

By the Committees on Judiciary; and Criminal Justice; and
Senator Ring

590-05727-09

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1 A bill to be entitled
2 An act relating to sexual offenders and predators;
3 amending s. 257.12, F.S.; encouraging all public
4 libraries to implement an Internet safety education
5 program for children and adults; providing minimum
6 requirements for the program; requiring libraries to
7 annually report to the Division of Library and
8 Information Services of the Department of State the
9 number of participants who complete the program;
10 requiring that the division adopt rules to award
11 additional points to grant applicants implementing
12 such a program; amending ss. 847.0135 and 847.0138,
13 F.S.; removing residency requirements in statutes
14 relating to computer pornography involving minor
15 children and the transmission of material harmful to a
16 minor by electronic device or equipment, respectively;
17 amending ss. 775.21, 943.0435, 944.606, 944.607, and
18 985.481, F.S.; requiring sexual offenders and
19 predators to provide home telephone numbers and any
20 cellular telephone numbers as part of the registration
21 process; correcting cross-references to apply
22 exclusions from designation as a sexual offender or
23 predator to owners or operators of computer services
24 rather than to persons traveling to meet a minor;
25 providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Subsection (3) is added to section 257.12,

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30 Florida Statutes, to read:

31 257.12 Division of Library and Information Services
32 authorized to accept and expend federal funds.-

33 (3) All public libraries are encouraged to adopt an
34 Internet safety education program, including the implementation
35 of a computer-based educational program, which has been endorsed
36 by a government-sanctioned law enforcement agency or other
37 reputable public safety advocacy organization and is designed
38 for children and adults. The purpose of the Internet safety
39 education program is to promote the use of prudent online
40 deportment and broaden awareness of online predators. The
41 program must be interactive and age-appropriate. Each library
42 shall annually report to the division the annual number of
43 program participants who complete the Internet safety education
44 program. By April 1, 2010, the division shall adopt rules for
45 rewarding those libraries in the program grant application
46 process which have had 1 percent or more of their annual number
47 of program participants, based on the total number of registered
48 borrowers from the preceding year, complete the Internet safety
49 education program adopted by the library. Program participants
50 completing the program as a result of strategic partnerships or
51 collaboration between the library and other entities shall be
52 integrated into the library's annual report. The division shall
53 adopt rules to allocate 10 percent of the total points available
54 in the library services and technology grant application
55 evaluation process to public libraries that are in compliance
56 with this section, beginning with the grant application cycle
57 for the 2011-2012 fiscal year.

58 Section 2. Paragraph (a) of subsection (4), paragraph (a)

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59 of subsection (6), paragraph (a) of subsection (8), and
60 paragraph (a) of subsection (10) of section 775.21, Florida
61 Statutes, are amended to read:

62 775.21 The Florida Sexual Predators Act.—

63 (4) SEXUAL PREDATOR CRITERIA.—

64 (a) For a current offense committed on or after October 1,
65 1993, upon conviction, an offender shall be designated as a
66 “sexual predator” under subsection (5), and subject to
67 registration under subsection (6) and community and public
68 notification under subsection (7) if:

69 1. The felony is:

70 a. A capital, life, or first-degree felony violation, or
71 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
72 is a minor and the defendant is not the victim’s parent or
73 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
74 violation of a similar law of another jurisdiction; or

75 b. Any felony violation, or any attempt thereof, of s.
76 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
77 minor and the defendant is not the victim’s parent or guardian;
78 s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
79 796.035; s. 800.04; s. 825.1025(2)(b); s. 827.071; s.
80 847.0135(5); s. 847.0145; or s. 985.701(1); or a violation of a
81 similar law of another jurisdiction, and the offender has
82 previously been convicted of or found to have committed, or has
83 pled nolo contendere or guilty to, regardless of adjudication,
84 any violation of s. 787.01, s. 787.02, or s. 787.025(2)(c),
85 where the victim is a minor and the defendant is not the
86 victim’s parent or guardian; s. 794.011, excluding s.
87 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.

