



420462

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2009	.	
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The Committee on Criminal Justice (Deutch) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 17 - 272  
and insert:

Section 1. Paragraph (a) of subsection (4), paragraph (a) of subsection (6), paragraph (a) of subsection (8), and paragraph (a) of subsection (10) of section 775.21, Florida Statutes, are amended to read:

775.21 The Florida Sexual Predators Act.—

(4) SEXUAL PREDATOR CRITERIA.—

(a) For a current offense committed on or after October 1,



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12 1993, upon conviction, an offender shall be designated as a  
13 "sexual predator" under subsection (5), and subject to  
14 registration under subsection (6) and community and public  
15 notification under subsection (7) if:

16 1. The felony is:

17 a. A capital, life, or first-degree felony violation, or  
18 any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
19 is a minor and the defendant is not the victim's parent or  
20 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a  
21 violation of a similar law of another jurisdiction; or

22 b. Any felony violation, or any attempt thereof, of s.  
23 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
24 minor and the defendant is not the victim's parent or guardian;  
25 s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
26 796.035; s. 800.04; s. 825.1025(2)(b); s. 827.071; s.  
27 847.0135(5); s. 847.0145; or s. 985.701(1); or a violation of a  
28 similar law of another jurisdiction, and the offender has  
29 previously been convicted of or found to have committed, or has  
30 pled nolo contendere or guilty to, regardless of adjudication,  
31 any violation of s. 787.01, s. 787.02, or s. 787.025(2)(c),  
32 where the victim is a minor and the defendant is not the  
33 victim's parent or guardian; s. 794.011, excluding s.  
34 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
35 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
36 847.0135(6)(4); s. 847.0145; or s. 985.701(1); or a violation of  
37 a similar law of another jurisdiction;

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



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

44           (6) REGISTRATION.—

45           (a) A sexual predator must register with the department  
46 through the sheriff's office by providing the following  
47 information to the department:

48           1. Name, social security number, age, race, sex, date of  
49 birth, height, weight, hair and eye color, photograph, address  
50 of legal residence and address of any current temporary  
51 residence, within the state or out of state, including a rural  
52 route address and a post office box, any electronic mail address  
53 and any instant message name required to be provided pursuant to  
54 subparagraph (g)4., home telephone number and any cellular  
55 telephone number, date and place of any employment, date and  
56 place of each conviction, fingerprints, and a brief description  
57 of the crime or crimes committed by the offender. A post office  
58 box shall not be provided in lieu of a physical residential  
59 address.

60           a. If the sexual predator's place of residence is a motor  
61 vehicle, trailer, mobile home, or manufactured home, as defined  
62 in chapter 320, the sexual predator shall also provide to the  
63 department written notice of the vehicle identification number;  
64 the license tag number; the registration number; and a  
65 description, including color scheme, of the motor vehicle,  
66 trailer, mobile home, or manufactured home. If a sexual  
67 predator's place of residence is a vessel, live-aboard vessel,  
68 or houseboat, as defined in chapter 327, the sexual predator  
69 shall also provide to the department written notice of the hull



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70 identification number; the manufacturer's serial number; the  
71 name of the vessel, live-aboard vessel, or houseboat; the  
72 registration number; and a description, including color scheme,  
73 of the vessel, live-aboard vessel, or houseboat.

74 b. If the sexual predator is enrolled, employed, or  
75 carrying on a vocation at an institution of higher education in  
76 this state, the sexual predator shall also provide to the  
77 department the name, address, and county of each institution,  
78 including each campus attended, and the sexual predator's  
79 enrollment or employment status. Each change in enrollment or  
80 employment status shall be reported in person at the sheriff's  
81 office, or the Department of Corrections if the sexual predator  
82 is in the custody or control of or under the supervision of the  
83 Department of Corrections, within 48 hours after any change in  
84 status. The sheriff or the Department of Corrections shall  
85 promptly notify each institution of the sexual predator's  
86 presence and any change in the sexual predator's enrollment or  
87 employment status.

88 2. Any other information determined necessary by the  
89 department, including criminal and corrections records;  
90 nonprivileged personnel and treatment records; and evidentiary  
91 genetic markers when available.

