 that an offender who establishes or maintains a permanent, ~~or~~  
235 temporary, or transient residence in this state meets the sexual  
236 predator criteria described in paragraph (4) (a) or paragraph  
237 (4) (d) because the offender was civilly committed or committed a  
238 similar violation in another jurisdiction on or after October 1,  
239 1993, the Department of Corrections, the department, or the law  
240 enforcement agency shall notify the state attorney of the county  
241 where the offender establishes or maintains a permanent, ~~or~~  
242 temporary, or transient residence of the offender's presence in  
243 the community. The state attorney shall file a petition with the  
244 criminal division of the circuit court for the purpose of  
245 holding a hearing to determine if the offender's criminal record  
246 or record of civil commitment from another jurisdiction meets  
247 the sexual predator criteria. If the court finds that the  
248 offender meets the sexual predator criteria because the offender  
249 has violated a similar law or similar laws in another  
250 jurisdiction, the court shall make a written finding that the  
251 offender is a sexual predator.

252  
253 When the court makes a written finding that an offender is a  
254 sexual predator, the court shall inform the sexual predator of  
255 the registration and community and public notification  
256 requirements described in this section. Within 48 hours after  
257 the court designating an offender as a sexual predator, the  
258 clerk of the circuit court shall transmit a copy of the court's  
259 written sexual predator finding to the department. If the  
260 offender is sentenced to a term of imprisonment or supervision,  
261 a copy of the court's written sexual predator finding must be

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262 submitted to the Department of Corrections.

263 (6) REGISTRATION.—

264 (a) A sexual predator must register with the department  
265 through the sheriff's office by providing the following  
266 information to the department:

267 1. Name, social security number, age, race, sex, date of  
268 birth, height, weight, hair and eye color, photograph, address  
269 of legal residence and address of any current temporary  
270 residence, within the state or out of state, including a rural  
271 route address and a post office box, if no permanent or  
272 temporary address, any transient residence within the state,  
273 address, location or description, and dates of any current or  
274 known future temporary residence within the state or out of  
275 state, any electronic mail address and any instant message name  
276 required to be provided pursuant to subparagraph (g)4., date and  
277 place of any employment, date and place of each conviction,  
278 fingerprints, and a brief description of the crime or crimes  
279 committed by the offender. A post office box shall not be  
280 provided in lieu of a physical residential address.

281 a. If the sexual predator's place of residence is a motor  
282 vehicle, trailer, mobile home, or manufactured home, as defined  
283 in chapter 320, the sexual predator shall also provide to the  
284 department written notice of the vehicle identification number;  
285 the license tag number; the registration number; and a  
286 description, including color scheme, of the motor vehicle,  
287 trailer, mobile home, or manufactured home. If a sexual  
288 predator's place of residence is a vessel, live-aboard vessel,  
289 or houseboat, as defined in chapter 327, the sexual predator  
290 shall also provide to the department written notice of the hull

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291 identification number; the manufacturer's serial number; the  
292 name of the vessel, live-aboard vessel, or houseboat; the  
293 registration number; and a description, including color scheme,  
294 of the vessel, live-aboard vessel, or houseboat.

295 b. If the sexual predator is enrolled, employed, or  
296 carrying on a vocation at an institution of higher education in  
297 this state, the sexual predator shall also provide to the  
298 department the name, address, and county of each institution,  
299 including each campus attended, and the sexual predator's  
300 enrollment or employment status. Each change in enrollment or  
301 employment status shall be reported in person at the sheriff's  
302 office, or the Department of Corrections if the sexual predator  
303 is in the custody or control of or under the supervision of the  
304 Department of Corrections, within 48 hours after any change in  
305 status. The sheriff or the Department of Corrections shall  
306 promptly notify each institution of the sexual predator's  
307 presence and any change in the sexual predator's enrollment or  
308 employment status.

309 2. Any other information determined necessary by the  
310 department, including criminal and corrections records;  
311 nonprivileged personnel and treatment records; and evidentiary  
312 genetic markers when available.

313 (f) Within 48 hours after the registration required under  
314 paragraph (a) or paragraph (e), a sexual predator who is not  
315 incarcerated and who resides in the community, including a  
316 sexual predator under the supervision of the Department of  
317 Corrections, shall register in person at a driver's license  
318 office of the Department of Highway Safety and Motor Vehicles  
319 and shall present proof of registration. At the driver's license

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320 office the sexual predator shall:

321 1. If otherwise qualified, secure a Florida driver's  
322 license, renew a Florida driver's license, or secure an  
323 identification card. The sexual predator shall identify himself  
324 or herself as a sexual predator who is required to comply with  
325 this section, provide his or her place of permanent, ~~or~~  
326 temporary, or transient residence, including a rural route  
327 address and a post office box, and submit to the taking of a  
328 photograph for use in issuing a driver's license, renewed  
329 license, or identification card, and for use by the department  
330 in maintaining current records of sexual predators. A post  
331 office box shall not be provided in lieu of a physical  
332 residential address. If the sexual predator's place of residence  
333 is a motor vehicle, trailer, mobile home, or manufactured home,  
334 as defined in chapter 320, the sexual predator shall also  
335 provide to the Department of Highway Safety and Motor Vehicles  
336 the vehicle identification number; the license tag number; the  
337 registration number; and a description, including color scheme,  
338 of the motor vehicle, trailer, mobile home, or manufactured  
339 home. If a sexual predator's place of residence is a vessel,  
340 live-aboard vessel, or houseboat, as defined in chapter 327, the  
341 sexual predator shall also provide to the Department of Highway  
342 Safety and Motor Vehicles the hull identification number; the  
343 manufacturer's serial number; the name of the vessel, live-  
344 aboard vessel, or houseboat; the registration number; and a  
345 description, including color scheme, of the vessel, live-aboard  
346 vessel, or houseboat.

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

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

352 3. Provide, upon request, any additional information  
353 necessary to confirm the identity of the sexual predator,  
354 including a set of fingerprints.

355 (g)1. Each time a sexual predator's driver's license or  
356 identification card is subject to renewal, and, without regard  
357 to the status of the predator's driver's license or  
358 identification card, within 48 hours after any change of the  
359 predator's residence or change in the predator's name by reason  
360 of marriage or other legal process, the predator shall report in  
361 person to a driver's license office and shall be subject to the  
362 requirements specified in paragraph (f). The Department of  
363 Highway Safety and Motor Vehicles shall forward to the  
364 department and to the Department of Corrections all photographs  
365 and information provided by sexual predators. Notwithstanding  
366 the restrictions set forth in s. 322.142, the Department of  
367 Highway Safety and Motor Vehicles is authorized to release a  
368 reproduction of a color-photograph or digital-image license to  
369 the Department of Law Enforcement for purposes of public  
370 notification of sexual predators as provided in this section.