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88 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
89 847.0135 ~~(6)-(4)~~; s. 847.0145; or s. 985.701(1); or a violation of
90 a similar law of another jurisdiction;

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

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

97 (6) REGISTRATION.—

98 (a) A sexual predator must register with the department
99 through the sheriff's office by providing the following
100 information to the department:

101 1. Name, social security number, age, race, sex, date of
102 birth, height, weight, hair and eye color, photograph, address
103 of legal residence and address of any current temporary
104 residence, within the state or out of state, including a rural
105 route address and a post office box, any electronic mail address
106 and any instant message name required to be provided pursuant to
107 subparagraph (g)4., home telephone number and any cellular
108 telephone number, date and place of any employment, date and
109 place of each conviction, fingerprints, and a brief description
110 of the crime or crimes committed by the offender. A post office
111 box shall not be provided in lieu of a physical residential
112 address.

113 a. 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 to the
116 department written notice of the vehicle identification number;

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

127 b. If the sexual predator is enrolled, employed, or
128 carrying on a vocation at an institution of higher education in
129 this state, the sexual predator shall also provide to the
130 department the name, address, and county of each institution,
131 including each campus attended, and the sexual predator's
132 enrollment or employment status. Each change in enrollment or
133 employment status shall be reported in person at the sheriff's
134 office, or the Department of Corrections if the sexual predator
135 is in the custody or control of or under the supervision of the
136 Department of Corrections, within 48 hours after any change in
137 status. The sheriff or the Department of Corrections shall
138 promptly notify each institution of the sexual predator's
139 presence and any change in the sexual predator's enrollment or
140 employment status.

141 2. Any other information determined necessary by the
142 department, including criminal and corrections records;
143 nonprivileged personnel and treatment records; and evidentiary
144 genetic markers when available.

145 (8) VERIFICATION.—The department and the Department of

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146 Corrections shall implement a system for verifying the addresses
147 of sexual predators. The system must be consistent with the
148 provisions of the federal Adam Walsh Child Protection and Safety
149 Act of 2006 and any other federal standards applicable to such
150 verification or required to be met as a condition for the
151 receipt of federal funds by the state. The Department of
152 Corrections shall verify the addresses of sexual predators who
153 are not incarcerated but who reside in the community under the
154 supervision of the Department of Corrections and shall report to
155 the department any failure by a sexual predator to comply with
156 registration requirements. County and local law enforcement
157 agencies, in conjunction with the department, shall verify the
158 addresses of sexual predators who are not under the care,
159 custody, control, or supervision of the Department of
160 Corrections. Local law enforcement agencies shall report to the
161 department any failure by a sexual predator to comply with
162 registration requirements.

163 (a) A sexual predator must report in person each year
164 during the month of the sexual predator's birthday and during
165 every third month thereafter to the sheriff's office in the
166 county in which he or she resides or is otherwise located to
167 reregister. The sheriff's office may determine the appropriate
168 times and days for reporting by the sexual predator, which shall
169 be consistent with the reporting requirements of this paragraph.
170 Reregistration shall include any changes to the following
171 information:

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

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175 residence, within the state or out of state, including a rural
176 route address and a post office box; any electronic mail address
177 and any instant message name required to be provided pursuant to
178 subparagraph (6)(g)4.; home telephone number and any cellular
179 telephone number; date and place of any employment; vehicle
180 make, model, color, and license tag number; fingerprints; and
181 photograph. A post office box shall not be provided in lieu of a
182 physical residential address.

183 2. If the sexual predator is enrolled, employed, or
184 carrying on a vocation at an institution of higher education in
185 this state, the sexual predator shall also provide to the
186 department the name, address, and county of each institution,
187 including each campus attended, and the sexual predator's
188 enrollment or employment status.

189 3. If the sexual predator's place of residence is a motor
190 vehicle, trailer, mobile home, or manufactured home, as defined
191 in chapter 320, the sexual predator shall also provide the
192 vehicle identification number; the license tag number; the
193 registration number; and a description, including color scheme,
194 of the motor vehicle, trailer, mobile home, or manufactured
195 home. If the sexual predator's place of residence is a vessel,
196 live-aboard vessel, or houseboat, as defined in chapter 327, the
197 sexual predator shall also provide the hull identification
198 number; the manufacturer's serial number; the name of the
199 vessel, live-aboard vessel, or houseboat; the registration
200 number; and a description, including color scheme, of the
201 vessel, live-aboard vessel, or houseboat.