92 (8) VERIFICATION.—The department and the Department of  
93 Corrections shall implement a system for verifying the addresses  
94 of sexual predators. The system must be consistent with the  
95 provisions of the federal Adam Walsh Child Protection and Safety  
96 Act of 2006 and any other federal standards applicable to such  
97 verification or required to be met as a condition for the  
98 receipt of federal funds by the state. The Department of



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99 Corrections shall verify the addresses of sexual predators who  
100 are not incarcerated but who reside in the community under the  
101 supervision of the Department of Corrections and shall report to  
102 the department any failure by a sexual predator to comply with  
103 registration requirements. County and local law enforcement  
104 agencies, in conjunction with the department, shall verify the  
105 addresses of sexual predators who are not under the care,  
106 custody, control, or supervision of the Department of  
107 Corrections. Local law enforcement agencies shall report to the  
108 department any failure by a sexual predator to comply with  
109 registration requirements.

110 (a) A sexual predator must report in person each year  
111 during the month of the sexual predator's birthday and during  
112 every third month thereafter to the sheriff's office in the  
113 county in which he or she resides or is otherwise located to  
114 reregister. The sheriff's office may determine the appropriate  
115 times and days for reporting by the sexual predator, which shall  
116 be consistent with the reporting requirements of this paragraph.  
117 Reregistration shall include any changes to the following  
118 information:

119 1. Name; social security number; age; race; sex; date of  
120 birth; height; weight; hair and eye color; address of any  
121 permanent residence and address of any current temporary  
122 residence, within the state or out of state, including a rural  
123 route address and a post office box; any electronic mail address  
124 and any instant message name required to be provided pursuant to  
125 subparagraph (6)(g)4.; home telephone number and any cellular  
126 telephone number; date and place of any employment; vehicle  
127 make, model, color, and license tag number; fingerprints; and



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128 photograph. A post office box shall not be provided in lieu of a  
129 physical residential address.

130 2. If the sexual predator is enrolled, employed, or  
131 carrying on a vocation at an institution of higher education in  
132 this state, the sexual predator shall also provide to the  
133 department the name, address, and county of each institution,  
134 including each campus attended, and the sexual predator's  
135 enrollment or employment status.

136 3. If the sexual predator's place of residence is a motor  
137 vehicle, trailer, mobile home, or manufactured home, as defined  
138 in chapter 320, the sexual predator shall also provide the  
139 vehicle identification number; the license tag number; the  
140 registration number; and a description, including color scheme,  
141 of the motor vehicle, trailer, mobile home, or manufactured  
142 home. If the sexual predator's place of residence is a vessel,  
143 live-aboard vessel, or houseboat, as defined in chapter 327, the  
144 sexual predator shall also provide the hull identification  
145 number; the manufacturer's serial number; the name of the  
146 vessel, live-aboard vessel, or houseboat; the registration  
147 number; and a description, including color scheme, of the  
148 vessel, live-aboard vessel, or houseboat.

149 (10) PENALTIES.—

150 (a) Except as otherwise specifically provided, a sexual  
151 predator who fails to register; who fails, after registration,  
152 to maintain, acquire, or renew a driver's license or  
153 identification card; who fails to provide required location  
154 information, electronic mail address information, instant  
155 message name information, home telephone number and any cellular  
156 telephone number, or change-of-name information; who fails to



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157 make a required report in connection with vacating a permanent  
158 residence; who fails to reregister as required; who fails to  
159 respond to any address verification correspondence from the  
160 department within 3 weeks of the date of the correspondence; or  
161 who otherwise fails, by act or omission, to comply with the  
162 requirements of this section, commits a felony of the third  
163 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
164 775.084.

165 Section 2. Paragraph (a) of subsection (1), paragraph (b)  
166 of subsection (2), and paragraph (c) of subsection (14) of  
167 section 943.0435, Florida Statutes, are amended to read:

168 943.0435 Sexual offenders required to register with the  
169 department; penalty.-

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

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

174 a.(I) Has been convicted of committing, or attempting,  
175 soliciting, or conspiring to commit, any of the criminal  
176 offenses proscribed in the following statutes in this state or  
177 similar offenses in another jurisdiction: s. 787.01, s. 787.02,  
178 or s. 787.025(2)(c), where the victim is a minor and the  
179 defendant is not the victim's parent or guardian; s. 794.011,  
180 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.  
181 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,  
182 excluding s. 847.0135(6)(4); s. 847.0137; s. 847.0138; s.  
183 847.0145; or s. 985.701(1); or any similar offense committed in  
184 this state which has been redesignated from a former statute  
185 number to one of those listed in this sub-sub-subparagraph; and



