

By the Committees on Community Affairs; and Criminal Justice;  
and Senator Crist

578-04847-09

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1                                   A bill to be entitled  
2       An act relating to sexual offenders and predators;  
3       creating s. 775.215, F.S.; preempting to the state the  
4       authority to limit the residence of a person convicted  
5       of a sexual offense; amending s. 794.065, F.S.;  
6       revising provisions relating to residency limits on a  
7       person convicted of certain sex offenses; imposing  
8       more restrictive residency limits on a person  
9       convicted of certain sex offenses; providing criminal  
10      penalties; creating s. 856.022, F.S.; prohibiting  
11      loitering or prowling by certain offenders within a  
12      specified distance of places where children regularly  
13      congregate; prohibiting certain actions toward a child  
14      at a public park or playground by certain offenders;  
15      prohibiting the presence of certain offenders at a  
16      child care facility without notice and supervision;  
17      providing exceptions; providing penalties; amending s.  
18      775.21, F.S.; revising and providing definitions;  
19      revising provisions relating to reporting requirements  
20      for sexual predators who are in a transient status;  
21      amending s. 943.0435, F.S.; revising provisions  
22      relating to residence reporting requirements for  
23      sexual offenders; amending s. 943.04352, F.S.;  
24      requiring that the probation services provider search  
25      in an additional specified sex offender registry for  
26      information regarding sexual predators and sexual  
27      offenders when an offender is placed on misdemeanor  
28      probation; amending s. 944.606, F.S.; revising address  
29      reporting requirements for sexual offenders; amending

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30 s. 944.607, F.S.; requiring additional registration  
31 information from sex offenders who are under the  
32 supervision of the Department of Corrections but who  
33 are not incarcerated; amending s. 947.1405, F.S.;

34 providing additional conditional release restrictions  
35 for certain offenders; providing an exemption;

36 revising provisions relating to polygraph examinations  
37 of specified conditional releasees who have committed  
38 specified sexual offenses; providing additional  
39 restrictions for certain conditional releasees who  
40 have committed sexual offenses against minors under  
41 the age of 16 or who have been designated as sexual  
42 predators or received similar designations or  
43 determinations in another jurisdiction; imposing more  
44 restrictive residency limits on a person convicted of  
45 certain sex offenses; amending s. 948.30, F.S.;

46 revising provisions relating to terms and conditions  
47 of probation or community control for certain sex  
48 offenses; imposing more restrictive residency limits  
49 on a person convicted of certain sex offenses;

50 revising provisions relating to polygraph examinations  
51 of specified probationers or community controllees who  
52 have committed specified sexual offenses; providing  
53 additional restrictions for certain probationers or  
54 community controllees who committed sexual offenses  
55 against minors under the age of 16 or who have been  
56 designated as sexual predators or received similar  
57 designations or determinations in another  
58 jurisdiction; providing additional restrictions for

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59 certain probationers or community controllees who  
60 committed sexual offenses against a minor younger than  
61 16 years of age; amending s. 948.31, F.S.; deleting a  
62 requirement for diagnosis of certain sexual predators  
63 and sexual offenders on community control; revising  
64 provisions relating to treatment for such offenders  
65 and predators; amending s. 985.481, F.S.; providing  
66 additional address reporting requirements for sexual  
67 offenders adjudicated delinquent; amending s.  
68 985.4815, F.S.; revising provisions relating to  
69 address and residence reporting requirements for  
70 sexual offenders adjudicated delinquent; providing an  
71 effective date.

72  
73 Be It Enacted by the Legislature of the State of Florida:

74  
75 Section 1. Section 775.215, Florida Statutes, is created to  
76 read:

77 775.215 Preemption of local residency limits for a person  
78 convicted of a sexual offense.—The authority to limit the  
79 residence of a person convicted of a sexual offense is expressly  
80 preempted to the state. The term "sexual offense" as used in  
81 this section includes, but is not limited to, a violation of s.  
82 787.01, s. 787.02, s. 794.011, s. 800.04, s. 827.071, or s.  
83 847.0145, regardless of whether adjudication has been withheld.

84 Section 2. Section 794.065, Florida Statutes, is amended to  
85 read:

86 794.065 Unlawful place of residence for persons convicted  
87 of certain sex offenses.—

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88           (1) (a)1. It is unlawful for any person who has been  
89 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,  
90 s. 847.0135(5), or s. 847.0145, regardless of whether  
91 adjudication has been withheld, in which the victim of the  
92 offense was less than 16 years of age, to reside within 1,000  
93 feet of any school, child care facility ~~day care center~~, park,  
94 or playground.

95           2. A person who violates this subsection commits: ~~section~~  
96 ~~and whose conviction under s. 794.011, s. 800.04, s. 827.071, s.~~  
97 ~~847.0135(5), or s. 847.0145 was classified as A felony of the~~  
98 ~~first degree or higher commits~~

99           a. A felony of the third degree, punishable as provided in  
100 s. 775.082 or s. 775.083, if the person's conviction under  
101 subparagraph 1. was for a felony of the first degree or higher.  
102 ~~A person who violates this section and whose conviction under s.~~  
103 ~~794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145~~  
104 ~~was classified as A felony of the second or third degree commits~~

105           b. A misdemeanor of the first degree, punishable as  
106 provided in s. 775.082 or s. 775.083, if the person's conviction  
107 under subparagraph 1. was for a felony of the second or third  
108 degree.

109           (b)-(2) This subsection ~~section~~ applies to any person  
110 convicted of an offense listed in subparagraph (a)1. if the  
111 offense occurred a violation of s. 794.011, s. 800.04, s.  
112 827.071, s. 847.0135(5), or s. 847.0145 for offenses that occur  
113 on or after October 1, 2004.

114           (2) (a) A person may not reside within 1,500 feet of a  
115 school, child care facility, park, or playground if the person:

116           1. Has been convicted, regardless of whether adjudication

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117 has been withheld, of a violation of s. 787.01, s. 787.02, s.  
118 794.011, s. 800.04, s. 827.071, or s. 847.0145, or a violation  
119 of a similar law of another jurisdiction, for an offense that  
120 was committed on or after October 1, 2009, against a victim who  
121 was younger than age 16; or

122 2. Is subject to the residency restrictions under  
123 subparagraph (1)(a)1. and establishes a new residence after  
124 October 1, 2009.

125 (b) A person who violates this subsection commits:

126 1. A felony of the third degree, punishable as provided in  
127 s. 775.082 or s. 775.083, if the person's conviction under  
128 subparagraph (a)1. was for a felony of the first degree or  
129 higher.

130 2. A misdemeanor of the first degree, punishable as  
131 provided in s. 775.082 or s. 775.083, if the person's conviction  
132 under subparagraph (a)1. was for a felony of the second or third  
133 degree.

134 (c) The distances in this subsection must be measured in a  
135 straight line from the offender's place of residence to the  
136 nearest boundary line of the school, child care facility, park,  
137 or playground.

138 Section 3. Section 856.022, Florida Statutes, is created to  
139 read:

140 856.022 Loitering or prowling by certain offenders in close  
141 proximity to children; penalty.-

142 (1) This section applies to an offender convicted of  
143 committing, or attempting, soliciting, or conspiring to commit,  
144 any of the criminal offenses proscribed in the following  
145 statutes in this state or similar offenses in another

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146 jurisdiction against a victim who was under the age of 18 at the  
147 time of the offense: s. 787.01, s. 787.02, or s. 787.025(2)(c),  
148 if the victim is a minor and the offender was not the victim's  
149 parent or guardian; s. 794.011, excluding s. 794.011(10); s.  
150 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s.  
151 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
152 847.0137; s. 847.0138; s. 847.0145; s. 985.701(1); or any  
153 similar offense committed in this state which has been  
154 redesignated from a former statute number to one of those listed  
155 in this subsection, if the offender has not received a pardon  
156 for any felony or similar law of another jurisdiction necessary  
157 for the operation of this subsection and a conviction of a  
158 felony or similar law of another jurisdiction necessary for the  
159 operation of this subsection has not been set aside in any  
160 postconviction proceeding.

161 (2) An offender described in subsection (1) commits  
162 loitering and prowling by a person convicted of a sexual offense  
163 against a minor if, in committing loitering and prowling, he or  
164 she is within 300 feet of a place where children regularly  
165 congregate, including, but not limited to, a school, child care  
166 facility, playground, or park.

167 (3) It is unlawful for an offender described in subsection  
168 (1) to:

169 (a) Knowingly approach, contact, or communicate with a  
170 child under 18 years of age in any public park building or on  
171 real property comprising any public park or playground with  
172 intent to engage in conduct of a sexual nature, or to make a  
173 communication of any type containing any content of a sexual  
174 nature. This paragraph applies only to an offender described in

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175 subsection (1) whose offense was committed on or after July 1,  
176 2009.

177 (b)1. Knowingly be present in any child care facility or  
178 pre-K through 12 school or on real property comprising any child  
179 care facility or pre-K through 12 school when the child care  
180 facility or school is in operation, unless the offender has  
181 provided written notification of his or her intent to be present  
182 to the school board, superintendent, principal, or child care  
183 facility owner.

184 2. Fail to notify the child care facility owner or the  
185 principal's office when he or she arrives and departs the child  
186 care facility or school.

187 3. Fail to remain under direct supervision of a school  
188 official or designated chaperone when present in the vicinity of  
189 children. As used in this subparagraph, the term "school  
190 official" means a principal, a school resource officer, a  
191 teacher or any other employee of the school, the superintendent  
192 of schools, a member of the school board, a child care facility  
193 owner, or a child care provider.

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

195 (a) The child care facility or school is a voting location  
196 and the offender is present for the purpose of voting during the  
197 hours designated for voting; or

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

201 (5) Any person who violates this section commits a  
202 misdemeanor of the first degree, punishable as provided in s.  
203 775.082 or s. 775.083.

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204 Section 4. Paragraph (g) of subsection (2), paragraphs (a)  
205 and (c) of subsection (4), paragraph (a) of subsection (5),  
206 paragraphs (a), (f), (g), (i), and (j) of subsection (6),  
207 paragraph (a) of subsection (7), and paragraph (a) of subsection  
208 (8) of section 775.21, Florida Statutes, are amended, and  
209 paragraph (l) is added to subsection (2) of that section, to  
210 read:

211 775.21 The Florida Sexual Predators Act.—

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

213 (g) "Temporary residence" means a place where the person  
214 abides, lodges, or resides, including, but not limited to,  
215 vacation, business, or personal travel destinations in or out of  
216 this state, for a period of 5 or more days in the aggregate  
217 during any calendar year and which is not the person's permanent  
218 address or, for a person whose permanent residence is not in  
219 this state, a place where the person is employed, practices a  
220 vocation, or is enrolled as a student for any period of time in  
221 this state.

222 (l) "Transient residence" means a place or county where a  
223 person lives, remains, or is located for a period of 5 or more  
224 days in the aggregate during a calendar year and which is not  
225 the person's permanent or temporary address. The term includes,  
226 but is not limited to, a place where the person sleeps or seeks  
227 shelter and a location that has no specific street address.