202 (10) PENALTIES.—

203 (a) Except as otherwise specifically provided, a sexual

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204 predator who fails to register; who fails, after registration,
205 to maintain, acquire, or renew a driver's license or
206 identification card; who fails to provide required location
207 information, electronic mail address information, instant
208 message name information, home telephone number and any cellular
209 telephone number, or change-of-name information; who fails to
210 make a required report in connection with vacating a permanent
211 residence; who fails to reregister as required; who fails to
212 respond to any address verification correspondence from the
213 department within 3 weeks of the date of the correspondence; or
214 who otherwise fails, by act or omission, to comply with the
215 requirements of this section, commits a felony of the third
216 degree, punishable as provided in s. 775.082, s. 775.083, or s.
217 775.084.

218 Section 3. Paragraph (a) of subsection (5) and subsection
219 (7) of section 847.0135, Florida Statutes, are amended to read:

220 847.0135 Computer pornography; traveling to meet minor;
221 penalties.—

222 (5) CERTAIN COMPUTER TRANSMISSIONS PROHIBITED.—

223 (a) A person who:

224 1. Intentionally masturbates;

225 2. Intentionally exposes the genitals in a lewd or
226 lascivious manner; or

227 3. Intentionally commits any other sexual act that does not
228 involve actual physical or sexual contact with the victim,
229 including, but not limited to, sadomasochistic abuse, sexual
230 bestiality, or the simulation of any act involving sexual
231 activity

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233 live over a computer online service, Internet service, or local
234 bulletin board service and who knows or should know or has
235 reason to believe that the transmission is viewed on a computer
236 or television monitor by a victim ~~in this state~~ who is less than
237 16 years of age, commits lewd or lascivious exhibition in
238 violation of this subsection. The fact that an undercover
239 operative or law enforcement officer was involved in the
240 detection and investigation of an offense under this subsection
241 shall not constitute a defense to a prosecution under this
242 subsection.

243 (7) STATE CRIMINAL JURISDICTION.—A person is subject to
244 prosecution in this state pursuant to chapter 910 for any
245 conduct proscribed by this section which the person engages in,
246 while either within or outside this state, if by such conduct
247 the person commits a violation of this section involving a child
248 ~~residing in this state~~, a child's guardian, or another person
249 believed by the person to be a child or a child's guardian
250 ~~residing in this state~~.

251 Section 4. Subsections (2) and (3) of section 847.0138,
252 Florida Statutes, are amended to read:

253 847.0138 Transmission of material harmful to minors to a
254 minor by electronic device or equipment prohibited; penalties.—

255 (2) Notwithstanding ss. 847.012 and 847.0133, any person ~~in~~
256 ~~this state~~ who knew or believed that he or she was transmitting
257 an image, information, or data that is harmful to minors, as
258 defined in s. 847.001, to a specific individual known by the
259 defendant to be a minor ~~in this state~~ commits a felony of the
260 third degree, punishable as provided in s. 775.082, s. 775.083,
261 or s. 775.084.

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262 (3) Notwithstanding ss. 847.012 and 847.0133, any person in
263 any jurisdiction other than this state who knew or believed that
264 he or she was transmitting an image, information, or data that
265 is harmful to minors, as defined in s. 847.001, to a specific
266 individual known by the defendant to be a minor ~~in this state~~
267 commits a felony of the third degree, punishable as provided in
268 s. 775.082, s. 775.083, or s. 775.084.

269
270 The provisions of this section do not apply to subscription-
271 based transmissions such as list servers.

272 Section 5. Paragraph (a) of subsection (1), paragraph (b)
273 of subsection (2), and paragraph (c) of subsection (14) of
274 section 943.0435, Florida Statutes, are amended to read:

275 943.0435 Sexual offenders required to register with the
276 department; penalty.—

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

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

281 a.(I) Has been convicted of committing, or attempting,
282 soliciting, or conspiring to commit, any of the criminal
283 offenses proscribed in the following statutes in this state or
284 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
285 or s. 787.025(2)(c), where the victim is a minor and the
286 defendant is not the victim's parent or guardian; s. 794.011,
287 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.
288 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
289 excluding s. 847.0135 (6) ~~(4)~~; s. 847.0137; s. 847.0138; s.
290 847.0145; or s. 985.701(1); or any similar offense committed in

