

By Senator Ring

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1 A bill to be entitled
2 An act relating to sexual offenders and sexual
3 predators; amending s. 775.21, F.S.; requiring a
4 sexual predator to register telephone numbers with the
5 Department of Law Enforcement; providing penalties;
6 amending s. 943.0435, F.S.; requiring a sexual
7 offender to register telephone numbers with the
8 Department of Law Enforcement; providing penalties;
9 providing for designation of a person as a repeat
10 sexual offender; amending s. 944.606, F.S.; requiring
11 the Department of Corrections to provide notice of the
12 telephone numbers of a sexual offender who is being
13 released; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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

20 775.21 The Florida Sexual Predators Act.—

21 (6) REGISTRATION.—

22 (a) A sexual predator must register with the department
23 through the sheriff's office by providing the following
24 information to the department:

25 1. Name, social security number, age, race, sex, date of
26 birth, height, weight, hair and eye color, photograph, address
27 of legal residence and address of any current temporary
28 residence, within the state or out of state, including a rural
29 route address and a post office box, any electronic mail address

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30 and any instant message name required to be provided pursuant to
31 subparagraph (g)4., home telephone number and any cellular
32 telephone number, date and place of any employment, date and
33 place of each conviction, fingerprints, and a brief description
34 of the crime or crimes committed by the offender. A post office
35 box shall not be provided in lieu of a physical residential
36 address.

37 a. If the sexual predator's place of residence is a motor
38 vehicle, trailer, mobile home, or manufactured home, as defined
39 in chapter 320, the sexual predator shall also provide to the
40 department written notice of the vehicle identification number;
41 the license tag number; the registration number; and a
42 description, including color scheme, of the motor vehicle,
43 trailer, mobile home, or manufactured home. If a sexual
44 predator's place of residence is a vessel, live-aboard vessel,
45 or houseboat, as defined in chapter 327, the sexual predator
46 shall also provide to the department written notice of the hull
47 identification number; the manufacturer's serial number; the
48 name of the vessel, live-aboard vessel, or houseboat; the
49 registration number; and a description, including color scheme,
50 of the vessel, live-aboard vessel, or houseboat.

51 b. If the sexual predator is enrolled, employed, or
52 carrying on a vocation at an institution of higher education in
53 this state, the sexual predator shall also provide to the
54 department the name, address, and county of each institution,
55 including each campus attended, and the sexual predator's
56 enrollment or employment status. Each change in enrollment or
57 employment status shall be reported in person at the sheriff's
58 office, or the Department of Corrections if the sexual predator

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59 is in the custody or control of or under the supervision of the
60 Department of Corrections, within 48 hours after any change in
61 status. The sheriff or the Department of Corrections shall
62 promptly notify each institution of the sexual predator's
63 presence and any change in the sexual predator's enrollment or
64 employment status.

65 2. Any other information determined necessary by the
66 department, including criminal and corrections records;
67 nonprivileged personnel and treatment records; and evidentiary
68 genetic markers when available.

69 (8) VERIFICATION.—The department and the Department of
70 Corrections shall implement a system for verifying the addresses
71 of sexual predators. The system must be consistent with the
72 provisions of the federal Adam Walsh Child Protection and Safety
73 Act of 2006 and any other federal standards applicable to such
74 verification or required to be met as a condition for the
75 receipt of federal funds by the state. The Department of
76 Corrections shall verify the addresses of sexual predators who
77 are not incarcerated but who reside in the community under the
78 supervision of the Department of Corrections and shall report to
79 the department any failure by a sexual predator to comply with
80 registration requirements. County and local law enforcement
81 agencies, in conjunction with the department, shall verify the
82 addresses of sexual predators who are not under the care,
83 custody, control, or supervision of the Department of
84 Corrections. Local law enforcement agencies shall report to the
85 department any failure by a sexual predator to comply with
86 registration requirements.