228 (4) SEXUAL PREDATOR CRITERIA.—

229 (a) For a current offense committed on or after October 1,  
230 1993, upon conviction, an offender shall be designated as a  
231 "sexual predator" under subsection (5), and subject to  
232 registration under subsection (6) and community and public



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233 notification under subsection (7) if:

234 1. The felony is:

235 a. A capital, life, or first-degree felony violation, or  
236 any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
237 is a minor and the defendant is not the victim's parent or  
238 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a  
239 violation of a similar law of another jurisdiction; or

240 b. Any felony violation, or any attempt thereof, of s.  
241 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
242 minor and the defendant is not the victim's parent or guardian;  
243 s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
244 796.035; s. 800.04; s. 825.1025(2)(b); s. 827.071; s.  
245 847.0135(5); s. 847.0145; or s. 985.701(1); or a violation of a  
246 similar law of another jurisdiction, and the offender has  
247 previously been convicted of or found to have committed, or has  
248 pled nolo contendere or guilty to, regardless of adjudication,  
249 any violation of s. 787.01, s. 787.02, or s. 787.025(2)(c),  
250 where the victim is a minor and the defendant is not the  
251 victim's parent or guardian; s. 794.011, excluding s.  
252 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
253 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
254 847.0135(6) ~~s. 847.0135(4)~~; s. 847.0145; or s. 985.701(1); or a  
255 violation of a similar law of another jurisdiction;

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

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

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

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

268 2. The offender was administratively registered as a sexual  
269 predator because the Department of Corrections, the department,  
270 or any other law enforcement agency obtained information that  
271 indicated that the offender met the criteria for designation as  
272 a sexual predator based on a violation of a similar law in  
273 another jurisdiction,

274

275 the department shall remove that offender from the department's  
276 list of sexual predators and, for an offender described under  
277 subparagraph 1., shall notify the state attorney who prosecuted  
278 the offense that met the criteria for administrative designation  
279 as a sexual predator, and, for an offender described under this  
280 paragraph, shall notify the state attorney of the county where  
281 the offender establishes or maintains a permanent, ~~or~~ temporary,  
282 or transient residence. The state attorney shall bring the  
283 matter to the court's attention in order to establish that the  
284 offender meets the criteria for designation as a sexual  
285 predator. If the court makes a written finding that the offender  
286 is a sexual predator, the offender must be designated as a  
287 sexual predator, must register or be registered as a sexual  
288 predator with the department as provided in subsection (6), and  
289 is subject to the community and public notification as provided  
290 in subsection (7). If the court does not make a written finding

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291 that the offender is a sexual predator, the offender may not be  
292 designated as a sexual predator with respect to that offense and  
293 is not required to register or be registered as a sexual  
294 predator with the department.

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

297 (a)1. An offender who meets the sexual predator criteria  
298 described in paragraph (4) (d) is a sexual predator, and the  
299 court shall make a written finding at the time such offender is  
300 determined to be a sexually violent predator under chapter 394  
301 that such person meets the criteria for designation as a sexual  
302 predator for purposes of this section. The clerk shall transmit  
303 a copy of the order containing the written finding to the  
304 department within 48 hours after the entry of the order;

305 2. An offender who meets the sexual predator criteria  
306 described in paragraph (4) (a) who is before the court for  
307 sentencing for a current offense committed on or after October  
308 1, 1993, is a sexual predator, and the sentencing court must  
309 make a written finding at the time of sentencing that the  
310 offender is a sexual predator, and the clerk of the court shall  
311 transmit a copy of the order containing the written finding to  
312 the department within 48 hours after the entry of the order; or

313 3. If the Department of Corrections, the department, or any  
314 other law enforcement agency obtains information which indicates  
315 that an offender who establishes or maintains a permanent, ~~or~~  
316 temporary, or transient residence in this state meets the sexual  
317 predator criteria described in paragraph (4) (a) or paragraph  
318 (4) (d) because the offender was civilly committed or committed a  
319 similar violation in another jurisdiction on or after October 1,

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320 1993, the Department of Corrections, the department, or the law  
321 enforcement agency shall notify the state attorney of the county  
322 where the offender establishes or maintains a permanent, ~~or~~  
323 temporary, or transient residence of the offender's presence in  
324 the community. The state attorney shall file a petition with the  
325 criminal division of the circuit court for the purpose of  
326 holding a hearing to determine if the offender's criminal record  
327 or record of civil commitment from another jurisdiction meets  
328 the sexual predator criteria. If the court finds that the  
329 offender meets the sexual predator criteria because the offender  
330 has violated a similar law or similar laws in another  
331 jurisdiction, the court shall make a written finding that the  
332 offender is a sexual predator.

333  
334 When the court makes a written finding that an offender is a  
335 sexual predator, the court shall inform the sexual predator of  
336 the registration and community and public notification  
337 requirements described in this section. Within 48 hours after  
338 the court designating an offender as a sexual predator, the  
339 clerk of the circuit court shall transmit a copy of the court's  
340 written sexual predator finding to the department. If the  
341 offender is sentenced to a term of imprisonment or supervision,  
342 a copy of the court's written sexual predator finding must be  
343 submitted to the Department of Corrections.

344 (6) REGISTRATION.—

345 (a) A sexual predator must register with the department  
346 through the sheriff's office by providing the following  
347 information to the department:

348 1. Name, social security number, age, race, sex, date of

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349 birth, height, weight, hair and eye color, photograph, address  
350 of legal residence and address of any current temporary  
351 residence, within the state or out of state, including a rural  
352 route address and a post office box, if no permanent or  
353 temporary address, any transient residence within the state,  
354 address, location or description, and dates of any current or  
355 known future temporary residence within the state or out of  
356 state, any electronic mail address and any instant message name  
357 required to be provided pursuant to subparagraph (g)4., date and  
358 place of any employment, date and place of each conviction,  
359 fingerprints, and a brief description of the crime or crimes  
360 committed by the offender. A post office box shall not be  
361 provided in lieu of a physical residential address.

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

376 b. If the sexual predator is enrolled, employed, or  
377 carrying on a vocation at an institution of higher education in

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378 this state, the sexual predator shall also provide to the  
379 department the name, address, and county of each institution,  
380 including each campus attended, and the sexual predator's  
381 enrollment or employment status. Each change in enrollment or  
382 employment status shall be reported in person at the sheriff's  
383 office, or the Department of Corrections if the sexual predator  
384 is in the custody or control of or under the supervision of the  
385 Department of Corrections, within 48 hours after any change in  
386 status. The sheriff or the Department of Corrections shall  
387 promptly notify each institution of the sexual predator's  
388 presence and any change in the sexual predator's enrollment or  
389 employment status.

390 2. Any other information determined necessary by the  
391 department, including criminal and corrections records;  
392 nonprivileged personnel and treatment records; and evidentiary  
393 genetic markers when available.

394 (f) Within 48 hours after the registration required under  
395 paragraph (a) or paragraph (e), a sexual predator who is not  
396 incarcerated and who resides in the community, including a  
397 sexual predator under the supervision of the Department of  
398 Corrections, shall register in person at a driver's license  
399 office of the Department of Highway Safety and Motor Vehicles  
400 and shall present proof of registration. At the driver's license  
401 office the sexual predator shall:

402 1. If otherwise qualified, secure a Florida driver's  
403 license, renew a Florida driver's license, or secure an  
404 identification card. The sexual predator shall identify himself  
405 or herself as a sexual predator who is required to comply with  
406 this section, provide his or her place of permanent, ~~or~~

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407 temporary, or transient residence, including a rural route  
408 address and a post office box, and submit to the taking of a  
409 photograph for use in issuing a driver's license, renewed  
410 license, or identification card, and for use by the department  
411 in maintaining current records of sexual predators. A post  
412 office box shall not be provided in lieu of a physical  
413 residential address. If the sexual predator's place of residence  
414 is a motor vehicle, trailer, mobile home, or manufactured home,  
415 as defined in chapter 320, the sexual predator shall also  
416 provide to the Department of Highway Safety and Motor Vehicles  
417 the vehicle identification number; the license tag number; the  
418 registration number; and a description, including color scheme,  
419 of the motor vehicle, trailer, mobile home, or manufactured  
420 home. If a sexual predator's place of residence is a vessel,  
421 live-aboard vessel, or houseboat, as defined in chapter 327, the  
422 sexual predator shall also provide to the Department of Highway  
423 Safety and Motor Vehicles the hull identification number; the  
424 manufacturer's serial number; the name of the vessel, live-  
425 aboard vessel, or houseboat; the registration number; and a  
426 description, including color scheme, of the vessel, live-aboard  
427 vessel, or houseboat.

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

433       3. Provide, upon request, any additional information  
434 necessary to confirm the identity of the sexual predator,  
435 including a set of fingerprints.

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436 (g)1. Each time a sexual predator's driver's license or  
437 identification card is subject to renewal, and, without regard  
438 to the status of the predator's driver's license or  
439 identification card, within 48 hours after any change of the  
440 predator's residence or change in the predator's name by reason  
441 of marriage or other legal process, the predator shall report in  
442 person to a driver's license office and shall be subject to the  
443 requirements specified in paragraph (f). The Department of  
444 Highway Safety and Motor Vehicles shall forward to the  
445 department and to the Department of Corrections all photographs  
446 and information provided by sexual predators. Notwithstanding  
447 the restrictions set forth in s. 322.142, the Department of  
448 Highway Safety and Motor Vehicles is authorized to release a  
449 reproduction of a color-photograph or digital-image license to  
450 the Department of Law Enforcement for purposes of public  
451 notification of sexual predators as provided in this section.

452 2. A sexual predator who vacates a permanent, temporary, or  
453 transient residence and fails to establish or maintain another  
454 permanent or temporary residence shall, within 48 hours after  
455 vacating the permanent, temporary, or transient residence,  
456 report in person to the sheriff's office of the county in which  
457 he or she is located. The sexual predator shall specify the date  
458 upon which he or she intends to or did vacate such residence.  
459 The sexual predator must provide or update all of the  
460 registration information required under paragraph (a). The  
461 sexual predator must provide an address for the residence or  
462 other place ~~location~~ that he or she is or will be located  
463 ~~occupying~~ during the time in which he or she fails to establish  
464 or maintain a permanent or temporary residence.



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465           3. A sexual predator who remains at a permanent, temporary,  
466 or transient residence after reporting his or her intent to  
467 vacate such residence shall, within 48 hours after the date upon  
468 which the predator indicated he or she would or did vacate such  
469 residence, report in person to the sheriff's office to which he  
470 or she reported pursuant to subparagraph 2. for the purpose of  
471 reporting his or her address at such residence. When the sheriff  
472 receives the report, the sheriff shall promptly convey the  
473 information to the department. An offender who makes a report as  
474 required under subparagraph 2. but fails to make a report as  
475 required under this subparagraph commits a felony of the second  
476 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
477 775.084.

478           4. A sexual predator must register any electronic mail  
479 address or instant message name with the department prior to  
480 using such electronic mail address or instant message name on or  
481 after October 1, 2007. The department shall establish an online  
482 system through which sexual predators may securely access and  
483 update all electronic mail address and instant message name  
484 information.