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291 this state which has been redesignated from a former statute
292 number to one of those listed in this sub-sub-subparagraph; and

293 (II) Has been released on or after October 1, 1997, from
294 the sanction imposed for any conviction of an offense described
295 in sub-sub-subparagraph (I). For purposes of sub-sub-
296 subparagraph (I), a sanction imposed in this state or in any
297 other jurisdiction includes, but is not limited to, a fine,
298 probation, community control, parole, conditional release,
299 control release, or incarceration in a state prison, federal
300 prison, private correctional facility, or local detention
301 facility;

302 b. Establishes or maintains a residence in this state and
303 who has not been designated as a sexual predator by a court of
304 this state but who has been designated as a sexual predator, as
305 a sexually violent predator, or by another sexual offender
306 designation in another state or jurisdiction and was, as a
307 result of such designation, subjected to registration or
308 community or public notification, or both, or would be if the
309 person were a resident of that state or jurisdiction, without
310 regard to whether the person otherwise meets the criteria for
311 registration as a sexual offender;

312 c. Establishes or maintains a residence in this state who
313 is in the custody or control of, or under the supervision of,
314 any other state or jurisdiction as a result of a conviction for
315 committing, or attempting, soliciting, or conspiring to commit,
316 any of the criminal offenses proscribed in the following
317 statutes or similar offense in another jurisdiction: s. 787.01,
318 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
319 the defendant is not the victim's parent or guardian; s.

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320 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
321 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
322 847.0135, excluding s. 847.0135 (6) ~~(4)~~; s. 847.0137; s. 847.0138;
323 s. 847.0145; or s. 985.701(1); or any similar offense committed
324 in this state which has been redesignated from a former statute
325 number to one of those listed in this sub-subparagraph; or

326 d. On or after July 1, 2007, has been adjudicated
327 delinquent for committing, or attempting, soliciting, or
328 conspiring to commit, any of the criminal offenses proscribed in
329 the following statutes in this state or similar offenses in
330 another jurisdiction when the juvenile was 14 years of age or
331 older at the time of the offense:

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

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

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

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

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

343
344 For each violation of a qualifying offense listed in this
345 subsection, the court shall make a written finding of the age of
346 the victim at the time of the offense. For a violation of s.
347 800.04(4), the court shall additionally make a written finding
348 indicating that the offense did or did not involve sexual

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349 activity and indicating that the offense did or did not involve
350 force or coercion. For a violation of s. 800.04(5), the court
351 shall additionally make a written finding that the offense did
352 or did not involve unclothed genitals or genital area and that
353 the offense did or did not involve the use of force or coercion.

354 (2) A sexual offender shall:

355 (b) Provide his or her name, date of birth, social security
356 number, race, sex, height, weight, hair and eye color, tattoos
357 or other identifying marks, occupation and place of employment,
358 address of permanent or legal residence or address of any
359 current temporary residence, within the state and out of state,
360 including a rural route address and a post office box, home
361 telephone number and any cellular telephone number, any
362 electronic mail address and any instant message name required to
363 be provided pursuant to paragraph (4) (d), date and place of each
364 conviction, and a brief description of the crime or crimes
365 committed by the offender. A post office box shall not be
366 provided in lieu of a physical residential address.

367 1. If the sexual offender's place of residence is a motor
368 vehicle, trailer, mobile home, or manufactured home, as defined
369 in chapter 320, the sexual offender shall also provide to the
370 department through the sheriff's office written notice of the
371 vehicle identification number; the license tag number; the
372 registration number; and a description, including color scheme,
373 of the motor vehicle, trailer, mobile home, or manufactured
374 home. If the sexual offender's place of residence is a vessel,
375 live-aboard vessel, or houseboat, as defined in chapter 327, the
376 sexual offender shall also provide to the department written
377 notice of the hull identification number; the manufacturer's

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378 serial number; the name of the vessel, live-aboard vessel, or
379 houseboat; the registration number; and a description, including
380 color scheme, of the vessel, live-aboard vessel, or houseboat.