371 2. A sexual predator who vacates a permanent, temporary, or  
372 transient residence and fails to establish or maintain another  
373 permanent or temporary residence shall, within 48 hours after  
374 vacating the permanent, temporary, or transient residence,  
375 report in person to the sheriff's office of the county in which  
376 he or she is located. The sexual predator shall specify the date  
377 upon which he or she intends to or did vacate such residence.

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378 The sexual predator must provide or update all of the  
379 registration information required under paragraph (a). The  
380 sexual predator must provide an address for the residence or  
381 other place ~~location~~ that he or she is or will be located  
382 ~~occupying~~ during the time in which he or she fails to establish  
383 or maintain a permanent or temporary residence.

384 3. A sexual predator who remains at a permanent, temporary,  
385 or transient residence after reporting his or her intent to  
386 vacate such residence shall, within 48 hours after the date upon  
387 which the predator indicated he or she would or did vacate such  
388 residence, report in person to the sheriff's office to which he  
389 or she reported pursuant to subparagraph 2. for the purpose of  
390 reporting his or her address at such residence. When the sheriff  
391 receives the report, the sheriff shall promptly convey the  
392 information to the department. An offender who makes a report as  
393 required under subparagraph 2. but fails to make a report as  
394 required under this subparagraph commits a felony of the second  
395 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
396 775.084.

397 4. A sexual predator must register any electronic mail  
398 address or instant message name with the department prior to  
399 using such electronic mail address or instant message name on or  
400 after October 1, 2007. The department shall establish an online  
401 system through which sexual predators may securely access and  
402 update all electronic mail address and instant message name  
403 information.

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

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407 person to the sheriff of the county of current residence within  
408 48 hours before the date he or she intends to leave this state  
409 to establish residence in another state or jurisdiction. The  
410 sexual predator must provide to the sheriff the address,  
411 municipality, county, and state of intended residence. The  
412 sheriff shall promptly provide to the department the information  
413 received from the sexual predator. The department shall notify  
414 the statewide law enforcement agency, or a comparable agency, in  
415 the intended state or jurisdiction of residence of the sexual  
416 predator's intended residence. The failure of a sexual predator  
417 to provide his or her intended place of residence is punishable  
418 as provided in subsection (10).

419 (j) A sexual predator who indicates his or her intent to  
420 establish a permanent, temporary, or transient residence ~~reside~~  
421 in another state or jurisdiction other than the State of Florida  
422 and later decides to remain in this state shall, within 48 hours  
423 after the date upon which the sexual predator indicated he or  
424 she would leave this state, report in person to the sheriff to  
425 which the sexual predator reported the intended change of  
426 residence, and report his or her intent to remain in this state.  
427 If the sheriff is notified by the sexual predator that he or she  
428 intends to remain in this state, the sheriff shall promptly  
429 report this information to the department. A sexual predator who  
430 reports his or her intent to establish a permanent, temporary,  
431 or transient residence ~~reside~~ in another state or jurisdiction,  
432 but who remains in this state without reporting to the sheriff  
433 in the manner required by this paragraph, commits a felony of  
434 the second degree, punishable as provided in s. 775.082, s.  
435 775.083, or s. 775.084.

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436 (7) COMMUNITY AND PUBLIC NOTIFICATION.—

437 (a) Law enforcement agencies must inform members of the  
438 community and the public of a sexual predator's presence. Upon  
439 notification of the presence of a sexual predator, the sheriff  
440 of the county or the chief of police of the municipality where  
441 the sexual predator establishes or maintains a permanent or  
442 temporary residence shall notify members of the community and  
443 the public of the presence of the sexual predator in a manner  
444 deemed appropriate by the sheriff or the chief of police. Within  
445 48 hours after receiving notification of the presence of a  
446 sexual predator, the sheriff of the county or the chief of  
447 police of the municipality where the sexual predator temporarily  
448 or permanently resides shall notify each licensed day care  
449 center, elementary school, middle school, and high school within  
450 a 1-mile radius of the temporary or permanent residence of the  
451 sexual predator of the presence of the sexual predator.  
452 Information provided to members of the community and the public  
453 regarding a sexual predator must include:

454 1. The name of the sexual predator;

455 2. A description of the sexual predator, including a  
456 photograph;

457 3. The sexual predator's current permanent, temporary, and  
458 transient addresses, and descriptions of registered locations  
459 that have no specific street address, including the name of the  
460 county or municipality if known;

461 4. The circumstances of the sexual predator's offense or  
462 offenses; and

463 5. Whether the victim of the sexual predator's offense or  
464 offenses was, at the time of the offense, a minor or an adult.



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466 This paragraph does not authorize the release of the name of any  
467 victim of the sexual predator.

468 (8) VERIFICATION.—The department and the Department of  
469 Corrections shall implement a system for verifying the addresses  
470 of sexual predators. The system must be consistent with the  
471 provisions of the federal Adam Walsh Child Protection and Safety  
472 Act of 2006 and any other federal standards applicable to such  
473 verification or required to be met as a condition for the  
474 receipt of federal funds by the state. The Department of  
475 Corrections shall verify the addresses of sexual predators who  
476 are not incarcerated but who reside in the community under the  
477 supervision of the Department of Corrections and shall report to  
478 the department any failure by a sexual predator to comply with  
479 registration requirements. County and local law enforcement  
480 agencies, in conjunction with the department, shall verify the  
481 addresses of sexual predators who are not under the care,  
482 custody, control, or supervision of the Department of  
483 Corrections. Local law enforcement agencies shall report to the  
484 department any failure by a sexual predator to comply with  
485 registration requirements.