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186 (II) Has been released on or after October 1, 1997, from  
187 the sanction imposed for any conviction of an offense described  
188 in sub-sub-subparagraph (I). For purposes of sub-sub-  
189 subparagraph (I), a sanction imposed in this state or in any  
190 other jurisdiction includes, but is not limited to, a fine,  
191 probation, community control, parole, conditional release,  
192 control release, or incarceration in a state prison, federal  
193 prison, private correctional facility, or local detention  
194 facility;

195 b. Establishes or maintains a residence in this state and  
196 who has not been designated as a sexual predator by a court of  
197 this state but who has been designated as a sexual predator, as  
198 a sexually violent predator, or by another sexual offender  
199 designation in another state or jurisdiction and was, as a  
200 result of such designation, subjected to registration or  
201 community or public notification, or both, or would be if the  
202 person were a resident of that state or jurisdiction, without  
203 regard to whether the person otherwise meets the criteria for  
204 registration as a sexual offender;

205 c. Establishes or maintains a residence in this state who  
206 is in the custody or control of, or under the supervision of,  
207 any other state or jurisdiction as a result of a conviction for  
208 committing, or attempting, soliciting, or conspiring to commit,  
209 any of the criminal offenses proscribed in the following  
210 statutes or similar offense in another jurisdiction: s. 787.01,  
211 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
212 the defendant is not the victim's parent or guardian; s.  
213 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
214 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.





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215 847.0135, excluding s. 847.0135 ~~(6)-(4)~~; s. 847.0137; s. 847.0138;  
216 s. 847.0145; or s. 985.701(1); or any similar offense committed  
217 in this state which has been redesignated from a former statute  
218 number to one of those listed in this sub-subparagraph; or

219 d. On or after July 1, 2007, has been adjudicated  
220 delinquent for committing, or attempting, soliciting, or  
221 conspiring to commit, any of the criminal offenses proscribed in  
222 the following statutes in this state or similar offenses in  
223 another jurisdiction when the juvenile was 14 years of age or  
224 older at the time of the offense:

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

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

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

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

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

236

237 For each violation of a qualifying offense listed in this  
238 subsection, the court shall make a written finding of the age of  
239 the victim at the time of the offense. For a violation of s.  
240 800.04(4), the court shall additionally make a written finding  
241 indicating that the offense did or did not involve sexual  
242 activity and indicating that the offense did or did not involve  
243 force or coercion. For a violation of s. 800.04(5), the court



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244 shall additionally make a written finding that the offense did  
245 or did not involve unclothed genitals or genital area and that  
246 the offense did or did not involve the use of force or coercion.

247 (2) A sexual offender shall:

248 (b) Provide his or her name, date of birth, social security  
249 number, race, sex, height, weight, hair and eye color, tattoos  
250 or other identifying marks, occupation and place of employment,  
251 address of permanent or legal residence or address of any  
252 current temporary residence, within the state and out of state,  
253 including a rural route address and a post office box, home  
254 telephone number and any cellular telephone number, any  
255 electronic mail address and any instant message name required to  
256 be provided pursuant to paragraph (4) (d), date and place of each  
257 conviction, and a brief description of the crime or crimes  
258 committed by the offender. A post office box shall not be  
259 provided in lieu of a physical residential address.

260 1. If the sexual offender's place of residence is a motor  
261 vehicle, trailer, mobile home, or manufactured home, as defined  
262 in chapter 320, the sexual offender shall also provide to the  
263 department through the sheriff's office written notice of the  
264 vehicle identification number; the license tag number; the  
265 registration number; and a description, including color scheme,  
266 of the motor vehicle, trailer, mobile home, or manufactured  
267 home. If the sexual offender's place of residence is a vessel,  
268 live-aboard vessel, or houseboat, as defined in chapter 327, the  
269 sexual offender shall also provide to the department written  
270 notice of the hull identification number; the manufacturer's  
271 serial number; the name of the vessel, live-aboard vessel, or  
272 houseboat; the registration number; and a description, including



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273 color scheme, of the vessel, live-aboard vessel, or houseboat.

274       2. If the sexual offender is enrolled, employed, or  
275 carrying on a vocation at an institution of higher education in  
276 this state, the sexual offender shall also provide to the  
277 department through the sheriff's office the name, address, and  
278 county of each institution, including each campus attended, and  
279 the sexual offender's enrollment or employment status. Each  
280 change in enrollment or employment status shall be reported in  
281 person at the sheriff's office, within 48 hours after any change  
282 in status. The sheriff shall promptly notify each institution of  
283 the sexual offender's presence and any change in the sexual  
284 offender's enrollment or employment status.