381 2. If the sexual offender is enrolled, employed, or
382 carrying on a vocation at an institution of higher education in
383 this state, the sexual offender shall also provide to the
384 department through the sheriff's office the name, address, and
385 county of each institution, including each campus attended, and
386 the sexual offender's enrollment or employment status. Each
387 change in enrollment or employment status shall be reported in
388 person at the sheriff's office, within 48 hours after any change
389 in status. The sheriff shall promptly notify each institution of
390 the sexual offender's presence and any change in the sexual
391 offender's enrollment or employment status.

392

393 When a sexual offender reports at the sheriff's office, the
394 sheriff shall take a photograph and a set of fingerprints of the
395 offender and forward the photographs and fingerprints to the
396 department, along with the information provided by the sexual
397 offender. The sheriff shall promptly provide to the department
398 the information received from the sexual offender.

399 (14)

400 (c) The sheriff's office may determine the appropriate
401 times and days for reporting by the sexual offender, which shall
402 be consistent with the reporting requirements of this
403 subsection. Reregistration shall include any changes to the
404 following information:

405 1. Name; social security number; age; race; sex; date of
406 birth; height; weight; hair and eye color; address of any

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407 permanent residence and address of any current temporary
408 residence, within the state or out of state, including a rural
409 route address and a post office box; any electronic mail address
410 and any instant message name required to be provided pursuant to
411 paragraph (4) (d); home telephone number and any cellular
412 telephone number; date and place of any employment; vehicle
413 make, model, color, and license tag number; fingerprints; and
414 photograph. A post office box shall not be provided in lieu of a
415 physical residential address.

416 2. If the sexual offender is enrolled, employed, or
417 carrying on a vocation at an institution of higher education in
418 this state, the sexual offender shall also provide to the
419 department the name, address, and county of each institution,
420 including each campus attended, and the sexual offender's
421 enrollment or employment status.

422 3. If the sexual offender's place of residence is a motor
423 vehicle, trailer, mobile home, or manufactured home, as defined
424 in chapter 320, the sexual offender shall also provide the
425 vehicle identification number; the license tag number; the
426 registration number; and a description, including color scheme,
427 of the motor vehicle, trailer, mobile home, or manufactured
428 home. If the sexual offender's place of residence is a vessel,
429 live-aboard vessel, or houseboat, as defined in chapter 327, the
430 sexual offender shall also provide the hull identification
431 number; the manufacturer's serial number; the name of the
432 vessel, live-aboard vessel, or houseboat; the registration
433 number; and a description, including color scheme, of the
434 vessel, live-aboard vessel or houseboat.

435 4. Any sexual offender who fails to report in person as

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436 required at the sheriff's office, or who fails to respond to any
437 address verification correspondence from the department within 3
438 weeks of the date of the correspondence or who fails to report
439 electronic mail addresses or instant message names, commits a
440 felony of the third degree, punishable as provided in s.
441 775.082, s. 775.083, or s. 775.084.

442 Section 6. Paragraph (b) of subsection (1) and paragraph
443 (a) of subsection (3) of section 944.606, Florida Statutes, are
444 amended to read:

445 944.606 Sexual offenders; notification upon release.—

446 (1) As used in this section:

447 (b) "Sexual offender" means a person who has been convicted
448 of committing, or attempting, soliciting, or conspiring to
449 commit, any of the criminal offenses proscribed in the following
450 statutes in this state or similar offenses in another
451 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where
452 the victim is a minor and the defendant is not the victim's
453 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
454 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s.
455 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135 (6) ~~(4)~~;
456 s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any
457 similar offense committed in this state which has been
458 redesignated from a former statute number to one of those listed
459 in this subsection, when the department has received verified
460 information regarding such conviction; an offender's
461 computerized criminal history record is not, in and of itself,
462 verified information.

463 (3) (a) The department must provide information regarding
464 any sexual offender who is being released after serving a period

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465 of incarceration for any offense, as follows:

466 1. The department must provide: the sexual offender's name,
467 any change in the offender's name by reason of marriage or other
468 legal process, and any alias, if known; the correctional
469 facility from which the sexual offender is released; the sexual
470 offender's social security number, race, sex, date of birth,
471 height, weight, and hair and eye color; date and county of
472 sentence and each crime for which the offender was sentenced; a
473 copy of the offender's fingerprints and a digitized photograph
474 taken within 60 days before release; the date of release of the
475 sexual offender; any electronic mail address and any instant
476 message name required to be provided pursuant to s.

