

HB 77

2009

1 A bill to be entitled
2 An act relating to sexual offenders and predators;
3 creating s. 856.022, F.S.; prohibiting loitering or
4 prowling by certain offenders within a specified distance
5 of places where children regularly congregate; providing
6 exceptions; providing penalties; amending s. 775.21, F.S.;
7 revising and providing definitions; revising provisions
8 relating to reporting requirements for sexual predators in
9 transient status; amending s. 943.0435, F.S.; revising
10 provisions relating to reporting requirements for sexual
11 offenders in transient status; amending s. 943.04352,
12 F.S.; requiring search in an additional specified sex
13 offender registry for information regarding sexual
14 predators and sexual offenders when an offender is placed
15 on misdemeanor probation; amending s. 944.606, F.S.;
16 revising address reporting requirements for sexual
17 offenders; amending s. 944.607, F.S.; requiring additional
18 registration information from sex offenders under the
19 supervision of the Department of Corrections but not
20 incarcerated; amending s. 947.1405, F.S.; revising
21 provisions relating to polygraph examinations of specified
22 conditional releasees who have committed specified sexual
23 offenses; providing additional restrictions for certain
24 conditional releasees who committed sexual offenses with
25 minors under the age of 16 or who have been designated as
26 sexual predators or received similar designations or
27 determinations in another jurisdiction; amending s.
28 948.30, F.S.; revising provisions relating to polygraph

Page 1 of 44

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0077-00

29 examinations of specified probationers or community
 30 controllees who have committed specified sexual offenses;
 31 providing additional restrictions for certain probationers
 32 or community controllees who committed sexual offenses
 33 with minors under the age of 16 or who have been
 34 designated as sexual predators or received similar
 35 designations or determinations in another jurisdiction;
 36 amending s. 948.31, F.S.; deleting a requirement for
 37 diagnosis of certain sexual predators and sexual offenders
 38 on community control; revising provisions relating to
 39 treatment for such offenders and predators; amending s.
 40 985.481, F.S.; providing additional address reporting
 41 requirements for sexual offenders adjudicated delinquent;
 42 amending s. 985.4815, F.S.; providing transient and
 43 temporary residence reporting requirements for sexual
 44 offenders adjudicated delinquent; providing an effective
 45 date.

46
 47 Be It Enacted by the Legislature of the State of Florida:

48
 49 Section 1. Section 856.022, Florida Statutes, is created
 50 to read:

51 856.022 Loitering or prowling by certain offenders in
 52 close proximity to children; penalty.--

53 (1) As used in this section, the term "loiter or prowl"
 54 shall have the same meaning as in s. 856.021.

55 (2) This section applies to an offender convicted of
 56 committing, or attempting, soliciting, or conspiring to commit,

HB 77

2009

57 any of the criminal offenses proscribed in the following
58 statutes in this state or similar offenses in another
59 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where
60 the victim is a minor and the offender was not the victim's
61 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
62 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s.
63 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(4); s.
64 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any
65 similar offense committed in this state that has been
66 redesignated from a former statute number to one of those listed
67 in this subsection, provided the offender has not received a
68 pardon for any felony or similar law of another jurisdiction
69 that is necessary for the operation of this subsection and a
70 conviction of a felony or similar law of another jurisdiction
71 necessary to the operation of this subsection has not been set
72 aside in any postconviction proceeding.

73 (3) If an offender as provided in subsection (2) committed
74 one or more of his or her qualifying offenses against a victim
75 who was under the age of 18 at the time of the offense, it is
76 unlawful for the offender to:

77 (a) Loiter or prowl within 300 feet of a place where
78 children regularly congregate, including, but not limited to, a
79 school, day care center, playground, or park without a
80 justifiable reason or purpose;

81 (b) Knowingly approach, contact, or communicate with a
82 child under 18 years of age in any public park building or on
83 real property comprising any public park or playground unless
84 the offender is a parent or guardian of a person under 18 years

85 of age who is also present within close proximity in the
 86 building or on the grounds; or

87 (c)1.a. Knowingly be present in any child care facility or
 88 pre-K through 12 school or on real property comprising any child
 89 care facility or pre-K through 12 school when the child care
 90 facility or school is in operation unless the offender has
 91 provided written notification of his or her intent to be present
 92 to the school board, superintendent, principal, or child care
 93 facility owner. The offender is responsible for notifying the
 94 child care facility owner or the principal's office when he or
 95 she arrives and departs the child care facility or school. If
 96 the offender is to be present in the vicinity of children, the
 97 offender has the duty to remain under direct supervision of a
 98 child care facility or school official or designated chaperone.

99 b. The offender is not in violation of this section if:

100 (I) The child care facility or school is a voting location
 101 and the offender is present for the purpose of voting during the
 102 hours designated for voting; or

103 (II) The offender is only dropping off or picking up his
 104 or her own children or grandchildren at the child care facility
 105 or school.

106 2. As used in this paragraph, the term "school official"
 107 means a principal, school resource officer, teacher, or any
 108 other certified employee of the school, the superintendent of
 109 schools, a member of the school board, a child care facility
 110 owner, or a child care provider.

111 (4) Any person who violates this section commits a
 112 misdemeanor of the first degree, punishable as provided in s.
 113 775.082 or s. 775.083.

114 Section 2. Paragraph (g) of subsection (2), paragraph (c)
 115 of subsection (4), paragraph (a) of subsection (5), paragraphs
 116 (a), (f), (g), (i), and (j) of subsection (6), paragraph (a) of
 117 subsection (7), and paragraph (a) of subsection (8) of section
 118 775.21, Florida Statutes, are amended, and paragraph (l) is
 119 added to subsection (2) of that section, to read:

120 775.21 The Florida Sexual Predators Act.--

121 (2) DEFINITIONS.--As used in this section, the term:

122 (g) "Temporary residence" means a place where the person
 123 abides, lodges, or resides, including, but not limited to,
 124 vacation, business, or personal travel destinations in or out of
 125 this state, for a period of 5 or more days in the aggregate
 126 during any calendar year and which is not the person's permanent
 127 address or, for a person whose permanent residence is not in
 128 this state, a place where the person is employed, practices a
 129 vocation, or is enrolled as a student for any period of time in
 130 this state.

131 (l) "Transient residence" means a place or county where a
 132 person lives, remains, or is located for a period of 5 or more
 133 days in the aggregate during a calendar year and which is not
 134 the person's permanent or temporary address. The term may
 135 include, but is not limited to, a place where the person sleeps
 136 or seeks shelter and a location that has no specific street
 137 address.

138 (4) SEXUAL PREDATOR CRITERIA.--

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

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

145 2. The offender was administratively registered as a
 146 sexual predator because the Department of Corrections, the
 147 department, or any other law enforcement agency obtained
 148 information that indicated that the offender met the criteria
 149 for designation as a sexual predator based on a violation of a
 150 similar law in another jurisdiction,
 151

152 the department shall remove that offender from the department's
 153 list of sexual predators and, for an offender described under
 154 subparagraph 1., shall notify the state attorney who prosecuted
 155 the offense that met the criteria for administrative designation
 156 as a sexual predator, and, for an offender described under this
 157 paragraph, shall notify the state attorney of the county where
 158 the offender establishes or maintains a permanent, ~~or~~ temporary,
 159 or transient residence. The state attorney shall bring the
 160 matter to the court's attention in order to establish that the
 161 offender meets the criteria for designation as a sexual
 162 predator. If the court makes a written finding that the offender
 163 is a sexual predator, the offender must be designated as a
 164 sexual predator, must register or be registered as a sexual
 165 predator with the department as provided in subsection (6), and
 166 is subject to the community and public notification as provided

HB 77

2009

167 in subsection (7). If the court does not make a written finding
168 that the offender is a sexual predator, the offender may not be
169 designated as a sexual predator with respect to that offense and
170 is not required to register or be registered as a sexual
171 predator with the department.