285  
286 When a sexual offender reports at the sheriff's office, the  
287 sheriff shall take a photograph and a set of fingerprints of the  
288 offender and forward the photographs and fingerprints to the  
289 department, along with the information provided by the sexual  
290 offender. The sheriff shall promptly provide to the department  
291 the information received from the sexual offender.

292       (14)

293       (c) The sheriff's office may determine the appropriate  
294 times and days for reporting by the sexual offender, which shall  
295 be consistent with the reporting requirements of this  
296 subsection. Reregistration shall include any changes to the  
297 following information:

298       1. Name; social security number; age; race; sex; date of  
299 birth; height; weight; hair and eye color; address of any  
300 permanent residence and address of any current temporary  
301 residence, within the state or out of state, including a rural



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302 route address and a post office box; any electronic mail address  
303 and any instant message name required to be provided pursuant to  
304 paragraph (4) (d); home telephone number and any cellular  
305 telephone number; date and place of any employment; vehicle  
306 make, model, color, and license tag number; fingerprints; and  
307 photograph. A post office box shall not be provided in lieu of a  
308 physical residential address.

309 2. If the sexual offender is enrolled, employed, or  
310 carrying on a vocation at an institution of higher education in  
311 this state, the sexual offender shall also provide to the  
312 department the name, address, and county of each institution,  
313 including each campus attended, and the sexual offender's  
314 enrollment or employment status.

315 3. If the sexual offender's place of residence is a motor  
316 vehicle, trailer, mobile home, or manufactured home, as defined  
317 in chapter 320, the sexual offender shall also provide the  
318 vehicle identification number; the license tag number; the  
319 registration number; and a description, including color scheme,  
320 of the motor vehicle, trailer, mobile home, or manufactured  
321 home. If the sexual offender's place of residence is a vessel,  
322 live-aboard vessel, or houseboat, as defined in chapter 327, the  
323 sexual offender shall also provide the hull identification  
324 number; the manufacturer's serial number; the name of the  
325 vessel, live-aboard vessel, or houseboat; the registration  
326 number; and a description, including color scheme, of the  
327 vessel, live-aboard vessel or houseboat.

328 4. Any sexual offender who fails to report in person as  
329 required at the sheriff's office, or who fails to respond to any  
330 address verification correspondence from the department within 3



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331 weeks of the date of the correspondence or who fails to report  
332 electronic mail addresses or instant message names, commits a  
333 felony of the third degree, punishable as provided in s.  
334 775.082, s. 775.083, or s. 775.084.

335 Section 3. Paragraph (b) of subsection (1) and paragraph  
336 (a) of subsection (3) of section 944.606, Florida Statutes, are  
337 amended to read:

338 944.606 Sexual offenders; notification upon release.-

339 (1) As used in this section:

340 (b) "Sexual offender" means a person who has been convicted  
341 of committing, or attempting, soliciting, or conspiring to  
342 commit, any of the criminal offenses proscribed in the following  
343 statutes in this state or similar offenses in another  
344 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
345 the victim is a minor and the defendant is not the victim's  
346 parent or guardian; s. 794.011, excluding s. 794.011(10); s.  
347 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s.  
348 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6)(4);  
349 s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any  
350 similar offense committed in this state which has been  
351 redesignated from a former statute number to one of those listed  
352 in this subsection, when the department has received verified  
353 information regarding such conviction; an offender's  
354 computerized criminal history record is not, in and of itself,  
355 verified information.

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

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



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360 any change in the offender's name by reason of marriage or other  
361 legal process, and any alias, if known; the correctional  
362 facility from which the sexual offender is released; the sexual  
363 offender's social security number, race, sex, date of birth,  
364 height, weight, and hair and eye color; date and county of  
365 sentence and each crime for which the offender was sentenced; a  
366 copy of the offender's fingerprints and a digitized photograph  
367 taken within 60 days before release; the date of release of the  
368 sexual offender; any electronic mail address and any instant  
369 message name required to be provided pursuant to s.

370 943.0435(4) (d); home telephone number and any cellular telephone  
371 number; and the offender's intended residence address, if known.