486 (a) A sexual predator must report in person each year  
487 during the month of the sexual predator's birthday and during  
488 every third month thereafter to the sheriff's office in the  
489 county in which he or she resides or is otherwise located to  
490 reregister. The sheriff's office may determine the appropriate  
491 times and days for reporting by the sexual predator, which shall  
492 be consistent with the reporting requirements of this paragraph.  
493 Reregistration shall include any changes to the following

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494 information:

495 1. Name; social security number; age; race; sex; date of  
496 birth; height; weight; hair and eye color; address of any  
497 permanent residence and address of any current temporary  
498 residence, within the state or out of state, including a rural  
499 route address and a post office box; if no permanent or  
500 temporary address, any transient residence within the state;  
501 address, location or description, and dates of any current or  
502 known future temporary residence within the state or out of  
503 state; any electronic mail address and any instant message name  
504 required to be provided pursuant to subparagraph (6)(g)4.; date  
505 and place of any employment; vehicle make, model, color, and  
506 license tag number; fingerprints; and photograph. A post office  
507 box shall not be provided in lieu of a physical residential  
508 address.

509 2. If the sexual predator is enrolled, employed, or  
510 carrying on a vocation at an institution of higher education in  
511 this state, the sexual predator shall also provide to the  
512 department the name, address, and county of each institution,  
513 including each campus attended, and the sexual predator's  
514 enrollment or employment status.

515 3. If the sexual predator's place of residence is a motor  
516 vehicle, trailer, mobile home, or manufactured home, as defined  
517 in chapter 320, the sexual predator shall also provide the  
518 vehicle identification number; the license tag number; the  
519 registration number; and a description, including color scheme,  
520 of the motor vehicle, trailer, mobile home, or manufactured  
521 home. If the sexual predator's place of residence is a vessel,  
522 live-aboard vessel, or houseboat, as defined in chapter 327, the

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523 sexual predator shall also provide the hull identification  
524 number; the manufacturer's serial number; the name of the  
525 vessel, live-aboard vessel, or houseboat; the registration  
526 number; and a description, including color scheme, of the  
527 vessel, live-aboard vessel, or houseboat.

528 Section 3. Paragraph (c) of subsection (1), subsection (2),  
529 paragraphs (a), (b), and (c) of subsection (4), subsections (7),  
530 (8), and (10), and paragraph (c) of subsection (14) of section  
531 943.0435, Florida Statutes, are amended to read:

532 943.0435 Sexual offenders required to register with the  
533 department; penalty.—

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

535 (c) "Permanent residence," ~~and~~ "temporary residence," and  
536 "transient residence" have the same meaning ascribed in s.  
537 775.21.

538 (2) A sexual offender shall:

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

540 1. In the county in which the offender establishes or  
541 maintains a permanent, ~~or~~ temporary, or transient residence  
542 within 48 hours after:

543 a. Establishing permanent, ~~or~~ temporary, or transient  
544 residence in this state ; or

545 b. Being released from the custody, control, or supervision  
546 of the Department of Corrections or from the custody of a  
547 private correctional facility; or

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

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552 Department of Corrections, or is not in the custody of a private  
553 correctional facility.

554

555 Any change in the information required to be provided pursuant  
556 to paragraph (b), including, but not limited to, any change in  
557 the sexual offender's permanent, ~~or~~ temporary, or transient  
558 residence, name, any electronic mail address, and any instant  
559 message name required to be provided pursuant to paragraph  
560 (4) (d), after the sexual offender reports in person at the  
561 sheriff's office, shall be accomplished in the manner provided  
562 in subsections (4), (7), and (8).

563 (b) Provide his or her name, date of birth, social security  
564 number, race, sex, height, weight, hair and eye color, tattoos  
565 or other identifying marks, occupation and place of employment,  
566 address of permanent or legal residence or address of any  
567 current temporary residence, within the state and out of state,  
568 including a rural route address and a post office box, if no  
569 permanent or temporary address, any transient residence within  
570 the state, address, location or description, and dates of any  
571 current or known future temporary residence within the state or  
572 out of state, any electronic mail address and any instant  
573 message name required to be provided pursuant to paragraph  
574 (4) (d), date and place of each conviction, and a brief  
575 description of the crime or crimes committed by the offender. A  
576 post office box shall not be provided in lieu of a physical  
577 residential address.

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

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581 department through the sheriff's office written notice of the  
582 vehicle identification number; the license tag number; the  
583 registration number; and a description, including color scheme,  
584 of the motor vehicle, trailer, mobile home, or manufactured  
585 home. If the sexual offender's place of residence is a vessel,  
586 live-aboard vessel, or houseboat, as defined in chapter 327, the  
587 sexual offender shall also provide to the department written  
588 notice of the hull identification number; the manufacturer's  
589 serial number; the name of the vessel, live-aboard vessel, or  
590 houseboat; the registration number; and a description, including  
591 color scheme, of the vessel, live-aboard vessel, or houseboat.

592 2. If the sexual offender is enrolled, employed, or  
593 carrying on a vocation at an institution of higher education in  
594 this state, the sexual offender shall also provide to the  
595 department through the sheriff's office the name, address, and  
596 county of each institution, including each campus attended, and  
597 the sexual offender's enrollment or employment status. Each  
598 change in enrollment or employment status shall be reported in  
599 person at the sheriff's office, within 48 hours after any change  
600 in status. The sheriff shall promptly notify each institution of  
601 the sexual offender's presence and any change in the sexual  
602 offender's enrollment or employment status.

603

604 When a sexual offender reports at the sheriff's office, the  
605 sheriff shall take a photograph and a set of fingerprints of the  
606 offender and forward the photographs and fingerprints to the  
607 department, along with the information provided by the sexual  
608 offender. The sheriff shall promptly provide to the department  
609 the information received from the sexual offender.

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610 (4) (a) Each time a sexual offender's driver's license or  
611 identification card is subject to renewal, and, without regard  
612 to the status of the offender's driver's license or  
613 identification card, within 48 hours after any change in the  
614 offender's permanent, ~~or~~ temporary, or transient residence or  
615 change in the offender's name by reason of marriage or other  
616 legal process, the offender shall report in person to a driver's  
617 license office, and shall be subject to the requirements  
618 specified in subsection (3). The Department of Highway Safety  
619 and Motor Vehicles shall forward to the department all  
620 photographs and information provided by sexual offenders.  
621 Notwithstanding the restrictions set forth in s. 322.142, the  
622 Department of Highway Safety and Motor Vehicles is authorized to  
623 release a reproduction of a color-photograph or digital-image  
624 license to the Department of Law Enforcement for purposes of  
625 public notification of sexual offenders as provided in this  
626 section and ss. 943.043 and 944.606.