485           (i) A sexual predator who intends to establish a permanent,  
486 temporary, or transient residence in another state or  
487 jurisdiction other than the State of Florida shall report in  
488 person to the sheriff of the county of current residence within  
489 48 hours before the date he or she intends to leave this state  
490 to establish residence in another state or jurisdiction. The  
491 sexual predator must provide to the sheriff the address,  
492 municipality, county, and state of intended residence. The  
493 sheriff shall promptly provide to the department the information

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494 received from the sexual predator. The department shall notify  
495 the statewide law enforcement agency, or a comparable agency, in  
496 the intended state or jurisdiction of residence of the sexual  
497 predator's intended residence. The failure of a sexual predator  
498 to provide his or her intended place of residence is punishable  
499 as provided in subsection (10).

500 (j) A sexual predator who indicates his or her intent to  
501 establish a permanent, temporary, or transient residence ~~reside~~  
502 in another state or jurisdiction other than the State of Florida  
503 and later decides to remain in this state shall, within 48 hours  
504 after the date upon which the sexual predator indicated he or  
505 she would leave this state, report in person to the sheriff to  
506 which the sexual predator reported the intended change of  
507 residence, and report his or her intent to remain in this state.  
508 If the sheriff is notified by the sexual predator that he or she  
509 intends to remain in this state, the sheriff shall promptly  
510 report this information to the department. A sexual predator who  
511 reports his or her intent to establish a permanent, temporary,  
512 or transient residence ~~reside~~ in another state or jurisdiction,  
513 but who remains in this state without reporting to the sheriff  
514 in the manner required by this paragraph, commits a felony of  
515 the second degree, punishable as provided in s. 775.082, s.  
516 775.083, or s. 775.084.

517 (7) COMMUNITY AND PUBLIC NOTIFICATION.—

518 (a) Law enforcement agencies must inform members of the  
519 community and the public of a sexual predator's presence. Upon  
520 notification of the presence of a sexual predator, the sheriff  
521 of the county or the chief of police of the municipality where  
522 the sexual predator establishes or maintains a permanent or

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523 temporary residence shall notify members of the community and  
524 the public of the presence of the sexual predator in a manner  
525 deemed appropriate by the sheriff or the chief of police. Within  
526 48 hours after receiving notification of the presence of a  
527 sexual predator, the sheriff of the county or the chief of  
528 police of the municipality where the sexual predator temporarily  
529 or permanently resides shall notify each licensed day care  
530 center, elementary school, middle school, and high school within  
531 a 1-mile radius of the temporary or permanent residence of the  
532 sexual predator of the presence of the sexual predator.

533 Information provided to members of the community and the public  
534 regarding a sexual predator must include:

- 535 1. The name of the sexual predator;
- 536 2. A description of the sexual predator, including a  
537 photograph;
- 538 3. The sexual predator's current permanent, temporary, and  
539 transient addresses, and descriptions of registered locations  
540 that have no specific street address, including the name of the  
541 county or municipality if known;
- 542 4. The circumstances of the sexual predator's offense or  
543 offenses; and
- 544 5. Whether the victim of the sexual predator's offense or  
545 offenses was, at the time of the offense, a minor or an adult.

546  
547 This paragraph does not authorize the release of the name of any  
548 victim of the sexual predator.

549 (8) VERIFICATION.—The department and the Department of  
550 Corrections shall implement a system for verifying the addresses  
551 of sexual predators. The system must be consistent with the

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552 provisions of the federal Adam Walsh Child Protection and Safety  
553 Act of 2006 and any other federal standards applicable to such  
554 verification or required to be met as a condition for the  
555 receipt of federal funds by the state. The Department of  
556 Corrections shall verify the addresses of sexual predators who  
557 are not incarcerated but who reside in the community under the  
558 supervision of the Department of Corrections and shall report to  
559 the department any failure by a sexual predator to comply with  
560 registration requirements. County and local law enforcement  
561 agencies, in conjunction with the department, shall verify the  
562 addresses of sexual predators who are not under the care,  
563 custody, control, or supervision of the Department of  
564 Corrections. Local law enforcement agencies shall report to the  
565 department any failure by a sexual predator to comply with  
566 registration requirements.

567 (a) A sexual predator must report in person each year  
568 during the month of the sexual predator's birthday and during  
569 every third month thereafter to the sheriff's office in the  
570 county in which he or she resides or is otherwise located to  
571 reregister. The sheriff's office may determine the appropriate  
572 times and days for reporting by the sexual predator, which shall  
573 be consistent with the reporting requirements of this paragraph.  
574 Reregistration shall include any changes to the following  
575 information:

576 1. Name; social security number; age; race; sex; date of  
577 birth; height; weight; hair and eye color; address of any  
578 permanent residence and address of any current temporary  
579 residence, within the state or out of state, including a rural  
580 route address and a post office box; if no permanent or

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581 temporary address, any transient residence within the state;  
582 address, location or description, and dates of any current or  
583 known future temporary residence within the state or out of  
584 state; any electronic mail address and any instant message name  
585 required to be provided pursuant to subparagraph (6)(g)4.; date  
586 and place of any employment; vehicle make, model, color, and  
587 license tag number; fingerprints; and photograph. A post office  
588 box shall not be provided in lieu of a physical residential  
589 address.

590 2. If the sexual predator is enrolled, employed, or  
591 carrying on a vocation at an institution of higher education in  
592 this state, the sexual predator shall also provide to the  
593 department the name, address, and county of each institution,  
594 including each campus attended, and the sexual predator's  
595 enrollment or employment status.

596 3. If the sexual predator's place of residence is a motor  
597 vehicle, trailer, mobile home, or manufactured home, as defined  
598 in chapter 320, the sexual predator shall also provide the  
599 vehicle identification number; the license tag number; the  
600 registration number; and a description, including color scheme,  
601 of the motor vehicle, trailer, mobile home, or manufactured  
602 home. If the sexual predator's place of residence is a vessel,  
603 live-aboard vessel, or houseboat, as defined in chapter 327, the  
604 sexual predator shall also provide the hull identification  
605 number; the manufacturer's serial number; the name of the  
606 vessel, live-aboard vessel, or houseboat; the registration  
607 number; and a description, including color scheme, of the  
608 vessel, live-aboard vessel, or houseboat.

609 Section 5. Paragraph (c) of subsection (1), subsection (2),

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610 paragraphs (a), (b), and (c) of subsection (4), subsections (7),  
611 (8), and (10), and paragraph (c) of subsection (14) of section  
612 943.0435, Florida Statutes, are amended to read:

613 943.0435 Sexual offenders required to register with the  
614 department; penalty.—

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

616 (c) "Permanent residence," ~~and~~ "temporary residence," and  
617 "transient residence" have the same meaning ascribed in s.  
618 775.21.

619 (2) A sexual offender shall:

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

621 1. In the county in which the offender establishes or  
622 maintains a permanent, ~~or~~ temporary, or transient residence  
623 within 48 hours after:

624 a. Establishing permanent, ~~or~~ temporary, or transient  
625 residence in this state ; or

626 b. Being released from the custody, control, or supervision  
627 of the Department of Corrections or from the custody of a  
628 private correctional facility; or

629 2. In the county where he or she was convicted within 48  
630 hours after being convicted for a qualifying offense for  
631 registration under this section if the offender is not in the  
632 custody or control of, or under the supervision of, the  
633 Department of Corrections, or is not in the custody of a private  
634 correctional facility.

635  
636 Any change in the information required to be provided pursuant  
637 to paragraph (b), including, but not limited to, any change in  
638 the sexual offender's permanent, ~~or~~ temporary, or transient

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639 residence, name, any electronic mail address, and any instant  
640 message name required to be provided pursuant to paragraph  
641 (4) (d), after the sexual offender reports in person at the  
642 sheriff's office, shall be accomplished in the manner provided  
643 in subsections (4), (7), and (8).

644 (b) Provide his or her name, date of birth, social security  
645 number, race, sex, height, weight, hair and eye color, tattoos  
646 or other identifying marks, occupation and place of employment,  
647 address of permanent or legal residence or address of any  
648 current temporary residence, within the state and out of state,  
649 including a rural route address and a post office box, if no  
650 permanent or temporary address, any transient residence within  
651 the state, address, location or description, and dates of any  
652 current or known future temporary residence within the state or  
653 out of state, any electronic mail address and any instant  
654 message name required to be provided pursuant to paragraph  
655 (4) (d), date and place of each conviction, and a brief  
656 description of the crime or crimes committed by the offender. A  
657 post office box shall not be provided in lieu of a physical  
658 residential address.

659 1. If the sexual offender's place of residence is a motor  
660 vehicle, trailer, mobile home, or manufactured home, as defined  
661 in chapter 320, the sexual offender shall also provide to the  
662 department through the sheriff's office written notice of the  
663 vehicle identification number; the license tag number; the  
664 registration number; and a description, including color scheme,  
665 of the motor vehicle, trailer, mobile home, or manufactured  
666 home. If the sexual offender's place of residence is a vessel,  
667 live-aboard vessel, or houseboat, as defined in chapter 327, the

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668 sexual offender shall also provide to the department written  
669 notice of the hull identification number; the manufacturer's  
670 serial number; the name of the vessel, live-aboard vessel, or  
671 houseboat; the registration number; and a description, including  
672 color scheme, of the vessel, live-aboard vessel, or houseboat.

673 2. If the sexual offender is enrolled, employed, or  
674 carrying on a vocation at an institution of higher education in  
675 this state, the sexual offender shall also provide to the  
676 department through the sheriff's office the name, address, and  
677 county of each institution, including each campus attended, and  
678 the sexual offender's enrollment or employment status. Each  
679 change in enrollment or employment status shall be reported in  
680 person at the sheriff's office, within 48 hours after any change  
681 in status. The sheriff shall promptly notify each institution of  
682 the sexual offender's presence and any change in the sexual  
683 offender's enrollment or employment status.

684  
685 When a sexual offender reports at the sheriff's office, the  
686 sheriff shall take a photograph and a set of fingerprints of the  
687 offender and forward the photographs and fingerprints to the  
688 department, along with the information provided by the sexual  
689 offender. The sheriff shall promptly provide to the department  
690 the information received from the sexual offender.

691 (4) (a) Each time a sexual offender's driver's license or  
692 identification card is subject to renewal, and, without regard  
693 to the status of the offender's driver's license or  
694 identification card, within 48 hours after any change in the  
695 offender's permanent, ~~or~~ temporary, or transient residence or  
696 change in the offender's name by reason of marriage or other



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697 legal process, the offender shall report in person to a driver's  
698 license office, and shall be subject to the requirements  
699 specified in subsection (3). The Department of Highway Safety  
700 and Motor Vehicles shall forward to the department all  
701 photographs and information provided by sexual offenders.  
702 Notwithstanding the restrictions set forth in s. 322.142, the  
703 Department of Highway Safety and Motor Vehicles is authorized to  
704 release a reproduction of a color-photograph or digital-image  
705 license to the Department of Law Enforcement for purposes of  
706 public notification of sexual offenders as provided in this  
707 section and ss. 943.043 and 944.606.