372 The department shall notify the Department of Law Enforcement if  
373 the sexual offender escapes, absconds, or dies. If the sexual  
374 offender is in the custody of a private correctional facility,  
375 the facility shall take the digitized photograph of the sexual  
376 offender within 60 days before the sexual offender's release and  
377 provide this photograph to the Department of Corrections and  
378 also place it in the sexual offender's file. If the sexual  
379 offender is in the custody of a local jail, the custodian of the  
380 local jail shall register the offender within 3 business days  
381 after intake of the offender for any reason and upon release,  
382 and shall notify the Department of Law Enforcement of the sexual  
383 offender's release and provide to the Department of Law  
384 Enforcement the information specified in this paragraph and any  
385 information specified in subparagraph 2. that the Department of  
386 Law Enforcement requests.

387 2. The department may provide any other information deemed  
388 necessary, including criminal and corrections records,



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389 nonprivileged personnel and treatment records, when available.

390 Section 4. Paragraph (a) of subsection (1) of section  
391 944.607, Florida Statutes, is amended to read:

392 944.607 Notification to Department of Law Enforcement of  
393 information on sexual offenders.—

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

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

398 1. On or after October 1, 1997, as a result of a conviction  
399 for committing, or attempting, soliciting, or conspiring to  
400 commit, any of the criminal offenses proscribed in the following  
401 statutes in this state or similar offenses in another  
402 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
403 the victim is a minor and the defendant is not the victim's  
404 parent or guardian; s. 794.011, excluding s. 794.011(10); s.  
405 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s.  
406 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135 (6) ~~(4)~~;  
407 s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any  
408 similar offense committed in this state which has been  
409 redesignated from a former statute number to one of those listed  
410 in this paragraph; or

411 2. Who establishes or maintains a residence in this state  
412 and who has not been designated as a sexual predator by a court  
413 of this state but who has been designated as a sexual predator,  
414 as a sexually violent predator, or by another sexual offender  
415 designation in another state or jurisdiction and was, as a  
416 result of such designation, subjected to registration or  
417 community or public notification, or both, or would be if the



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

421 Section 5. Paragraph (a) of subsection (3) of section  
422 985.481, Florida Statutes, is amended to read:

423 985.481 Sexual offenders adjudicated delinquent;  
424 notification upon release.-

425 (3) (a) The department must provide information regarding  
426 any sexual offender who is being released after serving a period  
427 of residential commitment under the department for any offense,  
428 as follows:

429 1. The department must provide the sexual offender's name,  
430 any change in the offender's name by reason of marriage or other  
431 legal process, and any alias, if known; the correctional  
432 facility from which the sexual offender is released; the sexual  
433 offender's social security number, race, sex, date of birth,  
434 height, weight, and hair and eye color; date and county of  
435 disposition and each crime for which there was a disposition; a  
436 copy of the offender's fingerprints and a digitized photograph  
437 taken within 60 days before release; the date of release of the  
438 sexual offender; home telephone number and any cellular  
439 telephone number; and the offender's intended residence address,  
440 if known. The department shall notify the Department of Law  
441 Enforcement if the sexual offender escapes, absconds, or dies.  
442 If the sexual offender is in the custody of a private  
443 correctional facility, the facility shall take the digitized  
444 photograph of the sexual offender within 60 days before the  
445 sexual offender's release and also place it in the sexual  
446 offender's file. If the sexual offender is in the custody of a





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447 local jail, the custodian of the local jail shall register the  
448 offender within 3 business days after intake of the offender for  
449 any reason and upon release, and shall notify the Department of  
450 Law Enforcement of the sexual offender's release and provide to  
451 the Department of Law Enforcement the information specified in  
452 this subparagraph and any information specified in subparagraph  
453 2. which the Department of Law Enforcement requests.

454 2. The department may provide any other information  
455 considered necessary, including criminal and delinquency  
456 records, when available.

457 Section 6. This act shall take effect July 1, 2009.

458

459 ===== T I T L E A M E N D M E N T =====

460 And the title is amended as follows:

461 Delete lines 2 - 13

462 and insert:

463 An act relating to sexual offenders and predators; amending ss.  
464 775.21, 943.0435, 944.606, 944.607, and 985.481, F.S.; requiring  
465 sexual offenders and predators to provide home telephone numbers  
466 and any cellular telephone numbers as part of the registration  
467 process; correcting cross-references to apply exclusions from  
468 designation as a sexual offender or predator to owners or  
469 operators of computer services rather than to persons traveling  
470 to meet a minor; providing an effective date.