172 (5) SEXUAL PREDATOR DESIGNATION.--An offender is
173 designated as a sexual predator as follows:

174 (a)1. An offender who meets the sexual predator criteria
175 described in paragraph (4) (d) is a sexual predator, and the
176 court shall make a written finding at the time such offender is
177 determined to be a sexually violent predator under chapter 394
178 that such person meets the criteria for designation as a sexual
179 predator for purposes of this section. The clerk shall transmit
180 a copy of the order containing the written finding to the
181 department within 48 hours after the entry of the order;

182 2. An offender who meets the sexual predator criteria
183 described in paragraph (4) (a) who is before the court for
184 sentencing for a current offense committed on or after October
185 1, 1993, is a sexual predator, and the sentencing court must
186 make a written finding at the time of sentencing that the
187 offender is a sexual predator, and the clerk of the court shall
188 transmit a copy of the order containing the written finding to
189 the department within 48 hours after the entry of the order; or

190 3. If the Department of Corrections, the department, or
191 any other law enforcement agency obtains information which
192 indicates that an offender who establishes or maintains a
193 permanent, ~~or~~ temporary, or transient residence in this state
194 meets the sexual predator criteria described in paragraph (4) (a)

HB 77

2009

195 or paragraph (4) (d) because the offender was civilly committed
196 or committed a similar violation in another jurisdiction on or
197 after October 1, 1993, the Department of Corrections, the
198 department, or the law enforcement agency shall notify the state
199 attorney of the county where the offender establishes or
200 maintains a permanent, ~~or~~ temporary, or transient residence of
201 the offender's presence in the community. The state attorney
202 shall file a petition with the criminal division of the circuit
203 court for the purpose of holding a hearing to determine if the
204 offender's criminal record or record of civil commitment from
205 another jurisdiction meets the sexual predator criteria. If the
206 court finds that the offender meets the sexual predator criteria
207 because the offender has violated a similar law or similar laws
208 in another jurisdiction, the court shall make a written finding
209 that the offender is a sexual predator.

210
211 When the court makes a written finding that an offender is a
212 sexual predator, the court shall inform the sexual predator of
213 the registration and community and public notification
214 requirements described in this section. Within 48 hours after
215 the court designating an offender as a sexual predator, the
216 clerk of the circuit court shall transmit a copy of the court's
217 written sexual predator finding to the department. If the
218 offender is sentenced to a term of imprisonment or supervision,
219 a copy of the court's written sexual predator finding must be
220 submitted to the Department of Corrections.

221 (6) REGISTRATION.--

HB 77

2009

222 (a) A sexual predator must register with the department
223 through the sheriff's office by providing the following
224 information to the department:

225 1. Name, social security number, age, race, sex, date of
226 birth, height, weight, hair and eye color, photograph, address
227 of legal residence and address of any current temporary
228 residence, within the state or out of state, including a rural
229 route address and a post office box, if no permanent or
230 temporary address, any transient residence within the state,
231 address, location, or description and dates of any current or
232 known future temporary residence within the state or out of
233 state, any electronic mail address and any instant message name
234 required to be provided pursuant to subparagraph (g)4., date and
235 place of any employment, date and place of each conviction,
236 fingerprints, and a brief description of the crime or crimes
237 committed by the offender. A post office box shall not be
238 provided in lieu of a physical residential address.

239 a. If the sexual predator's place of residence is a motor
240 vehicle, trailer, mobile home, or manufactured home, as defined
241 in chapter 320, the sexual predator shall also provide to the
242 department written notice of the vehicle identification number;
243 the license tag number; the registration number; and a
244 description, including color scheme, of the motor vehicle,
245 trailer, mobile home, or manufactured home. If a sexual
246 predator's place of residence is a vessel, live-aboard vessel,
247 or houseboat, as defined in chapter 327, the sexual predator
248 shall also provide to the department written notice of the hull
249 identification number; the manufacturer's serial number; the

HB 77

2009

250 name of the vessel, live-aboard vessel, or houseboat; the
251 registration number; and a description, including color scheme,
252 of the vessel, live-aboard vessel, or houseboat.

253 b. If the sexual predator is enrolled, employed, or
254 carrying on a vocation at an institution of higher education in
255 this state, the sexual predator shall also provide to the
256 department the name, address, and county of each institution,
257 including each campus attended, and the sexual predator's
258 enrollment or employment status. Each change in enrollment or
259 employment status shall be reported in person at the sheriff's
260 office, or the Department of Corrections if the sexual predator
261 is in the custody or control of or under the supervision of the
262 Department of Corrections, within 48 hours after any change in
263 status. The sheriff or the Department of Corrections shall
264 promptly notify each institution of the sexual predator's
265 presence and any change in the sexual predator's enrollment or
266 employment status.

267 2. Any other information determined necessary by the
268 department, including criminal and corrections records;
269 nonprivileged personnel and treatment records; and evidentiary
270 genetic markers when available.

271 (f) Within 48 hours after the registration required under
272 paragraph (a) or paragraph (e), a sexual predator who is not
273 incarcerated and who resides in the community, including a
274 sexual predator under the supervision of the Department of
275 Corrections, shall register in person at a driver's license
276 office of the Department of Highway Safety and Motor Vehicles

HB 77

2009

277 and shall present proof of registration. At the driver's license
278 office the sexual predator shall:

279 1. If otherwise qualified, secure a Florida driver's
280 license, renew a Florida driver's license, or secure an
281 identification card. The sexual predator shall identify himself
282 or herself as a sexual predator who is required to comply with
283 this section, provide his or her place of permanent, ~~or~~
284 temporary, or transient residence, including a rural route
285 address and a post office box, and submit to the taking of a
286 photograph for use in issuing a driver's license, renewed
287 license, or identification card, and for use by the department
288 in maintaining current records of sexual predators. A post
289 office box shall not be provided in lieu of a physical
290 residential address. If the sexual predator's place of residence
291 is a motor vehicle, trailer, mobile home, or manufactured home,
292 as defined in chapter 320, the sexual predator shall also
293 provide to the Department of Highway Safety and Motor Vehicles
294 the vehicle identification number; the license tag number; the
295 registration number; and a description, including color scheme,
296 of the motor vehicle, trailer, mobile home, or manufactured
297 home. If a sexual predator's place of residence is a vessel,
298 live-aboard vessel, or houseboat, as defined in chapter 327, the
299 sexual predator shall also provide to the Department of Highway
300 Safety and Motor Vehicles the hull identification number; the
301 manufacturer's serial number; the name of the vessel, live-
302 aboard vessel, or houseboat; the registration number; and a
303 description, including color scheme, of the vessel, live-aboard
304 vessel, or houseboat.