708 (b) A sexual offender who vacates a permanent, temporary,  
709 or transient residence and fails to establish or maintain  
710 another permanent or temporary residence shall, within 48 hours  
711 after vacating the permanent, temporary, or transient residence,  
712 report in person to the sheriff's office of the county in which  
713 he or she is located. The sexual offender shall specify the date  
714 upon which he or she intends to or did vacate such residence.  
715 The sexual offender must provide or update all of the  
716 registration information required under paragraph (2)(b). The  
717 sexual offender must provide an address for the residence or  
718 other place ~~location~~ that he or she is or will be located  
719 ~~occupying~~ during the time in which he or she fails to establish  
720 or maintain a permanent or temporary residence.

721 (c) A sexual offender who remains at a permanent,  
722 temporary, or transient residence after reporting his or her  
723 intent to vacate such residence shall, within 48 hours after the  
724 date upon which the offender indicated he or she would or did  
725 vacate such residence, report in person to the agency to which

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726 he or she reported pursuant to paragraph (b) for the purpose of  
727 reporting his or her address at such residence. When the sheriff  
728 receives the report, the sheriff shall promptly convey the  
729 information to the department. An offender who makes a report as  
730 required under paragraph (b) but fails to make a report as  
731 required under this paragraph commits a felony of the second  
732 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
733 775.084.

734 (7) A sexual offender who intends to establish a permanent,  
735 temporary, or transient residence in another state or  
736 jurisdiction other than the State of Florida shall report in  
737 person to the sheriff of the county of current residence within  
738 48 hours before the date he or she intends to leave this state  
739 to establish residence in another state or jurisdiction. The  
740 notification must include the address, municipality, county, and  
741 state of intended residence. The sheriff shall promptly provide  
742 to the department the information received from the sexual  
743 offender. The department shall notify the statewide law  
744 enforcement agency, or a comparable agency, in the intended  
745 state or jurisdiction of residence of the sexual offender's  
746 intended residence. The failure of a sexual offender to provide  
747 his or her intended place of residence is punishable as provided  
748 in subsection (9).

749 (8) A sexual offender who indicates his or her intent to  
750 establish a permanent, temporary, or transient residence ~~reside~~  
751 in another state or jurisdiction other than the State of Florida  
752 and later decides to remain in this state shall, within 48 hours  
753 after the date upon which the sexual offender indicated he or  
754 she would leave this state, report in person to the sheriff to

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755 which the sexual offender reported the intended change of  
756 permanent, temporary, or transient residence, and report his or  
757 her intent to remain in this state. The sheriff shall promptly  
758 report this information to the department. A sexual offender who  
759 reports his or her intent to establish a permanent, temporary,  
760 or transient residence ~~reside~~ in another state or jurisdiction  
761 but who remains in this state without reporting to the sheriff  
762 in the manner required by this subsection commits a felony of  
763 the second degree, punishable as provided in s. 775.082, s.  
764 775.083, or s. 775.084.

765 (10) The department, the Department of Highway Safety and  
766 Motor Vehicles, the Department of Corrections, the Department of  
767 Juvenile Justice, any law enforcement agency in this state, and  
768 the personnel of those departments; an elected or appointed  
769 official, public employee, or school administrator; or an  
770 employee, agency, or any individual or entity acting at the  
771 request or upon the direction of any law enforcement agency is  
772 immune from civil liability for damages for good faith  
773 compliance with the requirements of this section or for the  
774 release of information under this section, and shall be presumed  
775 to have acted in good faith in compiling, recording, reporting,  
776 or releasing the information. The presumption of good faith is  
777 not overcome if a technical or clerical error is made by the  
778 department, the Department of Highway Safety and Motor Vehicles,  
779 the Department of Corrections, the Department of Juvenile  
780 Justice, the personnel of those departments, or any individual  
781 or entity acting at the request or upon the direction of any of  
782 those departments in compiling or providing information, or if  
783 information is incomplete or incorrect because a sexual offender

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784 fails to report or falsely reports his or her current place of  
785 permanent, ~~or~~ temporary, or transient residence.

786 (14)

787 (c) The sheriff's office may determine the appropriate  
788 times and days for reporting by the sexual offender, which shall  
789 be consistent with the reporting requirements of this  
790 subsection. Reregistration shall include any changes to the  
791 following information:

792 1. Name; social security number; age; race; sex; date of  
793 birth; height; weight; hair and eye color; address of any  
794 permanent residence and address of any current temporary  
795 residence, within the state or out of state, including a rural  
796 route address and a post office box; if no permanent or  
797 temporary address, any transient residence within the state;  
798 address, location or description, and dates of any current or  
799 known future temporary residence within the state or out of  
800 state; any electronic mail address and any instant message name  
801 required to be provided pursuant to paragraph (4) (d); date and  
802 place of any employment; vehicle make, model, color, and license  
803 tag number; fingerprints; and photograph. A post office box  
804 shall not be provided in lieu of a physical residential address.

805 2. If the sexual offender is enrolled, employed, or  
806 carrying on a vocation at an institution of higher education in  
807 this state, the sexual offender shall also provide to the  
808 department the name, address, and county of each institution,  
809 including each campus attended, and the sexual offender's  
810 enrollment or employment status.

811 3. If the sexual offender's place of residence is a motor  
812 vehicle, trailer, mobile home, or manufactured home, as defined

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813 in chapter 320, the sexual offender shall also provide the  
814 vehicle identification number; the license tag number; the  
815 registration number; and a description, including color scheme,  
816 of the motor vehicle, trailer, mobile home, or manufactured  
817 home. If the sexual offender's place of residence is a vessel,  
818 live-aboard vessel, or houseboat, as defined in chapter 327, the  
819 sexual offender shall also provide the hull identification  
820 number; the manufacturer's serial number; the name of the  
821 vessel, live-aboard vessel, or houseboat; the registration  
822 number; and a description, including color scheme, of the  
823 vessel, live-aboard vessel or houseboat.

824 4. Any sexual offender who fails to report in person as  
825 required at the sheriff's office, or who fails to respond to any  
826 address verification correspondence from the department within 3  
827 weeks of the date of the correspondence or who fails to report  
828 electronic mail addresses or instant message names, commits a  
829 felony of the third degree, punishable as provided in s.  
830 775.082, s. 775.083, or s. 775.084.

831 Section 6. Section 943.04352, Florida Statutes, is amended  
832 to read:

833 943.04352 Search of registration information regarding  
834 sexual predators and sexual offenders required when placement on  
835 misdemeanor probation.—When the court places a defendant on  
836 misdemeanor probation pursuant to ss. 948.01 and 948.15, the  
837 public or private entity providing probation services must  
838 conduct a search of the probationer's name or other identifying  
839 information against the registration information regarding  
840 sexual predators and sexual offenders maintained by the  
841 Department of Law Enforcement under s. 943.043. The probation

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842 services provider may conduct the search using the Internet site  
843 maintained by the Department of Law Enforcement. Also, a  
844 national search must be conducted through the Dru Sjodin  
845 National Sex Offender Public Website maintained by the United  
846 States Department of Justice.

847 Section 7. Paragraph (a) of subsection (3) of section  
848 944.606, Florida Statutes, is amended to read:

849 944.606 Sexual offenders; notification upon release.-

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

853 1. The department must provide: the sexual offender's name,  
854 any change in the offender's name by reason of marriage or other  
855 legal process, and any alias, if known; the correctional  
856 facility from which the sexual offender is released; the sexual  
857 offender's social security number, race, sex, date of birth,  
858 height, weight, and hair and eye color; address of any planned  
859 permanent residence or temporary residence, within the state or  
860 out of state, including a rural route address and a post office  
861 box; if no permanent or temporary address, any transient  
862 residence within the state; address, location or description,  
863 and dates of any known future temporary residence within the  
864 state or out of state; date and county of sentence and each  
865 crime for which the offender was sentenced; a copy of the  
866 offender's fingerprints and a digitized photograph taken within  
867 60 days before release; the date of release of the sexual  
868 offender; and any electronic mail address and any instant  
869 message name required to be provided pursuant to s.  
870 943.0435(4) (d); and the offender's intended residence address,

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871 ~~if known~~. The department shall notify the Department of Law  
872 Enforcement if the sexual offender escapes, absconds, or dies.  
873 If the sexual offender is in the custody of a private  
874 correctional facility, the facility shall take the digitized  
875 photograph of the sexual offender within 60 days before the  
876 sexual offender's release and provide this photograph to the  
877 Department of Corrections and also place it in the sexual  
878 offender's file. If the sexual offender is in the custody of a  
879 local jail, the custodian of the local jail shall register the  
880 offender within 3 business days after intake of the offender for  
881 any reason and upon release, and shall notify the Department of  
882 Law Enforcement of the sexual offender's release and provide to  
883 the Department of Law Enforcement the information specified in  
884 this paragraph and any information specified in subparagraph 2.  
885 that the Department of Law Enforcement requests.

886 2. The department may provide any other information deemed  
887 necessary, including criminal and corrections records,  
888 nonprivileged personnel and treatment records, when available.

889 Section 8. Subsections (4) and (6) and paragraph (c) of  
890 subsection (13) of section 944.607, Florida Statutes, are  
891 amended to read:

892 944.607 Notification to Department of Law Enforcement of  
893 information on sexual offenders.—

894 (4) A sexual offender, as described in this section, who is  
895 under the supervision of the Department of Corrections but is  
896 not incarcerated must register with the Department of  
897 Corrections within 3 business days after sentencing for a  
898 registrable ~~registerable~~ offense and otherwise provide  
899 information as required by this subsection.

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900 (a) The sexual offender shall provide his or her name; date  
901 of birth; social security number; race; sex; height; weight;  
902 hair and eye color; tattoos or other identifying marks; any  
903 electronic mail address and any instant message name required to  
904 be provided pursuant to s. 943.0435(4) (d); ~~and~~ permanent or  
905 legal residence and address of temporary residence within the  
906 state or out of state while the sexual offender is under  
907 supervision in this state, including any rural route address or  
908 post office box; if no permanent or temporary address, any  
909 transient residence within the state; and address, location or  
910 description, and dates of any current or known future temporary  
911 residence within the state or out of state. The Department of  
912 Corrections shall verify the address of each sexual offender in  
913 the manner described in ss. 775.21 and 943.0435. The department  
914 shall report to the Department of Law Enforcement any failure by  
915 a sexual predator or sexual offender to comply with registration  
916 requirements.

917 (b) If the sexual offender is enrolled, employed, or  
918 carrying on a vocation at an institution of higher education in  
919 this state, the sexual offender shall provide the name, address,  
920 and county of each institution, including each campus attended,  
921 and the sexual offender's enrollment or employment status. Each  
922 change in enrollment or employment status shall be reported to  
923 the department within 48 hours after the change in status. The  
924 Department of Corrections shall promptly notify each institution  
925 of the sexual offender's presence and any change in the sexual  
926 offender's enrollment or employment status.