627 (b) A sexual offender who vacates a permanent, temporary,  
628 or transient residence and fails to establish or maintain  
629 another permanent or temporary residence shall, within 48 hours  
630 after vacating the permanent, temporary, or transient residence,  
631 report in person to the sheriff's office of the county in which  
632 he or she is located. The sexual offender shall specify the date  
633 upon which he or she intends to or did vacate such residence.  
634 The sexual offender must provide or update all of the  
635 registration information required under paragraph (2) (b). The  
636 sexual offender must provide an address for the residence or  
637 other place ~~location~~ that he or she is or will be located  
638 ~~occupying~~ during the time in which he or she fails to establish

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639 or maintain a permanent or temporary residence.

640 (c) A sexual offender who remains at a permanent,  
641 temporary, or transient residence after reporting his or her  
642 intent to vacate such residence shall, within 48 hours after the  
643 date upon which the offender indicated he or she would or did  
644 vacate such residence, report in person to the agency to which  
645 he or she reported pursuant to paragraph (b) for the purpose of  
646 reporting his or her address at such residence. When the sheriff  
647 receives the report, the sheriff shall promptly convey the  
648 information to the department. An offender who makes a report as  
649 required under paragraph (b) but fails to make a report as  
650 required under this paragraph commits a felony of the second  
651 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
652 775.084.

653 (7) A sexual offender who intends to establish a permanent,  
654 temporary, or transient residence in another state or  
655 jurisdiction other than the State of Florida shall report in  
656 person to the sheriff of the county of current residence within  
657 48 hours before the date he or she intends to leave this state  
658 to establish residence in another state or jurisdiction. The  
659 notification must include the address, municipality, county, and  
660 state of intended residence. The sheriff shall promptly provide  
661 to the department the information received from the sexual  
662 offender. The department shall notify the statewide law  
663 enforcement agency, or a comparable agency, in the intended  
664 state or jurisdiction of residence of the sexual offender's  
665 intended residence. The failure of a sexual offender to provide  
666 his or her intended place of residence is punishable as provided  
667 in subsection (9).

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668 (8) A sexual offender who indicates his or her intent to  
669 establish a permanent, temporary, or transient residence ~~reside~~  
670 in another state or jurisdiction other than the State of Florida  
671 and later decides to remain in this state shall, within 48 hours  
672 after the date upon which the sexual offender indicated he or  
673 she would leave this state, report in person to the sheriff to  
674 which the sexual offender reported the intended change of  
675 permanent, temporary, or transient residence, and report his or  
676 her intent to remain in this state. The sheriff shall promptly  
677 report this information to the department. A sexual offender who  
678 reports his or her intent to establish a permanent, temporary,  
679 or transient residence ~~reside~~ in another state or jurisdiction  
680 but who remains in this state without reporting to the sheriff  
681 in the manner required by this subsection commits a felony of  
682 the second degree, punishable as provided in s. 775.082, s.  
683 775.083, or s. 775.084.

684 (10) The department, the Department of Highway Safety and  
685 Motor Vehicles, the Department of Corrections, the Department of  
686 Juvenile Justice, any law enforcement agency in this state, and  
687 the personnel of those departments; an elected or appointed  
688 official, public employee, or school administrator; or an  
689 employee, agency, or any individual or entity acting at the  
690 request or upon the direction of any law enforcement agency is  
691 immune from civil liability for damages for good faith  
692 compliance with the requirements of this section or for the  
693 release of information under this section, and shall be presumed  
694 to have acted in good faith in compiling, recording, reporting,  
695 or releasing the information. The presumption of good faith is  
696 not overcome if a technical or clerical error is made by the



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697 department, the Department of Highway Safety and Motor Vehicles,  
698 the Department of Corrections, the Department of Juvenile  
699 Justice, the personnel of those departments, or any individual  
700 or entity acting at the request or upon the direction of any of  
701 those departments in compiling or providing information, or if  
702 information is incomplete or incorrect because a sexual offender  
703 fails to report or falsely reports his or her current place of  
704 permanent, ~~or~~ temporary, or transient residence.

705 (14)

706 (c) The sheriff's office may determine the appropriate  
707 times and days for reporting by the sexual offender, which shall  
708 be consistent with the reporting requirements of this  
709 subsection. Reregistration shall include any changes to the  
710 following information:

711 1. Name; social security number; age; race; sex; date of  
712 birth; height; weight; hair and eye color; address of any  
713 permanent residence and address of any current temporary  
714 residence, within the state or out of state, including a rural  
715 route address and a post office box; if no permanent or  
716 temporary address, any transient residence within the state;  
717 address, location or description, and dates of any current or  
718 known future temporary residence within the state or out of  
719 state; any electronic mail address and any instant message name  
720 required to be provided pursuant to paragraph (4) (d); date and  
721 place of any employment; vehicle make, model, color, and license  
722 tag number; fingerprints; and photograph. A post office box  
723 shall not be provided in lieu of a physical residential address.

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

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726 this state, the sexual offender shall also provide to the  
727 department the name, address, and county of each institution,  
728 including each campus attended, and the sexual offender's  
729 enrollment or employment status.

730 3. If the sexual offender's place of residence is a motor  
731 vehicle, trailer, mobile home, or manufactured home, as defined  
732 in chapter 320, the sexual offender shall also provide the  
733 vehicle identification number; the license tag number; the  
734 registration number; and a description, including color scheme,  
735 of the motor vehicle, trailer, mobile home, or manufactured  
736 home. If the sexual offender's place of residence is a vessel,  
737 live-aboard vessel, or houseboat, as defined in chapter 327, the  
738 sexual offender shall also provide the hull identification  
739 number; the manufacturer's serial number; the name of the  
740 vessel, live-aboard vessel, or houseboat; the registration  
741 number; and a description, including color scheme, of the  
742 vessel, live-aboard vessel or houseboat.

743 4. Any sexual offender who fails to report in person as  
744 required at the sheriff's office, or who fails to respond to any  
745 address verification correspondence from the department within 3  
746 weeks of the date of the correspondence or who fails to report  
747 electronic mail addresses or instant message names, commits a  
748 felony of the third degree, punishable as provided in s.  
749 775.082, s. 775.083, or s. 775.084.

750 Section 4. Section 943.04352, Florida Statutes, is amended  
751 to read:

752 943.04352 Search of registration information regarding  
753 sexual predators and sexual offenders required when placement on  
754 misdemeanor probation.—When the court places a defendant on

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755 misdemeanor probation pursuant to ss. 948.01 and 948.15, the  
756 public or private entity providing probation services must  
757 conduct a search of the probationer's name or other identifying  
758 information against the registration information regarding  
759 sexual predators and sexual offenders maintained by the  
760 Department of Law Enforcement under s. 943.043. The probation  
761 services provider may conduct the search using the Internet site  
762 maintained by the Department of Law Enforcement. Also, a  
763 national search must be conducted through the Dru Sjodin  
764 National Sex Offender Public Website maintained by the United  
765 States Department of Justice.