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

310 3. Provide, upon request, any additional information
 311 necessary to confirm the identity of the sexual predator,
 312 including a set of fingerprints.

313 (g)1. Each time a sexual predator's driver's license or
 314 identification card is subject to renewal, and, without regard
 315 to the status of the predator's driver's license or
 316 identification card, within 48 hours after any change of the
 317 predator's residence or change in the predator's name by reason
 318 of marriage or other legal process, the predator shall report in
 319 person to a driver's license office and shall be subject to the
 320 requirements specified in paragraph (f). The Department of
 321 Highway Safety and Motor Vehicles shall forward to the
 322 department and to the Department of Corrections all photographs
 323 and information provided by sexual predators. Notwithstanding
 324 the restrictions set forth in s. 322.142, the Department of
 325 Highway Safety and Motor Vehicles is authorized to release a
 326 reproduction of a color-photograph or digital-image license to
 327 the Department of Law Enforcement for purposes of public
 328 notification of sexual predators as provided in this section.

329 2. A sexual predator who vacates a permanent or temporary
 330 residence and fails to establish or maintain another permanent
 331 or temporary residence shall, within 48 hours after vacating the
 332 permanent or temporary residence, report in person to the

HB 77

2009

333 sheriff's office of the county in which he or she is located.
334 The sexual predator shall specify the date upon which he or she
335 intends to or did vacate such residence. The sexual predator
336 must provide or update all of the registration information
337 required under paragraph (a). The sexual predator must provide
338 an address for the residence or other place ~~location~~ that he or
339 she is or will be located ~~occupying~~ during the time in which he
340 or she fails to establish or maintain a permanent or temporary
341 residence.

342 3. A sexual predator who remains at a permanent or
343 temporary residence after reporting his or her intent to vacate
344 such residence shall, within 48 hours after the date upon which
345 the predator indicated he or she would or did vacate such
346 residence, report in person to the sheriff's office to which he
347 or she reported pursuant to subparagraph 2. for the purpose of
348 reporting his or her address at such residence. When the sheriff
349 receives the report, the sheriff shall promptly convey the
350 information to the department. An offender who makes a report as
351 required under subparagraph 2. but fails to make a report as
352 required under this subparagraph commits a felony of the second
353 degree, punishable as provided in s. 775.082, s. 775.083, or s.
354 775.084.

355 4. A sexual predator must register any electronic mail
356 address or instant message name with the department prior to
357 using such electronic mail address or instant message name on or
358 after October 1, 2007. The department shall establish an online
359 system through which sexual predators may securely access and

HB 77

2009

360 update all electronic mail address and instant message name
361 information.

362 (i) A sexual predator who intends to establish a
363 permanent, temporary, or transient residence in another state or
364 jurisdiction other than the State of Florida shall report in
365 person to the sheriff of the county of current residence within
366 48 hours before the date he or she intends to leave this state
367 to establish residence in another state or jurisdiction. The
368 sexual predator must provide to the sheriff the address,
369 municipality, county, and state of intended residence. The
370 sheriff shall promptly provide to the department the information
371 received from the sexual predator. The department shall notify
372 the statewide law enforcement agency, or a comparable agency, in
373 the intended state or jurisdiction of residence of the sexual
374 predator's intended residence. The failure of a sexual predator
375 to provide his or her intended place of residence is punishable
376 as provided in subsection (10).

377 (j) A sexual predator who indicates his or her intent to
378 reside or establish a temporary or transient residence in
379 another state or jurisdiction other than the State of Florida
380 and later decides to remain in this state shall, within 48 hours
381 after the date upon which the sexual predator indicated he or
382 she would leave this state, report in person to the sheriff to
383 which the sexual predator reported the intended change of
384 residence, and report his or her intent to remain in this state.
385 If the sheriff is notified by the sexual predator that he or she
386 intends to remain in this state, the sheriff shall promptly
387 report this information to the department. A sexual predator who

388 reports his or her intent to reside or establish a temporary or
 389 transient residence in another state or jurisdiction, but who
 390 remains in this state without reporting to the sheriff in the
 391 manner required by this paragraph, commits a felony of the
 392 second degree, punishable as provided in s. 775.082, s. 775.083,
 393 or s. 775.084.

394 (7) COMMUNITY AND PUBLIC NOTIFICATION.--

395 (a) Law enforcement agencies must inform members of the
 396 community and the public of a sexual predator's presence. Upon
 397 notification of the presence of a sexual predator, the sheriff
 398 of the county or the chief of police of the municipality where
 399 the sexual predator establishes or maintains a permanent or
 400 temporary residence shall notify members of the community and
 401 the public of the presence of the sexual predator in a manner
 402 deemed appropriate by the sheriff or the chief of police. Within
 403 48 hours after receiving notification of the presence of a
 404 sexual predator, the sheriff of the county or the chief of
 405 police of the municipality where the sexual predator temporarily
 406 or permanently resides shall notify each licensed day care
 407 center, elementary school, middle school, and high school within
 408 a 1-mile radius of the temporary or permanent residence of the
 409 sexual predator of the presence of the sexual predator.

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

- 412 1. The name of the sexual predator;
- 413 2. A description of the sexual predator, including a
 414 photograph;

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

419 4. The circumstances of the sexual predator's offense or
 420 offenses; and

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

423
 424 This paragraph does not authorize the release of the name of any
 425 victim of the sexual predator.

426 (8) VERIFICATION.--The department and the Department of
 427 Corrections shall implement a system for verifying the addresses
 428 of sexual predators. The system must be consistent with the
 429 provisions of the federal Adam Walsh Child Protection and Safety
 430 Act of 2006 and any other federal standards applicable to such
 431 verification or required to be met as a condition for the
 432 receipt of federal funds by the state. The Department of
 433 Corrections shall verify the addresses of sexual predators who
 434 are not incarcerated but who reside in the community under the
 435 supervision of the Department of Corrections and shall report to
 436 the department any failure by a sexual predator to comply with
 437 registration requirements. County and local law enforcement
 438 agencies, in conjunction with the department, shall verify the
 439 addresses of sexual predators who are not under the care,
 440 custody, control, or supervision of the Department of
 441 Corrections. Local law enforcement agencies shall report to the

HB 77

2009

442 department any failure by a sexual predator to comply with
443 registration requirements.

444 (a) A sexual predator must report in person each year
445 during the month of the sexual predator's birthday and during
446 every third month thereafter to the sheriff's office in the
447 county in which he or she resides or is otherwise located to
448 reregister. The sheriff's office may determine the appropriate
449 times and days for reporting by the sexual predator, which shall
450 be consistent with the reporting requirements of this paragraph.
451 Reregistration shall include any changes to the following
452 information:

453 1. Name; social security number; age; race; sex; date of
454 birth; height; weight; hair and eye color; address of any
455 permanent residence and address of any current temporary
456 residence, within the state or out of state, including a rural
457 route address and a post office box; if no permanent or
458 temporary address, any transient residence within the state;
459 address, location, or description and dates of any current or
460 known future temporary residence within the state or out of
461 state; any electronic mail address and any instant message name
462 required to be provided pursuant to subparagraph (6)(g)4.; date
463 and place of any employment; vehicle make, model, color, and
464 license tag number; fingerprints; and photograph. A post office
465 box shall not be provided in lieu of a physical residential
466 address.