87 (a) A sexual predator must report in person each year

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88 during the month of the sexual predator's birthday and during
89 every third month thereafter to the sheriff's office in the
90 county in which he or she resides or is otherwise located to
91 reregister. The sheriff's office may determine the appropriate
92 times and days for reporting by the sexual predator, which shall
93 be consistent with the reporting requirements of this paragraph.
94 Reregistration shall include any changes to the following
95 information:

96 1. Name; social security number; age; race; sex; date of
97 birth; height; weight; hair and eye color; address of any
98 permanent residence and address of any current temporary
99 residence, within the state or out of state, including a rural
100 route address and a post office box; any electronic mail address
101 and any instant message name required to be provided pursuant to
102 subparagraph (6)(g)4.; home telephone number and any cellular
103 telephone number; date and place of any employment; vehicle
104 make, model, color, and license tag number; fingerprints; and
105 photograph. A post office box shall not be provided in lieu of a
106 physical residential address.

107 2. If the sexual predator is enrolled, employed, or
108 carrying on a vocation at an institution of higher education in
109 this state, the sexual predator shall also provide to the
110 department the name, address, and county of each institution,
111 including each campus attended, and the sexual predator's
112 enrollment or employment status.

113 3. If the sexual predator's place of residence is a motor
114 vehicle, trailer, mobile home, or manufactured home, as defined
115 in chapter 320, the sexual predator shall also provide the
116 vehicle identification number; the license tag number; the

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117 registration number; and a description, including color scheme,
118 of the motor vehicle, trailer, mobile home, or manufactured
119 home. If the sexual predator's place of residence is a vessel,
120 live-aboard vessel, or houseboat, as defined in chapter 327, the
121 sexual predator shall also provide the hull identification
122 number; the manufacturer's serial number; the name of the
123 vessel, live-aboard vessel, or houseboat; the registration
124 number; and a description, including color scheme, of the
125 vessel, live-aboard vessel, or houseboat.

126 (10) PENALTIES.—

127 (a) Except as otherwise specifically provided, a sexual
128 predator who fails to register; who fails, after registration,
129 to maintain, acquire, or renew a driver's license or
130 identification card; who fails to provide required location
131 information, electronic mail address information, instant
132 message name information, home telephone number and any cellular
133 telephone number, or change-of-name information; who fails to
134 make a required report in connection with vacating a permanent
135 residence; who fails to reregister as required; who fails to
136 respond to any address verification correspondence from the
137 department within 3 weeks of the date of the correspondence; or
138 who otherwise fails, by act or omission, to comply with the
139 requirements of this section, commits a felony of the third
140 degree, punishable as provided in s. 775.082, s. 775.083, or s.
141 775.084.

142 Section 2. Paragraph (b) of subsection (2) and paragraph
143 (c) of subsection (14) of section 943.0435, Florida Statutes,
144 are amended to read:

145 943.0435 Sexual offenders required to register with the

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146 department; penalty.—

147 (2) A sexual offender shall:

148 (b) Provide his or her name, date of birth, social security
149 number, race, sex, height, weight, hair and eye color, tattoos
150 or other identifying marks, occupation and place of employment,
151 address of permanent or legal residence or address of any
152 current temporary residence, within the state and out of state,
153 including a rural route address and a post office box, home
154 telephone number and any cellular telephone number, any
155 electronic mail address and any instant message name required to
156 be provided pursuant to paragraph (4) (d), date and place of each
157 conviction, and a brief description of the crime or crimes
158 committed by the offender. A post office box shall not be
159 provided in lieu of a physical residential address.

160 1. If the sexual offender's place of residence is a motor
161 vehicle, trailer, mobile home, or manufactured home, as defined
162 in chapter 320, the sexual offender shall also provide to the
163 department through the sheriff's office written notice of the
164 vehicle identification number; the license tag number; the
165 registration number; and a description, including color scheme,
166 of the motor vehicle, trailer, mobile home, or manufactured
167 home. If the sexual offender's place of residence is a vessel,
168 live-aboard vessel, or houseboat, as defined in chapter 327, the
169 sexual offender shall also provide to the department written
170 notice of the hull identification number; the manufacturer's
171 serial number; the name of the vessel, live-aboard vessel, or
172 houseboat; the registration number; and a description, including
173 color scheme, of the vessel, live-aboard vessel, or houseboat.

174 2. If the sexual offender is enrolled, employed, or

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175 carrying on a vocation at an institution of higher education in
176 this state, the sexual offender shall also provide to the
177 department through the sheriff's office the name, address, and
178 county of each institution, including each campus attended, and
179 the sexual offender's enrollment or employment status. Each
180 change in enrollment or employment status shall be reported in
181 person at the sheriff's office, within 48 hours after any change
182 in status. The sheriff shall promptly notify each institution of
183 the sexual offender's presence and any change in the sexual
184 offender's enrollment or employment status.