927 (6) The information provided to the Department of Law  
928 Enforcement must include:



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929 (a) The information obtained from the sexual offender under  
930 subsection (4);

931 (b) The sexual offender's most current address, ~~and~~ and place  
932 of permanent, ~~and~~ temporary, or transient residence within the  
933 state or out of state, and address, location or description, and  
934 dates of any current or known future temporary residence within  
935 the state or out of state, while the sexual offender is under  
936 supervision in this state, including the name of the county or  
937 municipality in which the offender permanently or temporarily  
938 resides, or has a transient residence, and address, location or  
939 description, and dates of any current or known future temporary  
940 residence within the state or out of state, and, if known, the  
941 intended place of permanent, ~~or~~ temporary, or transient  
942 residence, and address, location or description, and dates of  
943 any current or known future temporary residence within the state  
944 or out of state upon satisfaction of all sanctions;

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

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

950 (e) An indication of whether the victim of the offense that  
951 resulted in the offender's status as a sexual offender was a  
952 minor;

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

956 (g) A digitized photograph of the sexual offender which  
957 must have been taken within 60 days before the offender is

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958 released from the custody of the department or a private  
959 correctional facility by expiration of sentence under s. 944.275  
960 or must have been taken by January 1, 1998, or within 60 days  
961 after the onset of the department's supervision of any sexual  
962 offender who is on probation, community control, conditional  
963 release, parole, provisional release, or control release or who  
964 is supervised by the department under the Interstate Compact  
965 Agreement for Probationers and Parolees. If the sexual offender  
966 is in the custody of a private correctional facility, the  
967 facility shall take a digitized photograph of the sexual  
968 offender within the time period provided in this paragraph and  
969 shall provide the photograph to the department.

970

971 If any information provided by the department changes during the  
972 time the sexual offender is under the department's control,  
973 custody, or supervision, including any change in the offender's  
974 name by reason of marriage or other legal process, the  
975 department shall, in a timely manner, update the information and  
976 provide it to the Department of Law Enforcement in the manner  
977 prescribed in subsection (2).

978 (13)

979 (c) The sheriff's office may determine the appropriate  
980 times and days for reporting by the sexual offender, which shall  
981 be consistent with the reporting requirements of this  
982 subsection. Reregistration shall include any changes to the  
983 following information:

984 1. Name; social security number; age; race; sex; date of  
985 birth; height; weight; hair and eye color; address of any  
986 permanent residence and address of any current temporary

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987 residence, within the state or out of state, including a rural  
988 route address and a post office box; if no permanent or  
989 temporary address, any transient residence; address, location or  
990 description, and dates of any current or known future temporary  
991 residence within the state and out of state; any electronic mail  
992 address and any instant message name required to be provided  
993 pursuant to s. 943.0435(4)(d); date and place of any employment;  
994 vehicle make, model, color, and license tag number;  
995 fingerprints; and photograph. A post office box shall not be  
996 provided in lieu of a physical residential address.

997 2. If the sexual offender is enrolled, employed, or  
998 carrying on a vocation at an institution of higher education in  
999 this state, the sexual offender shall also provide to the  
1000 department the name, address, and county of each institution,  
1001 including each campus attended, and the sexual offender's  
1002 enrollment or employment status.

1003 3. If the sexual offender's place of residence is a motor  
1004 vehicle, trailer, mobile home, or manufactured home, as defined  
1005 in chapter 320, the sexual offender shall also provide the  
1006 vehicle identification number; the license tag number; the  
1007 registration number; and a description, including color scheme,  
1008 of the motor vehicle, trailer, mobile home, or manufactured  
1009 home. If the sexual offender's place of residence is a vessel,  
1010 live-aboard vessel, or houseboat, as defined in chapter 327, the  
1011 sexual offender shall also provide the hull identification  
1012 number; the manufacturer's serial number; the name of the  
1013 vessel, live-aboard vessel, or houseboat; the registration  
1014 number; and a description, including color scheme, of the  
1015 vessel, live-aboard vessel or houseboat.

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1016 4. Any sexual offender who fails to report in person as  
1017 required at the sheriff's office, or who fails to respond to any  
1018 address verification correspondence from the department within 3  
1019 weeks of the date of the correspondence, or who fails to report  
1020 electronic mail addresses or instant message names, commits a  
1021 felony of the third degree, punishable as provided in s.  
1022 775.082, s. 775.083, or s. 775.084.

1023 Section 9. Subsections (2) and (7) of section 947.1405,  
1024 Florida Statutes, are amended, and subsections (12) and (13) are  
1025 added to that section, to read:

1026 947.1405 Conditional release program.—

1027 (2) (a) Any inmate who:

1028 1. ~~(a)~~ Is convicted of a crime committed on or after October  
1029 1, 1988, and before January 1, 1994, or ~~and any inmate who~~ is  
1030 convicted of a crime committed on or after January 1, 1994,  
1031 which crime is or was contained in category 1, category 2,  
1032 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida  
1033 Rules of Criminal Procedure (1993), and who has served at least  
1034 one prior felony commitment at a state or federal correctional  
1035 institution;

1036 2. ~~(b)~~ Is sentenced as a habitual or violent habitual  
1037 offender or a violent career criminal pursuant to s. 775.084; or

1038 3. ~~(c)~~ Is found to be a sexual predator under s. 775.21 or  
1039 former s. 775.23,

1040  
1041 shall, upon reaching the tentative release date or provisional  
1042 release date, whichever is earlier, as established by the  
1043 Department of Corrections, be released under supervision subject  
1044 to specified terms and conditions, including payment of the cost

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1045 of supervision pursuant to s. 948.09. Such supervision applies  
1046 ~~shall be applicable~~ to all sentences within the overall term of  
1047 sentences if an inmate's overall term of sentences includes one  
1048 or more sentences that are eligible for conditional release  
1049 supervision as provided in this section herein. ~~Effective July~~  
1050 ~~1, 1994, and applicable~~

1051 (b) For offenses committed on or after July 1, 1994 ~~that~~  
1052 ~~date~~, the commission may require, as a condition of conditional  
1053 release, that the releasee make payment of the debt due and  
1054 owing to a county or municipal detention facility under s.  
1055 951.032 for medical care, treatment, hospitalization, or  
1056 transportation received by the releasee while in that detention  
1057 facility. The commission, in determining whether to order such  
1058 repayment and the amount of such repayment, shall consider the  
1059 amount of the debt, whether there was any fault of the  
1060 institution for the medical expenses incurred, the financial  
1061 resources of the releasee, the present and potential future  
1062 financial needs and earning ability of the releasee, and  
1063 dependents, and other appropriate factors.

1064 (c) If any inmate placed on conditional release supervision  
1065 is also subject to probation or community control, resulting  
1066 from a probationary or community control split sentence within  
1067 the overall term of sentences, the Department of Corrections  
1068 shall supervise such person according to the conditions imposed  
1069 by the court and the commission shall defer to such supervision.  
1070 If the court revokes probation or community control and  
1071 resentences the offender to a term of incarceration, such  
1072 revocation also constitutes a sufficient basis for the  
1073 revocation of the conditional release supervision on any

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1074 nonprobationary or noncommunity control sentence without further  
1075 hearing by the commission. If any such supervision on any  
1076 nonprobationary or noncommunity control sentence is revoked,  
1077 such revocation may result in a forfeiture of all gain-time, and  
1078 the commission may revoke the resulting deferred conditional  
1079 release supervision or take other action it considers  
1080 appropriate. If the term of conditional release supervision  
1081 exceeds that of the probation or community control, then, upon  
1082 expiration of the probation or community control, authority for  
1083 the supervision shall revert to the commission and the  
1084 supervision shall be subject to the conditions imposed by the  
1085 commission.

1086 (d) A panel of no fewer than two commissioners shall  
1087 establish the terms and conditions of any such release. If the  
1088 offense was a controlled substance violation, the conditions  
1089 shall include a requirement that the offender submit to random  
1090 substance abuse testing intermittently throughout the term of  
1091 conditional release supervision, upon the direction of the  
1092 correctional probation officer as defined in s. 943.10(3). The  
1093 commission shall also determine whether the terms and conditions  
1094 of such release have been violated and whether such violation  
1095 warrants revocation of the conditional release.

1096 (7) (a) Any inmate who is convicted of a crime committed on  
1097 or after October 1, 1995, or who has been previously convicted  
1098 of a crime committed on or after October 1, 1995, in violation  
1099 of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.  
1100 847.0145, and is subject to conditional release supervision,  
1101 shall have, in addition to any other conditions imposed, the  
1102 following special conditions imposed by the commission:

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1103 1. A mandatory curfew from 10 p.m. to 6 a.m. The commission  
1104 may designate another 8-hour period if the offender's employment  
1105 precludes the above specified time, and such alternative is  
1106 recommended by the Department of Corrections. If the commission  
1107 determines that imposing a curfew would endanger the victim, the  
1108 commission may consider alternative sanctions.

1109 2.a. If the victim was under the age of 18, a prohibition  
1110 on living within 1,500 ~~1,000~~ feet of a school, child care  
1111 facility ~~day care center~~, park, playground, ~~designated public~~  
1112 ~~school bus stop~~, or any business or other place where children  
1113 regularly congregate, and 1,000 of a designated public school  
1114 bus stop. The distance in this subparagraph must be measured in  
1115 a straight line from the offender's place of residence to the  
1116 nearest boundary line of any designated school bus stop, school,  
1117 child care facility, park, playground, or business or other  
1118 place where children regularly congregate. A releasee who is  
1119 ~~subject to this subparagraph may not relocate to a residence~~  
1120 ~~that is within 1,000 feet of a public school bus stop. Beginning~~  
1121 ~~October 1, 2004, The commission or the department may not approve~~  
1122 ~~a residence that is located within 1,000 feet of a school, day~~  
1123 ~~care center, park, playground, designated school bus stop, or~~  
1124 ~~other place where children regularly congregate for any releasee~~  
1125 ~~who is subject to this subparagraph. On October 1, 2004,~~

1126 b. The department shall notify each affected school  
1127 district of the location of the residence of a releasee 30 days  
1128 prior to release and thereafter, if the releasee relocates to a  
1129 new residence, shall notify any affected school district of the  
1130 residence of the releasee within 30 days after relocation. ~~If,~~  
1131 ~~on October 1, 2004, any public school bus stop is located within~~

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1132 ~~1,000 feet of the existing residence of such releasee, the~~  
1133 ~~district school board shall relocate that school bus stop.~~  
1134 ~~Beginning October 1, 2004,~~ A district school board may not  
1135 establish or relocate a public school bus stop within 1,000 feet  
1136 of the residence of a releasee who is subject to this  
1137 subparagraph. The failure of the district school board to comply  
1138 with this subparagraph shall not result in a violation of  
1139 conditional release supervision.

1140 3. Active participation in and successful completion of a  
1141 sex offender treatment program with qualified practitioners  
1142 specifically trained to treat sex offenders, at the releasee's  
1143 own expense. If a qualified practitioner is not available within  
1144 a 50-mile radius of the releasee's residence, the offender shall  
1145 participate in other appropriate therapy.