467 2. If the sexual predator is enrolled, employed, or
468 carrying on a vocation at an institution of higher education in
469 this state, the sexual predator shall also provide to the

HB 77

2009

470 department the name, address, and county of each institution,
 471 including each campus attended, and the sexual predator's
 472 enrollment or employment status.

473 3. If the sexual predator's place of residence is a motor
 474 vehicle, trailer, mobile home, or manufactured home, as defined
 475 in chapter 320, the sexual predator shall also provide the
 476 vehicle identification number; the license tag number; the
 477 registration number; and a description, including color scheme,
 478 of the motor vehicle, trailer, mobile home, or manufactured
 479 home. If the sexual predator's place of residence is a vessel,
 480 live-aboard vessel, or houseboat, as defined in chapter 327, the
 481 sexual predator shall also provide the hull identification
 482 number; the manufacturer's serial number; the name of the
 483 vessel, live-aboard vessel, or houseboat; the registration
 484 number; and a description, including color scheme, of the
 485 vessel, live-aboard vessel, or houseboat.

486 Section 3. Paragraph (c) of subsection (1), subsection
 487 (2), paragraphs (a), (b), and (c) of subsection (4), subsections
 488 (7), (8), and (10), and paragraph (c) of subsection (14) of
 489 section 943.0435, Florida Statutes, are amended to read:

490 943.0435 Sexual offenders required to register with the
 491 department; penalty.--

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

493 (c) "Permanent residence," ~~and~~ "temporary residence," and
 494 "transient residence" have the same meaning ascribed in s.
 495 775.21.

496 (2) A sexual offender shall:

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

498 1. In the county in which the offender establishes or
 499 maintains a permanent, ~~or~~ temporary, or transient residence
 500 within 48 hours after:

501 a. Establishing permanent or temporary residence in this
 502 state or attaining transient status; or

503 b. Being released from the custody, control, or
 504 supervision of the Department of Corrections or from the custody
 505 of a private correctional facility; or

506 2. In the county where he or she was convicted within 48
 507 hours after being convicted for a qualifying offense for
 508 registration under this section if the offender is not in the
 509 custody or control of, or under the supervision of, the
 510 Department of Corrections, or is not in the custody of a private
 511 correctional facility.

512
 513 Any change in the information required to be provided pursuant
 514 to paragraph (b), including, but not limited to, any change in
 515 the sexual offender's permanent, ~~or~~ temporary, or transient
 516 residence, name, any electronic mail address, and any instant
 517 message name required to be provided pursuant to paragraph
 518 (4) (d), after the sexual offender reports in person at the
 519 sheriff's office, shall be accomplished in the manner provided
 520 in subsections (4), (7), and (8).

521 (b) Provide his or her name, date of birth, social
 522 security number, race, sex, height, weight, hair and eye color,
 523 tattoos or other identifying marks, occupation and place of
 524 employment, address of permanent or legal residence or address
 525 of any current temporary residence, within the state and out of

HB 77

2009

526 state, including a rural route address and a post office box, if
527 no permanent or temporary address, any transient residence
528 within the state, address, location, or description and dates of
529 any current or known future temporary residence within the state
530 or out of state, any electronic mail address and any instant
531 message name required to be provided pursuant to paragraph
532 (4) (d), date and place of each conviction, and a brief
533 description of the crime or crimes committed by the offender. A
534 post office box shall not be provided in lieu of a physical
535 residential address.

536 1. If the sexual offender's place of residence is a motor
537 vehicle, trailer, mobile home, or manufactured home, as defined
538 in chapter 320, the sexual offender shall also provide to the
539 department through the sheriff's office written notice of the
540 vehicle identification number; the license tag number; the
541 registration number; and a description, including color scheme,
542 of the motor vehicle, trailer, mobile home, or manufactured
543 home. If the sexual offender's place of residence is a vessel,
544 live-aboard vessel, or houseboat, as defined in chapter 327, the
545 sexual offender shall also provide to the department written
546 notice of the hull identification number; the manufacturer's
547 serial number; the name of the vessel, live-aboard vessel, or
548 houseboat; the registration number; and a description, including
549 color scheme, of the vessel, live-aboard vessel, or houseboat.

550 2. If the sexual offender is enrolled, employed, or
551 carrying on a vocation at an institution of higher education in
552 this state, the sexual offender shall also provide to the
553 department through the sheriff's office the name, address, and

HB 77

2009

554 county of each institution, including each campus attended, and
555 the sexual offender's enrollment or employment status. Each
556 change in enrollment or employment status shall be reported in
557 person at the sheriff's office, within 48 hours after any change
558 in status. The sheriff shall promptly notify each institution of
559 the sexual offender's presence and any change in the sexual
560 offender's enrollment or employment status.

561
562 When a sexual offender reports at the sheriff's office, the
563 sheriff shall take a photograph and a set of fingerprints of the
564 offender and forward the photographs and fingerprints to the
565 department, along with the information provided by the sexual
566 offender. The sheriff shall promptly provide to the department
567 the information received from the sexual offender.

568 (4) (a) Each time a sexual offender's driver's license or
569 identification card is subject to renewal, and, without regard
570 to the status of the offender's driver's license or
571 identification card, within 48 hours after any change in the
572 offender's permanent, ~~or~~ temporary, or transient residence or
573 change in the offender's name by reason of marriage or other
574 legal process, the offender shall report in person to a driver's
575 license office, and shall be subject to the requirements
576 specified in subsection (3). The Department of Highway Safety
577 and Motor Vehicles shall forward to the department all
578 photographs and information provided by sexual offenders.
579 Notwithstanding the restrictions set forth in s. 322.142, the
580 Department of Highway Safety and Motor Vehicles is authorized to
581 release a reproduction of a color-photograph or digital-image

HB 77

2009

582 license to the Department of Law Enforcement for purposes of
583 public notification of sexual offenders as provided in this
584 section and ss. 943.043 and 944.606.

585 (b) A sexual offender who vacates a permanent or temporary
586 residence and fails to establish or maintain another permanent
587 or temporary residence shall, within 48 hours after vacating the
588 permanent residence, report in person to the sheriff's office of
589 the county in which he or she is located. The sexual offender
590 shall specify the date upon which he or she intends to or did
591 vacate such residence. The sexual offender must provide or
592 update all of the registration information required under
593 paragraph (2)(b). The sexual offender must provide an address
594 for the residence or other place ~~location~~ that he or she is or
595 will be located ~~occupying~~ during the time in which he or she
596 fails to establish or maintain a permanent or temporary
597 residence.

598 (c) A sexual offender who remains at a permanent or
599 temporary residence after reporting his or her intent to vacate
600 such residence shall, within 48 hours after the date upon which
601 the offender indicated he or she would or did vacate such
602 residence, report in person to the agency to which he or she
603 reported pursuant to paragraph (b) for the purpose of reporting
604 his or her address at such residence. When the sheriff receives
605 the report, the sheriff shall promptly convey the information to
606 the department. An offender who makes a report as required under
607 paragraph (b) but fails to make a report as required under this
608 paragraph commits a felony of the second degree, punishable as
609 provided in s. 775.082, s. 775.083, or s. 775.084.