477 943.0435(4)(d); home telephone number and any cellular telephone
478 number; and the offender's intended residence address, if known.

479 The department shall notify the Department of Law Enforcement if
480 the sexual offender escapes, absconds, or dies. If the sexual
481 offender is in the custody of a private correctional facility,
482 the facility shall take the digitized photograph of the sexual
483 offender within 60 days before the sexual offender's release and
484 provide this photograph to the Department of Corrections and
485 also place it in the sexual offender's file. If the sexual
486 offender is in the custody of a local jail, the custodian of the
487 local jail shall register the offender within 3 business days
488 after intake of the offender for any reason and upon release,
489 and shall notify the Department of Law Enforcement of the sexual
490 offender's release and provide to the Department of Law
491 Enforcement the information specified in this paragraph and any
492 information specified in subparagraph 2. that the Department of
493 Law Enforcement requests.

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494 2. The department may provide any other information deemed
495 necessary, including criminal and corrections records,
496 nonprivileged personnel and treatment records, when available.

497 Section 7. Paragraph (a) of subsection (1) of section
498 944.607, Florida Statutes, is amended to read:

499 944.607 Notification to Department of Law Enforcement of
500 information on sexual offenders.—

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

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

505 1. On or after October 1, 1997, as a result of a conviction
506 for committing, or attempting, soliciting, or conspiring to
507 commit, any of the criminal offenses proscribed in the following
508 statutes in this state or similar offenses in another
509 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where
510 the victim is a minor and the defendant is not the victim's
511 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
512 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s.
513 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135 (6) ~~(4)~~;
514 s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any
515 similar offense committed in this state which has been
516 redesignated from a former statute number to one of those listed
517 in this paragraph; or

518 2. Who establishes or maintains a residence in this state
519 and who has not been designated as a sexual predator by a court
520 of this state but who has been designated as a sexual predator,
521 as a sexually violent predator, or by another sexual offender
522 designation in another state or jurisdiction and was, as a

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523 result of such designation, subjected to registration or
524 community or public notification, or both, or would be if the
525 person were a resident of that state or jurisdiction, without
526 regard as to whether the person otherwise meets the criteria for
527 registration as a sexual offender.

528 Section 8. Paragraph (a) of subsection (3) of section
529 985.481, Florida Statutes, is amended to read:

530 985.481 Sexual offenders adjudicated delinquent;
531 notification upon release.-

532 (3) (a) The department must provide information regarding
533 any sexual offender who is being released after serving a period
534 of residential commitment under the department for any offense,
535 as follows:

536 1. The department must provide the sexual offender's name,
537 any change in the offender's name by reason of marriage or other
538 legal process, and any alias, if known; the correctional
539 facility from which the sexual offender is released; the sexual
540 offender's social security number, race, sex, date of birth,
541 height, weight, and hair and eye color; date and county of
542 disposition and each crime for which there was a disposition; a
543 copy of the offender's fingerprints and a digitized photograph
544 taken within 60 days before release; the date of release of the
545 sexual offender; home telephone number and any cellular
546 telephone number; and the offender's intended residence address,
547 if known. The department shall notify the Department of Law
548 Enforcement if the sexual offender escapes, absconds, or dies.
549 If the sexual offender is in the custody of a private
550 correctional facility, the facility shall take the digitized
551 photograph of the sexual offender within 60 days before the

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552 sexual offender's release and also place it in the sexual
553 offender's file. If the sexual offender is in the custody of a
554 local jail, the custodian of the local jail shall register the
555 offender within 3 business days after intake of the offender for
556 any reason and upon release, and shall notify the Department of
557 Law Enforcement of the sexual offender's release and provide to
558 the Department of Law Enforcement the information specified in
559 this subparagraph and any information specified in subparagraph
560 2. which the Department of Law Enforcement requests.

561 2. The department may provide any other information
562 considered necessary, including criminal and delinquency
563 records, when available.

564 Section 9. This act shall take effect July 1, 2009.