1146 4. A prohibition on any contact with the victim, directly  
1147 or indirectly, including through a third person, unless approved  
1148 by the victim, the offender's therapist, and the sentencing  
1149 court.

1150 5. If the victim was under the age of 18, a prohibition  
1151 against contact with children under the age of 18 without review  
1152 and approval by the commission. The commission may approve  
1153 supervised contact with a child under the age of 18 if the  
1154 approval is based upon a recommendation for contact issued by a  
1155 qualified practitioner who is basing the recommendation on a  
1156 risk assessment. Further, the sex offender must be currently  
1157 enrolled in or have successfully completed a sex offender  
1158 therapy program. The commission may not grant supervised contact  
1159 with a child if the contact is not recommended by a qualified  
1160 practitioner and may deny supervised contact with a child at any



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1161 time. When considering whether to approve supervised contact  
1162 with a child, the commission must review and consider the  
1163 following:

1164 a. A risk assessment completed by a qualified practitioner.  
1165 The qualified practitioner must prepare a written report that  
1166 must include the findings of the assessment and address each of  
1167 the following components:

1168 (I) The sex offender's current legal status;

1169 (II) The sex offender's history of adult charges with  
1170 apparent sexual motivation;

1171 (III) The sex offender's history of adult charges without  
1172 apparent sexual motivation;

1173 (IV) The sex offender's history of juvenile charges,  
1174 whenever available;

1175 (V) The sex offender's offender treatment history,  
1176 including a consultation from the sex offender's treating, or  
1177 most recent treating, therapist;

1178 (VI) The sex offender's current mental status;

1179 (VII) The sex offender's mental health and substance abuse  
1180 history as provided by the Department of Corrections;

1181 (VIII) The sex offender's personal, social, educational,  
1182 and work history;

1183 (IX) The results of current psychological testing of the  
1184 sex offender if determined necessary by the qualified  
1185 practitioner;

1186 (X) A description of the proposed contact, including the  
1187 location, frequency, duration, and supervisory arrangement;

1188 (XI) The child's preference and relative comfort level with  
1189 the proposed contact, when age-appropriate;

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1190 (XII) The parent's or legal guardian's preference regarding  
1191 the proposed contact; and

1192 (XIII) The qualified practitioner's opinion, along with the  
1193 basis for that opinion, as to whether the proposed contact would  
1194 likely pose significant risk of emotional or physical harm to  
1195 the child.

1196

1197 The written report of the assessment must be given to the  
1198 commission.

1199 b. A recommendation made as a part of the risk-assessment  
1200 report as to whether supervised contact with the child should be  
1201 approved;

1202 c. A written consent signed by the child's parent or legal  
1203 guardian, if the parent or legal guardian is not the sex  
1204 offender, agreeing to the sex offender having supervised contact  
1205 with the child after receiving full disclosure of the sex  
1206 offender's present legal status, past criminal history, and the  
1207 results of the risk assessment. The commission may not approve  
1208 contact with the child if the parent or legal guardian refuses  
1209 to give written consent for supervised contact;

1210 d. A safety plan prepared by the qualified practitioner,  
1211 who provides treatment to the offender, in collaboration with  
1212 the sex offender, the child's parent or legal guardian, and the  
1213 child, when age appropriate, which details the acceptable  
1214 conditions of contact between the sex offender and the child.  
1215 The safety plan must be reviewed and approved by the Department  
1216 of Corrections before being submitted to the commission; and

1217 e. Evidence that the child's parent or legal guardian, if  
1218 the parent or legal guardian is not the sex offender,

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1219 understands the need for and agrees to the safety plan and has  
1220 agreed to provide, or to designate another adult to provide,  
1221 constant supervision any time the child is in contact with the  
1222 offender.

1223

1224 The commission may not appoint a person to conduct a risk  
1225 assessment and may not accept a risk assessment from a person  
1226 who has not demonstrated to the commission that he or she has  
1227 met the requirements of a qualified practitioner as defined in  
1228 this section.

1229 6. If the victim was under age 18, a prohibition on working  
1230 for pay or as a volunteer at any school, child care facility ~~day~~  
1231 ~~care center~~, park, playground, or any business or other place  
1232 where children regularly congregate, as prescribed by the  
1233 commission.

1234 7. Unless otherwise indicated in the treatment plan  
1235 provided by the sexual offender treatment program, a prohibition  
1236 on viewing, owning, or possessing any obscene, pornographic, or  
1237 sexually stimulating visual or auditory material, including  
1238 telephone, electronic media, computer programs, or computer  
1239 services that are relevant to the offender's deviant behavior  
1240 pattern.

1241 8. Effective for a releasee whose crime is committed on or  
1242 after July 1, 2005, a prohibition on accessing the Internet or  
1243 other computer services until the offender's sex offender  
1244 treatment program, after a risk assessment is completed,  
1245 approves and implements a safety plan for the offender's  
1246 accessing or using the Internet or other computer services.

1247 9. A requirement that the releasee must submit two

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1248 specimens of blood to the ~~Florida~~ Department of Law Enforcement  
1249 for registration ~~to be registered~~ with the DNA database.

1250 10. A requirement that the releasee make restitution to the  
1251 victim, as determined by the sentencing court or the commission,  
1252 for all necessary medical and related professional services  
1253 relating to physical, psychiatric, and psychological care.

1254 11. Submission to a warrantless search by the community  
1255 control or probation officer of the probationer's or community  
1256 controllee's person, residence, or vehicle.

1257 (b) For a releasee whose crime was committed on or after  
1258 October 1, 1997, in violation of chapter 794, s. 800.04, s.  
1259 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to  
1260 conditional release supervision, in addition to any other  
1261 provision of this subsection, the commission shall impose the  
1262 following additional conditions of conditional release  
1263 supervision:

1264 1. As part of a treatment program, participation in a  
1265 minimum of one annual polygraph examination to obtain  
1266 information necessary for risk management and treatment and to  
1267 reduce the sex offender's denial mechanisms. The polygraph  
1268 examination must be conducted by a polygrapher trained  
1269 specifically in the use of the polygraph for the monitoring of  
1270 sex offenders who has been authorized by the department, where  
1271 available, and at the expense of the releasee ~~sex offender~~. The  
1272 results of the polygraph examination shall be provided to the  
1273 releasee's probation officer and therapist and shall not be used  
1274 as evidence in a hearing to prove that a violation of  
1275 supervision has occurred.

1276 2. Maintenance of a driving log and a prohibition against

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1277 driving a motor vehicle alone without the prior approval of the  
1278 supervising officer.

1279 3. A prohibition against obtaining or using a post office  
1280 box without the prior approval of the supervising officer.

1281 4. If there was sexual contact, a submission to, at the  
1282 ~~releasee's probationer's or community controllee's~~ expense, an  
1283 HIV test with the results to be released to the victim or the  
1284 victim's parent or guardian.

1285 5. Electronic monitoring of any form when ordered by the  
1286 commission.

1287 (12) In addition to all other conditions imposed, for a  
1288 releasee who is subject to conditional release for a crime that  
1289 was committed on or after July 1, 2009, and who has been  
1290 convicted at any time of committing, or attempting, soliciting,  
1291 or conspiring to commit, any of the criminal offenses proscribed  
1292 in the following statutes in this state or similar offenses in  
1293 another jurisdiction against a victim who was under the age of  
1294 18 at the time of the offense: s. 787.01, s. 787.02, or s.  
1295 787.025(2)(c), where the victim is a minor and the offender was  
1296 not the victim's parent or guardian; s. 794.011, excluding s.  
1297 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
1298 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
1299 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.  
1300 985.701(1); or any similar offense committed in this state which  
1301 has been redesignated from a former statute number to one of  
1302 those listed in this subsection, if the offender has not  
1303 received a pardon for any felony or similar law of another  
1304 jurisdiction necessary for the operation of this subsection and  
1305 a conviction of a felony or similar law of another jurisdiction

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1306 necessary for the operation of this subsection has not been set  
1307 aside in any postconviction proceeding, unless at the time of  
1308 the crime was committed the victim was 16 or 17 years of age and  
1309 the releasee was not more than 21 years of age, the commission  
1310 must impose the following conditions:

1311 (a) A prohibition on visiting areas where children  
1312 regularly congregate, including, but not limited to, schools,  
1313 day care centers, parks, and playgrounds. The commission may  
1314 also designate additional locations to protect a victim. The  
1315 prohibition ordered under this subparagraph does not prohibit  
1316 the releasee's attendance at religious services as defined in s.  
1317 775.0861.

1318 (b) A prohibition on distributing candy or other items to  
1319 children on Halloween; wearing a Santa Claus costume, or other  
1320 costume to appeal to children, on or preceding Christmas;  
1321 wearing an Easter Bunny costume, or other costume to appeal to  
1322 children, on or preceding Easter; entertaining at children's  
1323 parties; or wearing a clown costume; without prior approval from  
1324 the commission.

1325 (13) The commission must impose the standard conditions in  
1326 paragraph (7) (a), on a releasee who on or after October 1, 2009:

1327 (a) Violates s. 800.04(4), (5), or (6); s. 827.071; or s.  
1328 847.0145 in this state or commits a similar offense in another  
1329 jurisdiction when, at the time of the offense, the victim was  
1330 younger than 16 years of age and the releasee was 18 years of  
1331 age or older.

1332 (b) Is designated as a sexual predator under s. 775.21 or  
1333 receives a similar designation or determination in another  
1334 jurisdiction.

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1335       (c) Violates s. 775.21 or s. 943.0435 while subject to  
1336 registration as a sexual predator under s. 775.21 or as a sexual  
1337 offender under s. 943.0435 for an offense against a victim  
1338 younger than 16 years of age while the releasee was 18 years of  
1339 age or older.

1340       Section 10. Section 948.30, Florida Statutes, is amended to  
1341 read:

1342       948.30 Additional terms and conditions of probation or  
1343 community control for certain sex offenses.—Conditions imposed  
1344 pursuant to this section do not require oral pronouncement at  
1345 the time of sentencing and shall be considered standard  
1346 conditions of probation or community control for offenders  
1347 specified in this section.

1348       (1) Effective for probationers or community controllees  
1349 whose crime was committed on or after October 1, 1995, and who  
1350 are placed under supervision for violation of chapter 794, s.  
1351 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, the court  
1352 must impose the following conditions in addition to all other  
1353 standard and special conditions imposed:

1354       (a) A mandatory curfew from 10 p.m. to 6 a.m. The court may  
1355 designate another 8-hour period if the offender's employment  
1356 precludes the above specified time, and the alternative is  
1357 recommended by the Department of Corrections. If the court  
1358 determines that imposing a curfew would endanger the victim, the  
1359 court may consider alternative sanctions.