HB 77

2009

610 (7) A sexual offender who intends to establish a
611 permanent, temporary, or transient residence in another state or
612 jurisdiction other than the State of Florida shall report in
613 person to the sheriff of the county of current residence within
614 48 hours before the date he or she intends to leave this state
615 to establish residence in another state or jurisdiction. The
616 notification must include the address, municipality, county, and
617 state of intended residence. The sheriff shall promptly provide
618 to the department the information received from the sexual
619 offender. The department shall notify the statewide law
620 enforcement agency, or a comparable agency, in the intended
621 state or jurisdiction of residence of the sexual offender's
622 intended residence. The failure of a sexual offender to provide
623 his or her intended place of residence is punishable as provided
624 in subsection (9).

625 (8) A sexual offender who indicates his or her intent to
626 reside or establish a temporary or transient residence in
627 another state or jurisdiction other than the State of Florida
628 and later decides to remain in this state shall, within 48 hours
629 after the date upon which the sexual offender indicated he or
630 she would leave this state, report in person to the sheriff to
631 which the sexual offender reported the intended change of
632 temporary or transient residence, and report his or her intent
633 to remain in this state. The sheriff shall promptly report this
634 information to the department. A sexual offender who reports his
635 or her intent to reside or establish a temporary or transient
636 residence in another state or jurisdiction but who remains in
637 this state without reporting to the sheriff in the manner

HB 77

2009

638 required by this subsection commits a felony of the second
 639 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 640 775.084.

641 (10) The department, the Department of Highway Safety and
 642 Motor Vehicles, the Department of Corrections, the Department of
 643 Juvenile Justice, any law enforcement agency in this state, and
 644 the personnel of those departments; an elected or appointed
 645 official, public employee, or school administrator; or an
 646 employee, agency, or any individual or entity acting at the
 647 request or upon the direction of any law enforcement agency is
 648 immune from civil liability for damages for good faith
 649 compliance with the requirements of this section or for the
 650 release of information under this section, and shall be presumed
 651 to have acted in good faith in compiling, recording, reporting,
 652 or releasing the information. The presumption of good faith is
 653 not overcome if a technical or clerical error is made by the
 654 department, the Department of Highway Safety and Motor Vehicles,
 655 the Department of Corrections, the Department of Juvenile
 656 Justice, the personnel of those departments, or any individual
 657 or entity acting at the request or upon the direction of any of
 658 those departments in compiling or providing information, or if
 659 information is incomplete or incorrect because a sexual offender
 660 fails to report or falsely reports his or her current place of
 661 permanent, ~~or~~ temporary, or transient residence.

662 (14)

663 (c) The sheriff's office may determine the appropriate
 664 times and days for reporting by the sexual offender, which shall
 665 be consistent with the reporting requirements of this

666 subsection. Reregistration shall include any changes to the
667 following information:

668 1. Name; social security number; age; race; sex; date of
669 birth; height; weight; hair and eye color; address of any
670 permanent residence and address of any current temporary
671 residence, within the state or out of state, including a rural
672 route address and a post office box; if no permanent or
673 temporary address, any transient residence within the state;
674 address, location, or description and dates of any current or
675 known future temporary residence within the state or out of
676 state; any electronic mail address and any instant message name
677 required to be provided pursuant to paragraph (4) (d); date and
678 place of any employment; vehicle make, model, color, and license
679 tag number; fingerprints; and photograph. A post office box
680 shall not be provided in lieu of a physical residential address.

681 2. If the sexual offender is enrolled, employed, or
682 carrying on a vocation at an institution of higher education in
683 this state, the sexual offender shall also provide to the
684 department the name, address, and county of each institution,
685 including each campus attended, and the sexual offender's
686 enrollment or employment status.

687 3. If the sexual offender's place of residence is a motor
688 vehicle, trailer, mobile home, or manufactured home, as defined
689 in chapter 320, the sexual offender shall also provide the
690 vehicle identification number; the license tag number; the
691 registration number; and a description, including color scheme,
692 of the motor vehicle, trailer, mobile home, or manufactured
693 home. If the sexual offender's place of residence is a vessel,

HB 77

2009

694 live-aboard vessel, or houseboat, as defined in chapter 327, the
 695 sexual offender shall also provide the hull identification
 696 number; the manufacturer's serial number; the name of the
 697 vessel, live-aboard vessel, or houseboat; the registration
 698 number; and a description, including color scheme, of the
 699 vessel, live-aboard vessel or houseboat.

700 4. Any sexual offender who fails to report in person as
 701 required at the sheriff's office, or who fails to respond to any
 702 address verification correspondence from the department within 3
 703 weeks of the date of the correspondence or who fails to report
 704 electronic mail addresses or instant message names, commits a
 705 felony of the third degree, punishable as provided in s.
 706 775.082, s. 775.083, or s. 775.084.

707 Section 4. Section 943.04352, Florida Statutes, is amended
 708 to read:

709 943.04352 Search of registration information regarding
 710 sexual predators and sexual offenders required when placement on
 711 misdemeanor probation.--When the court places a defendant on
 712 misdemeanor probation pursuant to ss. 948.01 and 948.15, the
 713 public or private entity providing probation services must
 714 conduct a search of the probationer's name or other identifying
 715 information against the registration information regarding
 716 sexual predators and sexual offenders maintained by the
 717 Department of Law Enforcement under s. 943.043. The probation
 718 services provider may conduct the search using the Internet site
 719 maintained by the Department of Law Enforcement. Also, a
 720 national search must be conducted through the National Sex

721 Offender Registry maintained by the United States Department of
722 Justice.

723 Section 5. Paragraph (a) of subsection (3) of section
724 944.606, Florida Statutes, is amended to read:

725 944.606 Sexual offenders; notification upon release.--

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

729 1. The department must provide: the sexual offender's
730 name, any change in the offender's name by reason of marriage or
731 other legal process, and any alias, if known; the correctional
732 facility from which the sexual offender is released; the sexual
733 offender's social security number, race, sex, date of birth,
734 height, weight, and hair and eye color; address of any planned
735 permanent residence or temporary residence, within the state or
736 out of state, including a rural route address and a post office
737 box; if no permanent or temporary address, any transient
738 residence within the state; address, location, or description
739 and dates of any known future temporary residence within the
740 state or out of state; date and county of sentence and each
741 crime for which the offender was sentenced; a copy of the
742 offender's fingerprints and a digitized photograph taken within
743 60 days before release; the date of release of the sexual
744 offender; any electronic mail address and any instant message
745 name required to be provided pursuant to s. 943.0435(4)(d); and
746 the offender's intended residence address, if known. The
747 department shall notify the Department of Law Enforcement if the
748 sexual offender escapes, absconds, or dies. If the sexual

HB 77

2009

749 offender is in the custody of a private correctional facility,
750 the facility shall take the digitized photograph of the sexual
751 offender within 60 days before the sexual offender's release and
752 provide this photograph to the Department of Corrections and
753 also place it in the sexual offender's file. If the sexual
754 offender is in the custody of a local jail, the custodian of the
755 local jail shall register the offender within 3 business days
756 after intake of the offender for any reason and upon release,
757 and shall notify the Department of Law Enforcement of the sexual
758 offender's release and provide to the Department of Law
759 Enforcement the information specified in this paragraph and any
760 information specified in subparagraph 2. that the Department of
761 Law Enforcement requests.