766 Section 5. Paragraph (a) of subsection (3) of section  
767 944.606, Florida Statutes, is amended to read:

768 944.606 Sexual offenders; notification upon release.-

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

772 1. The department must provide: the sexual offender's name,  
773 any change in the offender's name by reason of marriage or other  
774 legal process, and any alias, if known; the correctional  
775 facility from which the sexual offender is released; the sexual  
776 offender's social security number, race, sex, date of birth,  
777 height, weight, and hair and eye color; address of any planned  
778 permanent residence or temporary residence, within the state or  
779 out of state, including a rural route address and a post office  
780 box; if no permanent or temporary address, any transient  
781 residence within the state; address, location or description,  
782 and dates of any known future temporary residence within the  
783 state or out of state; date and county of sentence and each

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784 crime for which the offender was sentenced; a copy of the  
785 offender's fingerprints and a digitized photograph taken within  
786 60 days before release; the date of release of the sexual  
787 offender; and any electronic mail address and any instant  
788 message name required to be provided pursuant to s.  
789 943.0435(4) (d); ~~and the offender's intended residence address,~~  
790 ~~if known~~. The department shall notify the Department of Law  
791 Enforcement if the sexual offender escapes, absconds, or dies.  
792 If the sexual offender is in the custody of a private  
793 correctional facility, the facility shall take the digitized  
794 photograph of the sexual offender within 60 days before the  
795 sexual offender's release and provide this photograph to the  
796 Department of Corrections and also place it in the sexual  
797 offender's file. If the sexual offender is in the custody of a  
798 local jail, the custodian of the local jail shall register the  
799 offender within 3 business days after intake of the offender for  
800 any reason and upon release, and shall notify the Department of  
801 Law Enforcement of the sexual offender's release and provide to  
802 the Department of Law Enforcement the information specified in  
803 this paragraph and any information specified in subparagraph 2.  
804 that the Department of Law Enforcement requests.

805 2. The department may provide any other information deemed  
806 necessary, including criminal and corrections records,  
807 nonprivileged personnel and treatment records, when available.

808 Section 6. Subsections (4) and (6) and paragraph (c) of  
809 subsection (13) of section 944.607, Florida Statutes, are  
810 amended to read:

811 944.607 Notification to Department of Law Enforcement of  
812 information on sexual offenders.-

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813 (4) A sexual offender, as described in this section, who is  
814 under the supervision of the Department of Corrections but is  
815 not incarcerated must register with the Department of  
816 Corrections within 3 business days after sentencing for a  
817 registrable ~~registerable~~ offense and otherwise provide  
818 information as required by this subsection.

819 (a) The sexual offender shall provide his or her name; date  
820 of birth; social security number; race; sex; height; weight;  
821 hair and eye color; tattoos or other identifying marks; any  
822 electronic mail address and any instant message name required to  
823 be provided pursuant to s. 943.0435(4) (d); ~~and~~ permanent or  
824 legal residence and address of temporary residence within the  
825 state or out of state while the sexual offender is under  
826 supervision in this state, including any rural route address or  
827 post office box; if no permanent or temporary address, any  
828 transient residence within the state; and address, location or  
829 description, and dates of any current or known future temporary  
830 residence within the state or out of state. The Department of  
831 Corrections shall verify the address of each sexual offender in  
832 the manner described in ss. 775.21 and 943.0435. The department  
833 shall report to the Department of Law Enforcement any failure by  
834 a sexual predator or sexual offender to comply with registration  
835 requirements.

836 (b) If the sexual offender is enrolled, employed, or  
837 carrying on a vocation at an institution of higher education in  
838 this state, the sexual offender shall provide the name, address,  
839 and county of each institution, including each campus attended,  
840 and the sexual offender's enrollment or employment status. Each  
841 change in enrollment or employment status shall be reported to

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842 the department within 48 hours after the change in status. The  
843 Department of Corrections shall promptly notify each institution  
844 of the sexual offender's presence and any change in the sexual  
845 offender's enrollment or employment status.

846 (6) The information provided to the Department of Law  
847 Enforcement must include:

848 (a) The information obtained from the sexual offender under  
849 subsection (4);

850 (b) The sexual offender's most current address, ~~and~~ and place  
851 of permanent, ~~and~~ temporary, or transient residence within the  
852 state or out of state, and address, location or description, and  
853 dates of any current or known future temporary residence within  
854 the state or out of state, while the sexual offender is under  
855 supervision in this state, including the name of the county or  
856 municipality in which the offender permanently or temporarily  
857 resides, or has a transient residence, and address, location or  
858 description, and dates of any current or known future temporary  
859 residence within the state or out of state, and, if known, the  
860 intended place of permanent, ~~or~~ temporary, or transient  
861 residence, and address, location or description, and dates of  
862 any current or known future temporary residence within the state  
863 or out of state upon satisfaction of all sanctions;

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

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

869 (e) An indication of whether the victim of the offense that  
870 resulted in the offender's status as a sexual offender was a

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871 minor;

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

875 (g) A digitized photograph of the sexual offender which  
876 must have been taken within 60 days before the offender is  
877 released from the custody of the department or a private  
878 correctional facility by expiration of sentence under s. 944.275  
879 or must have been taken by January 1, 1998, or within 60 days  
880 after the onset of the department's supervision of any sexual  
881 offender who is on probation, community control, conditional  
882 release, parole, provisional release, or control release or who  
883 is supervised by the department under the Interstate Compact  
884 Agreement for Probationers and Parolees. If the sexual offender  
885 is in the custody of a private correctional facility, the  
886 facility shall take a digitized photograph of the sexual  
887 offender within the time period provided in this paragraph and  
888 shall provide the photograph to the department.

889  
890 If any information provided by the department changes during the  
891 time the sexual offender is under the department's control,  
892 custody, or supervision, including any change in the offender's  
893 name by reason of marriage or other legal process, the  
894 department shall, in a timely manner, update the information and  
895 provide it to the Department of Law Enforcement in the manner  
896 prescribed in subsection (2).