185

186 When a sexual offender reports at the sheriff's office, the
187 sheriff shall take a photograph and a set of fingerprints of the
188 offender and forward the photographs and fingerprints to the
189 department, along with the information provided by the sexual
190 offender. The sheriff shall promptly provide to the department
191 the information received from the sexual offender.

192 (14)

193 (c) The sheriff's office may determine the appropriate
194 times and days for reporting by the sexual offender, which shall
195 be consistent with the reporting requirements of this
196 subsection. Reregistration shall include any changes to the
197 following information:

198 1. Name; social security number; age; race; sex; date of
199 birth; height; weight; hair and eye color; address of any
200 permanent residence and address of any current temporary
201 residence, within the state or out of state, including a rural
202 route address and a post office box; any electronic mail address
203 and any instant message name required to be provided pursuant to

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204 paragraph (4) (d); home telephone number, including any cellular
205 telephone number; date and place of any employment; vehicle
206 make, model, color, and license tag number; fingerprints; and
207 photograph. A post office box shall not be provided in lieu of a
208 physical residential address.

209 2. If the sexual offender is enrolled, employed, or
210 carrying on a vocation at an institution of higher education in
211 this state, the sexual offender shall also provide to the
212 department the name, address, and county of each institution,
213 including each campus attended, and the sexual offender's
214 enrollment or employment status.

215 3. If the sexual offender's place of residence is a motor
216 vehicle, trailer, mobile home, or manufactured home, as defined
217 in chapter 320, the sexual offender shall also provide the
218 vehicle identification number; the license tag number; the
219 registration number; and a description, including color scheme,
220 of the motor vehicle, trailer, mobile home, or manufactured
221 home. If the sexual offender's place of residence is a vessel,
222 live-aboard vessel, or houseboat, as defined in chapter 327, the
223 sexual offender shall also provide the hull identification
224 number; the manufacturer's serial number; the name of the
225 vessel, live-aboard vessel, or houseboat; the registration
226 number; and a description, including color scheme, of the
227 vessel, live-aboard vessel or houseboat.

228 4. Any sexual offender who fails to report in person as
229 required at the sheriff's office, or who fails to respond to any
230 address verification correspondence from the department within 3
231 weeks of the date of the correspondence or who fails to report
232 electronic mail addresses or instant message names, commits a

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233 felony of the third degree, punishable as provided in s.
234 775.082, s. 775.083, or s. 775.084.

235 Section 3. Paragraph (a) of subsection (3) of section
236 944.606, Florida Statutes, is amended to read:

237 944.606 Sexual offenders; notification upon release.—

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

241 1. The department must provide: the sexual offender's name,
242 any change in the offender's name by reason of marriage or other
243 legal process, and any alias, if known; the correctional
244 facility from which the sexual offender is released; the sexual
245 offender's social security number, race, sex, date of birth,
246 height, weight, and hair and eye color; date and county of
247 sentence and each crime for which the offender was sentenced; a
248 copy of the offender's fingerprints and a digitized photograph
249 taken within 60 days before release; the date of release of the
250 sexual offender; any electronic mail address and any instant
251 message name required to be provided pursuant to s.

252 943.0435(4)(d); telephone number, including any cellular
253 telephone number; and the offender's intended residence address,
254 if known. The department shall notify the Department of Law
255 Enforcement if the sexual offender escapes, absconds, or dies.
256 If the sexual offender is in the custody of a private
257 correctional facility, the facility shall take the digitized
258 photograph of the sexual offender within 60 days before the
259 sexual offender's release and provide this photograph to the
260 Department of Corrections and also place it in the sexual
261 offender's file. If the sexual offender is in the custody of a

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262 local jail, the custodian of the local jail shall register the
263 offender within 3 business days after intake of the offender for
264 any reason and upon release, and shall notify the Department of
265 Law Enforcement of the sexual offender's release and provide to
266 the Department of Law Enforcement the information specified in
267 this paragraph and any information specified in subparagraph 2.
268 that the Department of Law Enforcement requests.

269 2. The department may provide any other information deemed
270 necessary, including criminal and corrections records,
271 nonprivileged personnel and treatment records, when available.

272 Section 4. This act shall take effect October 1, 2009.