762 2. The department may provide any other information deemed
763 necessary, including criminal and corrections records,
764 nonprivileged personnel and treatment records, when available.

765 Section 6. Subsection (4), paragraph (b) of subsection
766 (6), and paragraph (c) of subsection (13) of section 944.607,
767 Florida Statutes, are amended to read:

768 944.607 Notification to Department of Law Enforcement of
769 information on sexual offenders.--

770 (4) A sexual offender, as described in this section, who
771 is under the supervision of the Department of Corrections but is
772 not incarcerated must register with the Department of
773 Corrections within 3 business days after sentencing for a
774 registrable ~~registerable~~ offense and otherwise provide
775 information as required by this subsection.

HB 77

2009

776 (a) The sexual offender shall provide his or her name;
777 date of birth; social security number; race; sex; height;
778 weight; hair and eye color; tattoos or other identifying marks;
779 any electronic mail address and any instant message name
780 required to be provided pursuant to s. 943.0435(4)(d); and
781 permanent or legal residence and address of temporary residence
782 within the state or out of state while the sexual offender is
783 under supervision in this state, including any rural route
784 address or post office box; if no permanent or temporary
785 address, any transient residence within the state; address,
786 location, or description and dates of any current or known
787 future temporary residence within the state or out of state. The
788 Department of Corrections shall verify the address of each
789 sexual offender in the manner described in ss. 775.21 and
790 943.0435. The department shall report to the Department of Law
791 Enforcement any failure by a sexual predator or sexual offender
792 to comply with registration requirements.

793 (b) If the sexual offender is enrolled, employed, or
794 carrying on a vocation at an institution of higher education in
795 this state, the sexual offender shall provide the name, address,
796 and county of each institution, including each campus attended,
797 and the sexual offender's enrollment or employment status. Each
798 change in enrollment or employment status shall be reported to
799 the department within 48 hours after the change in status. The
800 Department of Corrections shall promptly notify each institution
801 of the sexual offender's presence and any change in the sexual
802 offender's enrollment or employment status.

803 (6) The information provided to the Department of Law
 804 Enforcement must include:

805 (b) The sexual offender's most current address and place
 806 of permanent and temporary residence within the state or out of
 807 state or transient residence, and address, location, or
 808 description and dates of any current or known future temporary
 809 residence within the state or out of state, while the sexual
 810 offender is under supervision in this state, including the name
 811 of the county or municipality in which the offender permanently,
 812 ~~or temporarily,~~ or transiently resides, and address, location,
 813 or description and dates of any current or known future
 814 temporary residence within the state or out of state, and, if
 815 known, the intended place of permanent or temporary residence or
 816 transient residence, and address, location, or description and
 817 dates of any current or known future temporary residence within
 818 the state or out of state upon satisfaction of all sanctions;

819
 820 If any information provided by the department changes during the
 821 time the sexual offender is under the department's control,
 822 custody, or supervision, including any change in the offender's
 823 name by reason of marriage or other legal process, the
 824 department shall, in a timely manner, update the information and
 825 provide it to the Department of Law Enforcement in the manner
 826 prescribed in subsection (2).

827 (13)

828 (c) The sheriff's office may determine the appropriate
 829 times and days for reporting by the sexual offender, which shall
 830 be consistent with the reporting requirements of this

831 subsection. Reregistration shall include any changes to the
832 following information:

833 1. Name; social security number; age; race; sex; date of
834 birth; height; weight; hair and eye color; address of any
835 permanent residence and address of any current temporary
836 residence, within the state or out of state, including a rural
837 route address and a post office box; if no permanent or
838 temporary address, any transient residence; address, location,
839 or description and dates of any current or known future
840 temporary residence both within the state and out of state; any
841 electronic mail address and any instant message name required to
842 be provided pursuant to s. 943.0435(4)(d); date and place of any
843 employment; vehicle make, model, color, and license tag number;
844 fingerprints; and photograph. A post office box shall not be
845 provided in lieu of a physical residential address.

846 2. If the sexual offender is enrolled, employed, or
847 carrying on a vocation at an institution of higher education in
848 this state, the sexual offender shall also provide to the
849 department the name, address, and county of each institution,
850 including each campus attended, and the sexual offender's
851 enrollment or employment status.

852 3. If the sexual offender's place of residence is a motor
853 vehicle, trailer, mobile home, or manufactured home, as defined
854 in chapter 320, the sexual offender shall also provide the
855 vehicle identification number; the license tag number; the
856 registration number; and a description, including color scheme,
857 of the motor vehicle, trailer, mobile home, or manufactured
858 home. If the sexual offender's place of residence is a vessel,

HB 77

2009

859 live-aboard vessel, or houseboat, as defined in chapter 327, the
860 sexual offender shall also provide the hull identification
861 number; the manufacturer's serial number; the name of the
862 vessel, live-aboard vessel, or houseboat; the registration
863 number; and a description, including color scheme, of the
864 vessel, live-aboard vessel or houseboat.

865 4. Any sexual offender who fails to report in person as
866 required at the sheriff's office, or who fails to respond to any
867 address verification correspondence from the department within 3
868 weeks of the date of the correspondence, or who fails to report
869 electronic mail addresses or instant message names, commits a
870 felony of the third degree, punishable as provided in s.
871 775.082, s. 775.083, or s. 775.084.

872 Section 7. Paragraph (b) of subsection (7) of section
873 947.1405, Florida Statutes, is amended, and subsection (12) is
874 added to that section, to read:

875 947.1405 Conditional release program.--

876 (7)

877 (b) For a releasee whose crime was committed on or after
878 October 1, 1997, in violation of chapter 794, s. 800.04, s.
879 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to
880 conditional release supervision, in addition to any other
881 provision of this subsection, the commission shall impose the
882 following additional conditions of conditional release
883 supervision:

884 1. As part of a treatment program, participation in a
885 minimum of one annual polygraph examination to obtain
886 information necessary for risk management and treatment and to

HB 77

2009

887 reduce the sex offender's denial mechanisms. The polygraph
888 examination must be conducted by a polygrapher trained
889 specifically in the use of the polygraph for the monitoring of
890 sex offenders who has been authorized by the department and
891 approved by the commission, where available, and at the expense
892 of the releasee ~~sex offender~~. The results of the polygraph
893 examination shall be provided to the releasee's probation
894 officer and therapist and shall not be used as evidence in a
895 hearing to prove that a violation of supervision has occurred.

896 2. Maintenance of a driving log and a prohibition against
897 driving a motor vehicle alone without the prior approval of the
898 supervising officer.

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

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

905 5. Electronic monitoring of any form when ordered by the
906 commission.

907 (12) (a) For a releasee whose crime was committed on or
908 after July 1, 2009, the commission must, in addition to all
909 other provisions of this section, impose the special conditions
910 in paragraph (b) on the following releasees:

911 1. A releasee whose crime was committed on or after July
912 1, 2009, in violation of s. 800.04(4), (5), or (6); s. 827.071;
913 or s. 847.0145 in this state or a similar offense in another
914 jurisdiction when, at the time of the offense, the victim was

HB 77

2009

915 under 16 years of age and the releasee was 18 years of age or
916 older.