897 (13)

898 (c) The sheriff's office may determine the appropriate  
899 times and days for reporting by the sexual offender, which shall

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900 be consistent with the reporting requirements of this  
901 subsection. Reregistration shall include any changes to the  
902 following information:

903 1. Name; social security number; age; race; sex; date of  
904 birth; height; weight; hair and eye color; address of any  
905 permanent residence and address of any current temporary  
906 residence, within the state or out of state, including a rural  
907 route address and a post office box; if no permanent or  
908 temporary address, any transient residence; address, location or  
909 description, and dates of any current or known future temporary  
910 residence within the state and out of state; any electronic mail  
911 address and any instant message name required to be provided  
912 pursuant to s. 943.0435(4)(d); date and place of any employment;  
913 vehicle make, model, color, and license tag number;  
914 fingerprints; and photograph. A post office box shall not be  
915 provided in lieu of a physical residential address.

916 2. If the sexual offender is enrolled, employed, or  
917 carrying on a vocation at an institution of higher education in  
918 this state, the sexual offender shall also provide to the  
919 department the name, address, and county of each institution,  
920 including each campus attended, and the sexual offender's  
921 enrollment or employment status.

922 3. If the sexual offender's place of residence is a motor  
923 vehicle, trailer, mobile home, or manufactured home, as defined  
924 in chapter 320, the sexual offender shall also provide the  
925 vehicle identification number; the license tag number; the  
926 registration number; and a description, including color scheme,  
927 of the motor vehicle, trailer, mobile home, or manufactured  
928 home. If the sexual offender's place of residence is a vessel,



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929 live-aboard vessel, or houseboat, as defined in chapter 327, the  
930 sexual offender shall also provide the hull identification  
931 number; the manufacturer's serial number; the name of the  
932 vessel, live-aboard vessel, or houseboat; the registration  
933 number; and a description, including color scheme, of the  
934 vessel, live-aboard vessel or houseboat.

935 4. Any sexual offender who fails to report in person as  
936 required at the sheriff's office, or who fails to respond to any  
937 address verification correspondence from the department within 3  
938 weeks of the date of the correspondence, or who fails to report  
939 electronic mail addresses or instant message names, commits a  
940 felony of the third degree, punishable as provided in s.  
941 775.082, s. 775.083, or s. 775.084.

942 Section 7. Paragraph (b) of subsection (7) of section  
943 947.1405, Florida Statutes, is amended, and subsection (12) is  
944 added to that section, to read:

945 947.1405 Conditional release program.—

946 (7)

947 (b) For a releasee whose crime was committed on or after  
948 October 1, 1997, in violation of chapter 794, s. 800.04, s.  
949 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to  
950 conditional release supervision, in addition to any other  
951 provision of this subsection, the commission shall impose the  
952 following additional conditions of conditional release  
953 supervision:

954 1. As part of a treatment program, participation in a  
955 minimum of one annual polygraph examination to obtain  
956 information necessary for risk management and treatment and to  
957 reduce the sex offender's denial mechanisms. The polygraph

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958 examination must be conducted by a polygrapher trained  
959 specifically in the use of the polygraph for the monitoring of  
960 sex offenders who has been authorized by the department, where  
961 available, and at the expense of the releasee ~~sex offender~~. The  
962 results of the polygraph examination shall be provided to the  
963 releasee's probation officer and therapist and shall not be used  
964 as evidence in a hearing to prove that a violation of  
965 supervision has occurred.

966 2. Maintenance of a driving log and a prohibition against  
967 driving a motor vehicle alone without the prior approval of the  
968 supervising officer.

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

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

975 5. Electronic monitoring of any form when ordered by the  
976 commission.

977 (12) In addition to all other conditions imposed, for a  
978 releasee who is subject to conditional release for a crime that  
979 was committed on or after July 1, 2009, and who has been  
980 convicted at any time of committing, or attempting, soliciting,  
981 or conspiring to commit, any of the criminal offenses proscribed  
982 in the following statutes in this state or similar offenses in  
983 another jurisdiction against a victim who was under the age of  
984 18 at the time of the offense: s. 787.01, s. 787.02, or s.  
985 787.025(2)(c), where the victim is a minor and the offender was  
986 not the victim's parent or guardian; s. 794.011, excluding s.

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987 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
988 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
989 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.  
990 985.701(1); or any similar offense committed in this state which  
991 has been redesignated from a former statute number to one of  
992 those listed in this subsection, if the offender has not  
993 received a pardon for any felony or similar law of another  
994 jurisdiction necessary for the operation of this subsection and  
995 a conviction of a felony or similar law of another jurisdiction  
996 necessary for the operation of this subsection has not been set  
997 aside in any postconviction proceeding, unless at the time of  
998 the crime was committed the victim was 16 or 17 years of age and  
999 the releasee was not more than 21 years of age, the commission  
1000 must impose the following conditions:

1001 (a) A prohibition on visiting areas where children  
1002 regularly congregate, including, but not limited to, schools,  
1003 day care centers, parks, and playgrounds. The commission may  
1004 also designate additional locations to protect a victim. The  
1005 prohibition ordered under this subparagraph does not prohibit  
1006 the releasee's attendance at religious services as defined in s.  
1007 775.0861.

1008 (b) A prohibition on distributing candy or other items to  
1009 children on Halloween; wearing a Santa Claus costume, or other  
1010 costume to appeal to children, on or preceding Christmas;  
1011 wearing an Easter Bunny costume, or other costume to appeal to  
1012 children, on or preceding Easter; entertaining at children's  
1013 parties; or wearing a clown costume; without prior approval from  
1014 the commission.

1015 Section 8. Paragraph (a) of subsection (2) of section

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1016 948.30, Florida Statutes, is amended, and subsection (4) is  
1017 added to that section, to read:

1018 948.30 Additional terms and conditions of probation or  
1019 community control for certain sex offenses.—Conditions imposed  
1020 pursuant to this section do not require oral pronouncement at  
1021 the time of sentencing and shall be considered standard  
1022 conditions of probation or community control for offenders  
1023 specified in this section.