1360       (b) 1. For a probationer or community controllee whose crime  
1361 was committed before October 1, 2009, against a ~~if the~~ victim  
1362 who was under the age of 18, a prohibition on living within  
1363 1,000 feet of a school, child care facility ~~day care center,~~

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1364 park, playground, or any business or other place where children  
1365 regularly congregate, as prescribed by the court. The 1,000-foot  
1366 distance shall be measured in a straight line from the  
1367 offender's place of residence to the nearest boundary line of  
1368 the school, child care facility ~~day care center~~, park,  
1369 playground, or business or other place where children regularly  
1370 congregate. The distance may not be measured by a pedestrian  
1371 route or automobile route.

1372 2. For a probationer or community controllee whose crime  
1373 was committed on or after October 1, 2009, against a victim who  
1374 was younger than 18 years of age, a prohibition on living within  
1375 1,500 feet of a school, child care facility, park, playground,  
1376 or any business or other place where children regularly  
1377 congregate, as prescribed by the court. This distance shall be  
1378 measured in a straight line from the offender's place of  
1379 residence to the nearest boundary line of the school, child care  
1380 facility, park, playground, or business or other place where  
1381 children regularly congregate.

1382 (c) Active participation in and successful completion of a  
1383 sex offender treatment program with qualified practitioners  
1384 specifically trained to treat sex offenders, at the  
1385 probationer's or community controllee's own expense. If a  
1386 qualified practitioner is not available within a 50-mile radius  
1387 of the probationer's or community controllee's residence, the  
1388 offender shall participate in other appropriate therapy.

1389 (d) A prohibition on any contact with the victim, directly  
1390 or indirectly, including through a third person, unless approved  
1391 by the victim, the offender's therapist, and the sentencing  
1392 court.



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1393 (e) If the victim was under the age of 18, a prohibition on  
1394 contact with a child under the age of 18 except as provided in  
1395 this paragraph. The court may approve supervised contact with a  
1396 child under the age of 18 if the approval is based upon a  
1397 recommendation for contact issued by a qualified practitioner  
1398 who is basing the recommendation on a risk assessment. Further,  
1399 the sex offender must be currently enrolled in or have  
1400 successfully completed a sex offender therapy program. The court  
1401 may not grant supervised contact with a child if the contact is  
1402 not recommended by a qualified practitioner and may deny  
1403 supervised contact with a child at any time. When considering  
1404 whether to approve supervised contact with a child, the court  
1405 must review and consider the following:

1406 1. A risk assessment completed by a qualified practitioner.  
1407 The qualified practitioner must prepare a written report that  
1408 must include the findings of the assessment and address each of  
1409 the following components:

- 1410 a. The sex offender's current legal status;
- 1411 b. The sex offender's history of adult charges with  
1412 apparent sexual motivation;
- 1413 c. The sex offender's history of adult charges without  
1414 apparent sexual motivation;
- 1415 d. The sex offender's history of juvenile charges, whenever  
1416 available;
- 1417 e. The sex offender's offender treatment history, including  
1418 consultations with the sex offender's treating, or most recent  
1419 treating, therapist;
- 1420 f. The sex offender's current mental status;
- 1421 g. The sex offender's mental health and substance abuse

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1422 treatment history as provided by the Department of Corrections;

1423 h. The sex offender's personal, social, educational, and  
1424 work history;

1425 i. The results of current psychological testing of the sex  
1426 offender if determined necessary by the qualified practitioner;

1427 j. A description of the proposed contact, including the  
1428 location, frequency, duration, and supervisory arrangement;

1429 k. The child's preference and relative comfort level with  
1430 the proposed contact, when age appropriate;

1431 l. The parent's or legal guardian's preference regarding  
1432 the proposed contact; and

1433 m. The qualified practitioner's opinion, along with the  
1434 basis for that opinion, as to whether the proposed contact would  
1435 likely pose significant risk of emotional or physical harm to  
1436 the child.

1437  
1438 The written report of the assessment must be given to the court;

1439 2. A recommendation made as a part of the risk assessment  
1440 report as to whether supervised contact with the child should be  
1441 approved;

1442 3. A written consent signed by the child's parent or legal  
1443 guardian, if the parent or legal guardian is not the sex  
1444 offender, agreeing to the sex offender having supervised contact  
1445 with the child after receiving full disclosure of the sex  
1446 offender's present legal status, past criminal history, and the  
1447 results of the risk assessment. The court may not approve  
1448 contact with the child if the parent or legal guardian refuses  
1449 to give written consent for supervised contact;

1450 4. A safety plan prepared by the qualified practitioner,

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1451 who provides treatment to the offender, in collaboration with  
1452 the sex offender, the child's parent or legal guardian, if the  
1453 parent or legal guardian is not the sex offender, and the child,  
1454 when age appropriate, which details the acceptable conditions of  
1455 contact between the sex offender and the child. The safety plan  
1456 must be reviewed and approved by the court; and

1457 5. Evidence that the child's parent or legal guardian  
1458 understands the need for and agrees to the safety plan and has  
1459 agreed to provide, or to designate another adult to provide,  
1460 constant supervision any time the child is in contact with the  
1461 offender.

1462  
1463 The court may not appoint a person to conduct a risk assessment  
1464 and may not accept a risk assessment from a person who has not  
1465 demonstrated to the court that he or she has met the  
1466 requirements of a qualified practitioner as defined in this  
1467 section.

1468 (f) If the victim was under age 18, a prohibition on  
1469 working for pay or as a volunteer at any place where children  
1470 regularly congregate, including, but not limited to, schools,  
1471 day care centers, parks, playgrounds, pet stores, libraries,  
1472 zoos, theme parks, and malls.

1473 (g) Unless otherwise indicated in the treatment plan  
1474 provided by the sexual offender treatment program, a prohibition  
1475 on viewing, accessing, owning, or possessing any obscene,  
1476 pornographic, or sexually stimulating visual or auditory  
1477 material, including telephone, electronic media, computer  
1478 programs, or computer services that are relevant to the  
1479 offender's deviant behavior pattern.

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1480 (h) Effective for probationers and community controllees  
1481 whose crime is committed on or after July 1, 2005, a prohibition  
1482 on accessing the Internet or other computer services until the  
1483 offender's sex offender treatment program, after a risk  
1484 assessment is completed, approves and implements a safety plan  
1485 for the offender's accessing or using the Internet or other  
1486 computer services.

1487 (i) A requirement that the probationer or community  
1488 controllee must submit a specimen of blood or other approved  
1489 biological specimen to the Department of Law Enforcement to be  
1490 registered with the DNA data bank.

1491 (j) A requirement that the probationer or community  
1492 controllee make restitution to the victim, as ordered by the  
1493 court under s. 775.089, for all necessary medical and related  
1494 professional services relating to physical, psychiatric, and  
1495 psychological care.

1496 (k) Submission to a warrantless search by the community  
1497 control or probation officer of the probationer's or community  
1498 controllee's person, residence, or vehicle.

1499 (2) Effective for a probationer or community controllee  
1500 whose crime was committed on or after October 1, 1997, and who  
1501 is placed on community control or sex offender probation for a  
1502 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),  
1503 or s. 847.0145, in addition to any other provision of this  
1504 section, the court must impose the following conditions of  
1505 probation or community control:

1506 (a) As part of a treatment program, participation at least  
1507 annually in polygraph examinations to obtain information  
1508 necessary for risk management and treatment and to reduce the

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1509 sex offender's denial mechanisms. A polygraph examination must  
1510 be conducted by a polygrapher trained specifically in the use of  
1511 the polygraph for the monitoring of sex offenders who has been  
1512 authorized by the department, where available, and shall be paid  
1513 for by the probationer or community controllee ~~sex offender~~. The  
1514 results of the polygraph examination shall be provided to the  
1515 probationer's or community controllee's probation officer and  
1516 therapist and shall not be used as evidence in court to prove  
1517 that a violation of community supervision has occurred.

1518 (b) Maintenance of a driving log and a prohibition against  
1519 driving a motor vehicle alone without the prior approval of the  
1520 supervising officer.

1521 (c) A prohibition against obtaining or using a post office  
1522 box without the prior approval of the supervising officer.

1523 (d) If there was sexual contact, a submission to, at the  
1524 probationer's or community controllee's expense, an HIV test  
1525 with the results to be released to the victim or the victim's  
1526 parent or guardian.

1527 (e) Electronic monitoring when deemed necessary by the  
1528 community control or probation officer and his or her  
1529 supervisor, and ordered by the court at the recommendation of  
1530 the Department of Corrections.

1531 (3) Effective for a probationer or community controllee  
1532 whose crime was committed on or after September 1, 2005, and  
1533 who:

1534 (a) Is placed on probation or community control for a  
1535 violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071,  
1536 or s. 847.0145 and the unlawful sexual activity involved a  
1537 victim 15 years of age or younger and the offender is 18 years

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1538 of age or older;

1539 (b) Is designated a sexual predator pursuant to s. 775.21;  
1540 or

1541 (c) Has previously been convicted of a violation of chapter  
1542 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and  
1543 the unlawful sexual activity involved a victim younger than 16  
1544 ~~15~~ years of age ~~or younger~~ and the offender is 18 years of age  
1545 or older,

1546  
1547 the court must order, in addition to any other provision of this  
1548 section, mandatory electronic monitoring as a condition of the  
1549 probation or community control supervision.

1550 (4) In addition to all other conditions imposed, for a  
1551 probationer or community controllee who is subject to  
1552 supervision for a crime that was committed on or after July 1,  
1553 2009, and who has been convicted at any time of committing, or  
1554 attempting, soliciting, or conspiring to commit, any of the  
1555 criminal offenses proscribed in the following statutes in this  
1556 state or similar offenses in another jurisdiction against a  
1557 victim who was under the age of 18 at the time of the offense:  
1558 s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
1559 minor and the offender was not the victim's parent or guardian;  
1560 s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
1561 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
1562 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
1563 847.0145; s. 985.701(1); or any similar offense committed in  
1564 this state which has been redesignated from a former statute  
1565 number to one of those listed in this subsection, if the  
1566 offender has not received a pardon for any felony or similar law

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1567 of another jurisdiction necessary for the operation of this  
1568 subsection and a conviction of a felony or similar law of  
1569 another jurisdiction necessary for the operation of this  
1570 subsection has not been set aside in any postconviction  
1571 proceeding, unless at the time the crime was committed the  
1572 victim was 16 or 17 years of age and the offender was not more  
1573 than 21 years of age, the court must impose the following  
1574 conditions:

1575 (a) A prohibition on visiting areas where children  
1576 regularly congregate, including, but not limited to, schools,  
1577 day care centers, parks, and playgrounds. The commission may  
1578 also designate additional locations to protect a victim. The  
1579 prohibition ordered under this subparagraph does not prohibit  
1580 the releasee's attendance at religious services as defined in s.  
1581 775.0861.

1582 (b) A prohibition on distributing candy or other items to  
1583 children on Halloween; wearing a Santa Claus costume, or other  
1584 costume to appeal to children, on or preceding Christmas;  
1585 wearing an Easter Bunny costume, or other costume to appeal to  
1586 children, on or preceding Easter; entertaining at children's  
1587 parties; or wearing a clown costume; without prior approval from  
1588 the commission.