917 2. A releasee who is designated as a sexual predator under
918 s. 775.21 or who has received a similar designation or
919 determination in another jurisdiction.

920 3. A releasee subject to registration as a sexual predator
921 under s. 775.21 or as a sexual offender under s. 943.0435 who
922 has committed an offense that would meet the criteria for the
923 designation or registration when at the time of the offense the
924 victim was under 16 years of age and the releasee was 18 years
925 of age or older, who commits a violation of s. 775.21 or s.
926 943.0435 on or after July 1, 2009, and who is not otherwise
927 subject to this paragraph.

928 (b) The commission must order:

929 1. A prohibition on visiting areas where children
930 regularly congregate, including, but not limited to, schools,
931 day care centers, parks, and playgrounds. The commission may
932 also designate additional locations to protect a victim. The
933 prohibition ordered under this subparagraph does not prohibit
934 the releasee's attendance at religious services as defined in s.
935 775.0861.

936 2. A prohibition on participation in holiday events where
937 children are present without prior approval from the commission,
938 including, but not limited to, distributing candy or other items
939 to children on Halloween, entertaining at children's parties, or
940 wearing a costume to appeal to children. Such costumes include,
941 but are not limited to, a Santa Claus costume, an Easter Bunny
942 costume, or a clown costume.

943 Section 8. Paragraph (a) of subsection (2) of section
 944 948.30, Florida Statutes, is amended, and subsection (4) is
 945 added to that section, to read:

946 948.30 Additional terms and conditions of probation or
 947 community control for certain sex offenses.--Conditions imposed
 948 pursuant to this section do not require oral pronouncement at
 949 the time of sentencing and shall be considered standard
 950 conditions of probation or community control for offenders
 951 specified in this section.

952 (2) Effective for a probationer or community controllee
 953 whose crime was committed on or after October 1, 1997, and who
 954 is placed on community control or sex offender probation for a
 955 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),
 956 or s. 847.0145, in addition to any other provision of this
 957 section, the court must impose the following conditions of
 958 probation or community control:

959 (a) As part of a treatment program, participation at least
 960 annually in polygraph examinations to obtain information
 961 necessary for risk management and treatment and to reduce the
 962 sex offender's denial mechanisms. A polygraph examination must
 963 be conducted by a polygrapher trained specifically in the use of
 964 the polygraph for the monitoring of sex offenders who has been
 965 authorized by the department and approved by the court, where
 966 available, and shall be paid for by the probationer or community
 967 controllee ~~sex offender~~. The results of the polygraph
 968 examination shall be provided to the probationer's or community
 969 controllee's probation officer and therapist and shall not be

HB 77

2009

970 used as evidence in court to prove that a violation of community
971 supervision has occurred.

972 (4) (a) The court must, in addition to all other provisions
973 of this section, impose the special conditions in paragraph (b)
974 on the following probationers or community controllees whose
975 crime was committed on or after July 1, 2009:

976 1. A probationer or community controllee who violated s.
977 800.04(4), (5), or (6); s. 827.071; or s. 847.0145 in this state
978 or committed a similar offense in another jurisdiction when, at
979 the time of the offense, the victim was under 16 years of age
980 and the probationer or community controllee was 18 years of age
981 or older.

982 2. A probationer or community controllee who is designated
983 as a sexual predator under s. 775.21 or who has received a
984 similar designation or determination in another jurisdiction.

985 3. A probationer or community controllee subject to
986 registration as a sexual predator under s. 775.21 or as a sexual
987 offender pursuant to s. 943.0435 who has committed an offense
988 that would meet the criteria for the designation or registration
989 when at the time of the offense the victim was under 16 years of
990 age and the probationer or community controllee was 18 years of
991 age or older, who commits a violation of s. 775.21 or s.
992 943.0435 on or after July 1, 2009, and who is not otherwise
993 subject to this paragraph.

994 (b) The court must order:

995 1. A prohibition on visiting areas where children
996 regularly congregate, including, but not limited to, schools,
997 day care centers, parks, and playgrounds. The court may also

HB 77

2009

998 designate additional locations to protect the victim. The
 999 prohibition ordered under this subparagraph does not prohibit
 1000 the probationer or community controllee's attendance at
 1001 religious services as defined in s. 775.0861.

1002 2. A prohibition on participation in holiday events where
 1003 children are present without prior approval from the court,
 1004 including, but not limited to, distributing candy or other items
 1005 to children on Halloween, entertaining at children's parties, or
 1006 wearing a costume to appeal to children. Such costumes include,
 1007 but are not limited to, a Santa Claus costume, an Easter Bunny
 1008 costume, or a clown costume.

1009 Section 9. Section 948.31, Florida Statutes, is amended to
 1010 read:

1011 948.31 ~~Diagnosis, Evaluation, and treatment of~~ sexual
 1012 predators and offenders placed on probation or community control
 1013 ~~for certain sex offenses or child exploitation.--The court shall~~
 1014 require an a diagnosis and evaluation to determine the need of a
 1015 probationer or community controllee offender in community
 1016 ~~control~~ for treatment. If the court determines that a need
 1017 therefor is established by the such diagnosis and evaluation
 1018 process, the court shall require sexual offender treatment
 1019 ~~outpatient counseling~~ as a term or condition of probation or
 1020 community control for any person who meets the criteria to be
 1021 designated as a sexual predator under s. 775.21 or to be subject
 1022 to registration as a sexual offender under s. 943.0435. was
 1023 ~~found guilty of any of the following, or whose plea of guilty or~~
 1024 ~~nolo contendere to any of the following was accepted by the~~
 1025 ~~court:~~

1026 ~~(1) Lewd or lascivious battery, lewd or lascivious~~
 1027 ~~molestation, lewd or lascivious conduct, or lewd or lascivious~~
 1028 ~~exhibition, as defined in s. 800.04 or s. 847.0135(5).~~

1029 ~~(2) Sexual battery, as defined in chapter 794, against a~~
 1030 ~~child.~~

1031 ~~(3) Exploitation of a child as provided in s. 450.151, or~~
 1032 ~~for prostitution.~~

1033

1034 Such treatment counseling shall be required to be obtained from
 1035 a qualified practitioner specifically trained to treat sex
 1036 offenders. The court shall impose a restriction against contact
 1037 with minors if sexual offender treatment is recommended a
 1038 community mental health center, a recognized social service
 1039 agency providing mental health services, or a private mental
 1040 health professional or through other professional counseling.

1041 The evaluation and recommendations plan for treatment of
 1042 counseling for the probationer or community controllee
 1043 individual shall be provided to the court for review.