1024 (2) Effective for a probationer or community controllee  
1025 whose crime was committed on or after October 1, 1997, and who  
1026 is placed on community control or sex offender probation for a  
1027 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),  
1028 or s. 847.0145, in addition to any other provision of this  
1029 section, the court must impose the following conditions of  
1030 probation or community control:

1031 (a) As part of a treatment program, participation at least  
1032 annually in polygraph examinations to obtain information  
1033 necessary for risk management and treatment and to reduce the  
1034 sex offender's denial mechanisms. A polygraph examination must  
1035 be conducted by a polygrapher trained specifically in the use of  
1036 the polygraph for the monitoring of sex offenders who has been  
1037 authorized by the department, where available, and shall be paid  
1038 for by the probationer or community controllee ~~sex offender~~. The  
1039 results of the polygraph examination shall be provided to the  
1040 probationer's or community controllee's probation officer and  
1041 therapist and shall not be used as evidence in court to prove  
1042 that a violation of community supervision has occurred.

1043 (4) In addition to all other conditions imposed, for a  
1044 probationer or community controllee who is subject to

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1045 supervision for a crime that was committed on or after July 1,  
1046 2009, and who has been convicted at any time of committing, or  
1047 attempting, soliciting, or conspiring to commit, any of the  
1048 criminal offenses proscribed in the following statutes in this  
1049 state or similar offenses in another jurisdiction against a  
1050 victim who was under the age of 18 at the time of the offense:  
1051 s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
1052 minor and the offender was not the victim's parent or guardian;  
1053 s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
1054 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
1055 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
1056 847.0145; s. 985.701(1); or any similar offense committed in  
1057 this state which has been redesignated from a former statute  
1058 number to one of those listed in this subsection, if the  
1059 offender has not received a pardon for any felony or similar law  
1060 of another jurisdiction necessary for the operation of this  
1061 subsection and a conviction of a felony or similar law of  
1062 another jurisdiction necessary for the operation of this  
1063 subsection has not been set aside in any postconviction  
1064 proceeding, unless at the time the crime was committed the  
1065 victim was 16 or 17 years of age and the offender was not more  
1066 than 21 years of age, the court must impose the following  
1067 conditions:

1068 (a) A prohibition on visiting areas where children  
1069 regularly congregate, including, but not limited to, schools,  
1070 day care centers, parks, and playgrounds. The commission may  
1071 also designate additional locations to protect a victim. The  
1072 prohibition ordered under this subparagraph does not prohibit  
1073 the releasee's attendance at religious services as defined in s.

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1074 775.0861.

1075 (b) A prohibition on distributing candy or other items to  
1076 children on Halloween; wearing a Santa Claus costume, or other  
1077 costume to appeal to children, on or preceding Christmas;  
1078 wearing an Easter Bunny costume, or other costume to appeal to  
1079 children, on or preceding Easter; entertaining at children's  
1080 parties; or wearing a clown costume; without prior approval from  
1081 the commission.

1082 Section 9. Section 948.31, Florida Statutes, is amended to  
1083 read:

1084 948.31 ~~Diagnosis, Evaluation, and treatment of~~ sexual  
1085 predators and offenders placed on probation or community control  
1086 ~~for certain sex offenses or child exploitation.~~ The court shall  
1087 require an a diagnosis and evaluation to determine the need of a  
1088 probationer or community controllee ~~offender in community~~  
1089 ~~control~~ for treatment. If the court determines that a need  
1090 therefor is established by the ~~such diagnosis and~~ evaluation  
1091 process, the court shall require sexual offender treatment  
1092 ~~outpatient counseling~~ as a term or condition of probation or  
1093 community control for any person who meets the criteria to be  
1094 designated as a sexual predator under s. 775.21 or to be subject  
1095 to registration as a sexual offender under s. 943.0435, s.  
1096 944.606, or s. 944.607. ~~was found guilty of any of the~~  
1097 ~~following, or whose plea of guilty or nolo contendere to any of~~  
1098 ~~the following was accepted by the court:~~

1099 ~~(1) Lewd or lascivious battery, lewd or lascivious~~  
1100 ~~molestation, lewd or lascivious conduct, or lewd or lascivious~~  
1101 ~~exhibition, as defined in s. 800.04 or s. 847.0135(5).~~

1102 ~~(2) Sexual battery, as defined in chapter 794, against a~~

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1103 ~~child.~~

1104 ~~(3) Exploitation of a child as provided in s. 450.151, or~~  
1105 ~~for prostitution.~~

1106  
1107 Such treatment ~~counseling~~ shall be required to be obtained from  
1108 a qualified practitioner as defined in s. 948.001(6) who is  
1109 specifically trained to treat sex offenders. Treatment may not  
1110 be administered by a qualified practitioner who has been  
1111 convicted or adjudicated delinquent of committing, or  
1112 attempting, soliciting, or conspiring to commit, any offense  
1113 that is listed in s. 943.0435(1)(a)1.a.(I). The court shall  
1114 impose a restriction against contact with minors if sexual  
1115 offender treatment is recommended ~~a community mental health~~  
1116 ~~center, a recognized social service agency providing mental~~  
1117 ~~health services, or a private mental health professional or~~  
1118 ~~through other professional counseling. The evaluation and~~  
1119 recommendations ~~plan for treatment of counseling for the~~  
1120 probationer or community controllee individual shall be provided  
1121 to the court for review.

1122 Section 10. Paragraph (a) of subsection (3) of section  
1123 985.481, Florida Statutes, is amended to read:

1124 985.481 Sexual offenders adjudicated delinquent;  
1125 notification upon release.—

1126 (3)(a) The department must provide information regarding  
1127 any sexual offender who is being released after serving a period  
1128 of residential commitment under the department for any offense,  
1129 as follows:

1130 1. The department must provide the sexual offender's name,  
1131 any change in the offender's name by reason of marriage or other

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1132 legal process, and any alias, if known; the correctional  
1133 facility from which the sexual offender is released; the sexual  
1134 offender's social security number, race, sex, date of birth,  
1135 height, weight, and hair and eye color; address of any planned  
1136 permanent residence or temporary residence, within the state or  
1137 out of state, including a rural route address and a post office  
1138 box; if no permanent or temporary address, any transient  
1139 residence within the state; address, location or description,  
1140 and dates of any known future temporary residence within the  
1141 state or out of state; date and county of disposition and each  
1142 crime for which there was a disposition; a copy of the  
1143 offender's fingerprints and a digitized photograph taken within  
1144 60 days before release; and the date of release of the sexual  
1145 offender; and the offender's intended residence address, if  
1146 known. The department shall notify the Department of Law  
1147 Enforcement if the sexual offender escapes, absconds, or dies.  
1148 If the sexual offender is in the custody of a private  
1149 correctional facility, the facility shall take the digitized  
1150 photograph of the sexual offender within 60 days before the  
1151 sexual offender's release and also place it in the sexual  
1152 offender's file. If the sexual offender is in the custody of a  
1153 local jail, the custodian of the local jail shall register the  
1154 offender within 3 business days after intake of the offender for  
1155 any reason and upon release, and shall notify the Department of  
1156 Law Enforcement of the sexual offender's release and provide to  
1157 the Department of Law Enforcement the information specified in  
1158 this subparagraph and any information specified in subparagraph  
1159 2. which the Department of Law Enforcement requests.