1589 (5) The court shall impose the standard conditions in  
1590 paragraph (1)(b) on a probationer or community controllee who,  
1591 on or after October 1, 2009:

1592 (a) Violates s. 800.04(4), (5), or (6); s. 827.071; or s.  
1593 847.0145 in this state or commits a similar offense in another  
1594 jurisdiction if, at the time of the offense, the victim was  
1595 younger than 16 years of age and the probationer or community

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1596 controllee was 18 years of age or older.

1597 (b) Is designated as a sexual predator under s. 775.21 or  
1598 receives a similar designation or determination in another  
1599 jurisdiction.

1600 (c) Violates s. 775.21 or s. 943.0435 while subject to  
1601 registration as a sexual predator under s. 775.21 or as a sexual  
1602 offender under s. 943.0435 for an offense against a victim  
1603 younger than 16 years of age and the probationer or community  
1604 controllee was 18 years of age or older.

1605 Section 11. Section 948.31, Florida Statutes, is amended to  
1606 read:

1607 948.31 ~~Diagnosis, Evaluation, and treatment of~~ sexual  
1608 predators and offenders placed on probation or community control  
1609 ~~for certain sex offenses or child exploitation.~~ The court shall  
1610 require an a diagnosis and evaluation to determine the need of a  
1611 probationer or community controllee offender in community  
1612 ~~control~~ for treatment. If the court determines that a need  
1613 therefor is established by the such diagnosis and evaluation  
1614 process, the court shall require sexual offender treatment  
1615 ~~outpatient counseling~~ as a term or condition of probation or  
1616 community control for any person who meets the criteria to be  
1617 designated as a sexual predator under s. 775.21 or to be subject  
1618 to registration as a sexual offender under s. 943.0435, s.  
1619 944.606, or s. 944.607. was found guilty of any of the  
1620 ~~following, or whose plea of guilty or nolo contendere to any of~~  
1621 ~~the following was accepted by the court:~~

1622 ~~(1) Lewd or lascivious battery, lewd or lascivious~~  
1623 ~~molestation, lewd or lascivious conduct, or lewd or lascivious~~  
1624 ~~exhibition, as defined in s. 800.04 or s. 847.0135(5).~~



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1625 ~~(2) Sexual battery, as defined in chapter 794, against a~~  
1626 ~~child.~~

1627 ~~(3) Exploitation of a child as provided in s. 450.151, or~~  
1628 ~~for prostitution.~~

1629

1630 Such treatment counseling shall be required to be obtained from  
1631 a qualified practitioner as defined in s. 948.001(6) who is  
1632 specifically trained to treat sex offenders. Treatment may not  
1633 be administered by a qualified practitioner who has been  
1634 convicted or adjudicated delinquent of committing, or  
1635 attempting, soliciting, or conspiring to commit, any offense  
1636 that is listed in s. 943.0435(1)(a)1.a.(I). The court shall  
1637 impose a restriction against contact with minors if sexual  
1638 offender treatment is recommended ~~a community mental health~~  
1639 ~~center, a recognized social service agency providing mental~~  
1640 ~~health services, or a private mental health professional or~~  
1641 ~~through other professional counseling. The evaluation and~~  
1642 recommendations plan for treatment of counseling for the  
1643 probationer or community controllee individual shall be provided  
1644 to the court for review.

1645 Section 12. Paragraph (a) of subsection (3) of section  
1646 985.481, Florida Statutes, is amended to read:

1647 985.481 Sexual offenders adjudicated delinquent;  
1648 notification upon release.-

1649 (3) (a) The department must provide information regarding  
1650 any sexual offender who is being released after serving a period  
1651 of residential commitment under the department for any offense,  
1652 as follows:

1653 1. The department must provide the sexual offender's name,

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1654 any change in the offender's name by reason of marriage or other  
1655 legal process, and any alias, if known; the correctional  
1656 facility from which the sexual offender is released; the sexual  
1657 offender's social security number, race, sex, date of birth,  
1658 height, weight, and hair and eye color; address of any planned  
1659 permanent residence or temporary residence, within the state or  
1660 out of state, including a rural route address and a post office  
1661 box; if no permanent or temporary address, any transient  
1662 residence within the state; address, location or description,  
1663 and dates of any known future temporary residence within the  
1664 state or out of state; date and county of disposition and each  
1665 crime for which there was a disposition; a copy of the  
1666 offender's fingerprints and a digitized photograph taken within  
1667 60 days before release; and the date of release of the sexual  
1668 offender; ~~and the offender's intended residence address, if~~  
1669 ~~known~~. The department shall notify the Department of Law  
1670 Enforcement if the sexual offender escapes, absconds, or dies.  
1671 If the sexual offender is in the custody of a private  
1672 correctional facility, the facility shall take the digitized  
1673 photograph of the sexual offender within 60 days before the  
1674 sexual offender's release and also place it in the sexual  
1675 offender's file. If the sexual offender is in the custody of a  
1676 local jail, the custodian of the local jail shall register the  
1677 offender within 3 business days after intake of the offender for  
1678 any reason and upon release, and shall notify the Department of  
1679 Law Enforcement of the sexual offender's release and provide to  
1680 the Department of Law Enforcement the information specified in  
1681 this subparagraph and any information specified in subparagraph  
1682 2. which the Department of Law Enforcement requests.

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1683           2. The department may provide any other information  
1684 considered necessary, including criminal and delinquency  
1685 records, when available.

1686           Section 13. Paragraph (a) of subsection (4), paragraph (a)  
1687 of subsection (6), and paragraph (b) of subsection (13) of  
1688 section 985.4815, Florida Statutes, are amended to read:

1689           985.4815 Notification to Department of Law Enforcement of  
1690 information on juvenile sexual offenders.-

1691           (4) A sexual offender, as described in this section, who is  
1692 under the supervision of the department but who is not committed  
1693 must register with the department within 3 business days after  
1694 adjudication and disposition for a registrable offense and  
1695 otherwise provide information as required by this subsection.

1696           (a) The sexual offender shall provide his or her name; date  
1697 of birth; social security number; race; sex; height; weight;  
1698 hair and eye color; tattoos or other identifying marks; ~~and~~  
1699 permanent or legal residence and address of temporary residence  
1700 within the state or out of state while the sexual offender is in  
1701 the care or custody or under the jurisdiction or supervision of  
1702 the department in this state, including any rural route address  
1703 or post office box; if no permanent or temporary address, any  
1704 transient residence; address, location or description, and dates  
1705 of any current or known future temporary residence within the  
1706 state or out of state;~~7~~ and the name and address of each school  
1707 attended. The department shall verify the address of each sexual  
1708 offender and shall report to the Department of Law Enforcement  
1709 any failure by a sexual offender to comply with registration  
1710 requirements.

1711           (6) (a) The information provided to the Department of Law

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1712 Enforcement must include the following:

1713 1. The information obtained from the sexual offender under  
1714 subsection (4).

1715 2. The sexual offender's most current address and place of  
1716 permanent, ~~or~~ temporary, or transient residence within the state  
1717 or out of state, and address, location or description, and dates  
1718 of any current or known future temporary residence within the  
1719 state or out of state, while the sexual offender is in the care  
1720 or custody or under the jurisdiction or supervision of the  
1721 department in this state, including the name of the county or  
1722 municipality in which the offender permanently or temporarily  
1723 resides, or has a transient residence, and address, location or  
1724 description, and dates of any current or known future temporary  
1725 residence within the state or out of state; and, if known, the  
1726 intended place of permanent, ~~or~~ temporary, or transient  
1727 residence, and address, location or description, and dates of  
1728 any current or known future temporary residence within the state  
1729 or out of state upon satisfaction of all sanctions.

1730 3. The legal status of the sexual offender and the  
1731 scheduled termination date of that legal status.

1732 4. The location of, and local telephone number for, any  
1733 department office that is responsible for supervising the sexual  
1734 offender.

1735 5. An indication of whether the victim of the offense that  
1736 resulted in the offender's status as a sexual offender was a  
1737 minor.

1738 6. The offense or offenses at adjudication and disposition  
1739 that resulted in the determination of the offender's status as a  
1740 sex offender.

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1741           7. A digitized photograph of the sexual offender, which  
1742 must have been taken within 60 days before the offender was  
1743 released from the custody of the department or a private  
1744 correctional facility by expiration of sentence under s.  
1745 944.275, or within 60 days after the onset of the department's  
1746 supervision of any sexual offender who is on probation,  
1747 postcommitment probation, residential commitment, nonresidential  
1748 commitment, licensed child-caring commitment, community control,  
1749 conditional release, parole, provisional release, or control  
1750 release or who is supervised by the department under the  
1751 Interstate Compact Agreement for Probationers and Parolees. If  
1752 the sexual offender is in the custody of a private correctional  
1753 facility, the facility shall take a digitized photograph of the  
1754 sexual offender within the time period provided in this  
1755 subparagraph and shall provide the photograph to the department.

1756           (13)

1757           (b) The sheriff's office may determine the appropriate  
1758 times and days for reporting by the sexual offender, which shall  
1759 be consistent with the reporting requirements of this  
1760 subsection. Reregistration shall include any changes to the  
1761 following information:

1762           1. Name; social security number; age; race; sex; date of  
1763 birth; height; weight; hair and eye color; address of any  
1764 permanent residence and address of any current temporary  
1765 residence, within the state or out of state, including a rural  
1766 route address and a post office box; if no permanent or  
1767 temporary address, any transient residence; address, location or  
1768 description, and dates of any current or known future temporary  
1769 residence within the state or out of state; name and address of

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1770 each school attended; date and place of any employment; vehicle  
1771 make, model, color, and license tag number; fingerprints; and  
1772 photograph. A post office box shall not be provided in lieu of a  
1773 physical residential address.

1774 2. If the sexual offender is enrolled, employed, or  
1775 carrying on a vocation at an institution of higher education in  
1776 this state, the sexual offender shall also provide to the  
1777 department the name, address, and county of each institution,  
1778 including each campus attended, and the sexual offender's  
1779 enrollment or employment status.

1780 3. If the sexual offender's place of residence is a motor  
1781 vehicle, trailer, mobile home, or manufactured home, as defined  
1782 in chapter 320, the sexual offender shall also provide the  
1783 vehicle identification number; the license tag number; the  
1784 registration number; and a description, including color scheme,  
1785 of the motor vehicle, trailer, mobile home, or manufactured  
1786 home. If the sexual offender's place of residence is a vessel,  
1787 live-aboard vessel, or houseboat, as defined in chapter 327, the  
1788 sexual offender shall also provide the hull identification  
1789 number; the manufacturer's serial number; the name of the  
1790 vessel, live-aboard vessel, or houseboat; the registration  
1791 number; and a description, including color scheme, of the  
1792 vessel, live-aboard vessel, or houseboat.

1793 4. Any sexual offender who fails to report in person as  
1794 required at the sheriff's office, or who fails to respond to any  
1795 address verification correspondence from the department within 3  
1796 weeks after the date of the correspondence, commits a felony of  
1797 the third degree, punishable as provided in ss. 775.082,  
1798 775.083, and 775.084.

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1799

Section 14. This act shall take effect July 1, 2009.