1044 Section 10. Paragraph (a) of subsection (3) of section
 1045 985.481, Florida Statutes, is amended to read:

1046 985.481 Sexual offenders adjudicated delinquent;
 1047 notification upon release.--

1048 (3) (a) The department must provide information regarding
 1049 any sexual offender who is being released after serving a period
 1050 of residential commitment under the department for any offense,
 1051 as follows:

1052 1. The department must provide the sexual offender's name,
 1053 any change in the offender's name by reason of marriage or other

1054 | legal process, and any alias, if known; the correctional
 1055 | facility from which the sexual offender is released; the sexual
 1056 | offender's social security number, race, sex, date of birth,
 1057 | height, weight, and hair and eye color; address of any planned
 1058 | permanent residence or temporary residence, within the state or
 1059 | out of state, including a rural route address and a post office
 1060 | box; if no permanent or temporary address, any transient
 1061 | residence within the state; address, location, or description
 1062 | and dates of any known future temporary residence within the
 1063 | state or out of state; date and county of disposition and each
 1064 | crime for which there was a disposition; a copy of the
 1065 | offender's fingerprints and a digitized photograph taken within
 1066 | 60 days before release; the date of release of the sexual
 1067 | offender; and the offender's intended residence address, if
 1068 | known. The department shall notify the Department of Law
 1069 | Enforcement if the sexual offender escapes, absconds, or dies.
 1070 | If the sexual offender is in the custody of a private
 1071 | correctional facility, the facility shall take the digitized
 1072 | photograph of the sexual offender within 60 days before the
 1073 | sexual offender's release and also place it in the sexual
 1074 | offender's file. If the sexual offender is in the custody of a
 1075 | local jail, the custodian of the local jail shall register the
 1076 | offender within 3 business days after intake of the offender for
 1077 | any reason and upon release, and shall notify the Department of
 1078 | Law Enforcement of the sexual offender's release and provide to
 1079 | the Department of Law Enforcement the information specified in
 1080 | this subparagraph and any information specified in subparagraph
 1081 | 2. which the Department of Law Enforcement requests.

1082 2. The department may provide any other information
 1083 considered necessary, including criminal and delinquency
 1084 records, when available.

1085 Section 11. Paragraph (a) of subsection (4), paragraph (a)
 1086 of subsection (6), and paragraph (b) of subsection (13) of
 1087 section 985.4815, Florida Statutes, are amended to read:

1088 985.4815 Notification to Department of Law Enforcement of
 1089 information on juvenile sexual offenders.--

1090 (4) A sexual offender, as described in this section, who
 1091 is under the supervision of the department but who is not
 1092 committed must register with the department within 3 business
 1093 days after adjudication and disposition for a registrable
 1094 offense and otherwise provide information as required by this
 1095 subsection.

1096 (a) The sexual offender shall provide his or her name;
 1097 date of birth; social security number; race; sex; height;
 1098 weight; hair and eye color; tattoos or other identifying marks;
 1099 and permanent or legal residence and address of temporary
 1100 residence within the state or out of state while the sexual
 1101 offender is in the care or custody or under the jurisdiction or
 1102 supervision of the department in this state, including any rural
 1103 route address or post office box, if no permanent or temporary
 1104 address, any transient residence; address, location, or
 1105 description and dates of any current or known future temporary
 1106 residence within the state or out of state, and the name and
 1107 address of each school attended. The department shall verify the
 1108 address of each sexual offender and shall report to the

HB 77

2009

1109 Department of Law Enforcement any failure by a sexual offender
 1110 to comply with registration requirements.

1111 (6) (a) The information provided to the Department of Law
 1112 Enforcement must include the following:

1113 1. The information obtained from the sexual offender under
 1114 subsection (4).

1115 2. The sexual offender's most current address and place of
 1116 permanent or temporary residence within the state or out of
 1117 state or transient residence; and address, location, or
 1118 description and dates of any current or known future temporary
 1119 residence within the state or out of state while the sexual
 1120 offender is in the care or custody or under the jurisdiction or
 1121 supervision of the department in this state, including the name
 1122 of the county or municipality in which the offender permanently,
 1123 ~~or~~ temporarily, or transiently resides; and address, location,
 1124 or description and dates of any current or known future
 1125 temporary residence within the state or out of state; and, if
 1126 known, the intended place of permanent or temporary residence or
 1127 transient residence; and address, location, or description and
 1128 dates of any current or known future temporary residence within
 1129 the state or out of state upon satisfaction of all sanctions.

1130 3. The legal status of the sexual offender and the
 1131 scheduled termination date of that legal status.

1132 4. The location of, and local telephone number for, any
 1133 department office that is responsible for supervising the sexual
 1134 offender.

HB 77

2009

1135 5. An indication of whether the victim of the offense that
1136 resulted in the offender's status as a sexual offender was a
1137 minor.

1138 6. The offense or offenses at adjudication and disposition
1139 that resulted in the determination of the offender's status as a
1140 sex offender.

1141 7. A digitized photograph of the sexual offender, which
1142 must have been taken within 60 days before the offender was
1143 released from the custody of the department or a private
1144 correctional facility by expiration of sentence under s.
1145 944.275, or within 60 days after the onset of the department's
1146 supervision of any sexual offender who is on probation,
1147 postcommitment probation, residential commitment, nonresidential
1148 commitment, licensed child-caring commitment, community control,
1149 conditional release, parole, provisional release, or control
1150 release or who is supervised by the department under the
1151 Interstate Compact Agreement for Probationers and Parolees. If
1152 the sexual offender is in the custody of a private correctional
1153 facility, the facility shall take a digitized photograph of the
1154 sexual offender within the time period provided in this
1155 subparagraph and shall provide the photograph to the department.

1156 (13)

1157 (b) The sheriff's office may determine the appropriate
1158 times and days for reporting by the sexual offender, which shall
1159 be consistent with the reporting requirements of this
1160 subsection. Reregistration shall include any changes to the
1161 following information:

1162 1. Name; social security number; age; race; sex; date of
1163 birth; height; weight; hair and eye color; address of any
1164 permanent residence and address of any current temporary
1165 residence, within the state or out of state, including a rural
1166 route address and a post office box; if no permanent or
1167 temporary address, any transient residence; address, location,
1168 or description and dates of any current or known future
1169 temporary residence within the state or out of state; name and
1170 address of each school attended; date and place of any
1171 employment; vehicle make, model, color, and license tag number;
1172 fingerprints; and photograph. A post office box shall not be
1173 provided in lieu of a physical residential address.

1174 2. If the sexual offender is enrolled, employed, or
1175 carrying on a vocation at an institution of higher education in
1176 this state, the sexual offender shall also provide to the
1177 department the name, address, and county of each institution,
1178 including each campus attended, and the sexual offender's
1179 enrollment or employment status.

1180 3. If the sexual offender's place of residence is a motor
1181 vehicle, trailer, mobile home, or manufactured home, as defined
1182 in chapter 320, the sexual offender shall also provide the
1183 vehicle identification number; the license tag number; the
1184 registration number; and a description, including color scheme,
1185 of the motor vehicle, trailer, mobile home, or manufactured
1186 home. If the sexual offender's place of residence is a vessel,
1187 live-aboard vessel, or houseboat, as defined in chapter 327, the
1188 sexual offender shall also provide the hull identification
1189 number; the manufacturer's serial number; the name of the

HB 77

2009

1190 vessel, live-aboard vessel, or houseboat; the registration
1191 number; and a description, including color scheme, of the
1192 vessel, live-aboard vessel, or houseboat.

1193 4. Any sexual offender who fails to report in person as
1194 required at the sheriff's office, or who fails to respond to any
1195 address verification correspondence from the department within 3
1196 weeks after the date of the correspondence, commits a felony of
1197 the third degree, punishable as provided in ss. 775.082,
1198 775.083, and 775.084.

1199 Section 12. This act shall take effect July 1, 2009.