1160 2. The department may provide any other information



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1161 considered necessary, including criminal and delinquency  
1162 records, when available.

1163 Section 11. Paragraph (a) of subsection (4), paragraph (a)  
1164 of subsection (6), and paragraph (b) of subsection (13) of  
1165 section 985.4815, Florida Statutes, are amended to read:

1166 985.4815 Notification to Department of Law Enforcement of  
1167 information on juvenile sexual offenders.—

1168 (4) A sexual offender, as described in this section, who is  
1169 under the supervision of the department but who is not committed  
1170 must register with the department within 3 business days after  
1171 adjudication and disposition for a registrable offense and  
1172 otherwise provide information as required by this subsection.

1173 (a) The sexual offender shall provide his or her name; date  
1174 of birth; social security number; race; sex; height; weight;  
1175 hair and eye color; tattoos or other identifying marks; ~~and~~  
1176 permanent or legal residence and address of temporary residence  
1177 within the state or out of state while the sexual offender is in  
1178 the care or custody or under the jurisdiction or supervision of  
1179 the department in this state, including any rural route address  
1180 or post office box; if no permanent or temporary address, any  
1181 transient residence; address, location or description, and dates  
1182 of any current or known future temporary residence within the  
1183 state or out of state;~~7~~ and the name and address of each school  
1184 attended. The department shall verify the address of each sexual  
1185 offender and shall report to the Department of Law Enforcement  
1186 any failure by a sexual offender to comply with registration  
1187 requirements.

1188 (6) (a) The information provided to the Department of Law  
1189 Enforcement must include the following:

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1190 1. The information obtained from the sexual offender under  
1191 subsection (4).

1192 2. The sexual offender's most current address and place of  
1193 permanent, ~~or~~ temporary, or transient residence within the state  
1194 or out of state, and address, location or description, and dates  
1195 of any current or known future temporary residence within the  
1196 state or out of state, while the sexual offender is in the care  
1197 or custody or under the jurisdiction or supervision of the  
1198 department in this state, including the name of the county or  
1199 municipality in which the offender permanently or temporarily  
1200 resides, or has a transient residence, and address, location or  
1201 description, and dates of any current or known future temporary  
1202 residence within the state or out of state; and, if known, the  
1203 intended place of permanent, ~~or~~ temporary, or transient  
1204 residence, and address, location or description, and dates of  
1205 any current or known future temporary residence within the state  
1206 or out of state upon satisfaction of all sanctions.

1207 3. The legal status of the sexual offender and the  
1208 scheduled termination date of that legal status.

1209 4. The location of, and local telephone number for, any  
1210 department office that is responsible for supervising the sexual  
1211 offender.

1212 5. An indication of whether the victim of the offense that  
1213 resulted in the offender's status as a sexual offender was a  
1214 minor.

1215 6. The offense or offenses at adjudication and disposition  
1216 that resulted in the determination of the offender's status as a  
1217 sex offender.

1218 7. A digitized photograph of the sexual offender, which

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1219 must have been taken within 60 days before the offender was  
1220 released from the custody of the department or a private  
1221 correctional facility by expiration of sentence under s.  
1222 944.275, or within 60 days after the onset of the department's  
1223 supervision of any sexual offender who is on probation,  
1224 postcommitment probation, residential commitment, nonresidential  
1225 commitment, licensed child-caring commitment, community control,  
1226 conditional release, parole, provisional release, or control  
1227 release or who is supervised by the department under the  
1228 Interstate Compact Agreement for Probationers and Parolees. If  
1229 the sexual offender is in the custody of a private correctional  
1230 facility, the facility shall take a digitized photograph of the  
1231 sexual offender within the time period provided in this  
1232 subparagraph and shall provide the photograph to the department.

1233 (13)

1234 (b) The sheriff's office may determine the appropriate  
1235 times and days for reporting by the sexual offender, which shall  
1236 be consistent with the reporting requirements of this  
1237 subsection. Reregistration shall include any changes to the  
1238 following information:

1239 1. Name; social security number; age; race; sex; date of  
1240 birth; height; weight; hair and eye color; address of any  
1241 permanent residence and address of any current temporary  
1242 residence, within the state or out of state, including a rural  
1243 route address and a post office box; if no permanent or  
1244 temporary address, any transient residence; address, location or  
1245 description, and dates of any current or known future temporary  
1246 residence within the state or out of state; name and address of  
1247 each school attended; date and place of any employment; vehicle

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1248 make, model, color, and license tag number; fingerprints; and  
1249 photograph. A post office box shall not be provided in lieu of a  
1250 physical residential address.

1251 2. If the sexual offender is enrolled, employed, or  
1252 carrying on a vocation at an institution of higher education in  
1253 this state, the sexual offender shall also provide to the  
1254 department the name, address, and county of each institution,  
1255 including each campus attended, and the sexual offender's  
1256 enrollment or employment status.

1257 3. If the sexual offender's place of residence is a motor  
1258 vehicle, trailer, mobile home, or manufactured home, as defined  
1259 in chapter 320, the sexual offender shall also provide the  
1260 vehicle identification number; the license tag number; the  
1261 registration number; and a description, including color scheme,  
1262 of the motor vehicle, trailer, mobile home, or manufactured  
1263 home. If the sexual offender's place of residence is a vessel,  
1264 live-aboard vessel, or houseboat, as defined in chapter 327, the  
1265 sexual offender shall also provide the hull identification  
1266 number; the manufacturer's serial number; the name of the  
1267 vessel, live-aboard vessel, or houseboat; the registration  
1268 number; and a description, including color scheme, of the  
1269 vessel, live-aboard vessel, or houseboat.

1270 4. Any sexual offender who fails to report in person as  
1271 required at the sheriff's office, or who fails to respond to any  
1272 address verification correspondence from the department within 3  
1273 weeks after the date of the correspondence, commits a felony of  
1274 the third degree, punishable as provided in ss. 775.082,  
1275 775.083, and 775.084.

1276 Section 12. This act shall take effect July 1, 2009.