

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; prohibiting  
6           certain actions toward a child at a public park or  
7           playground by certain offenders; prohibiting the presence  
8           of certain offenders at a child care facility without  
9           notice and supervision; providing exceptions; providing  
10          penalties; amending s. 775.21, F.S.; revising and  
11          providing definitions; revising provisions relating to  
12          reporting requirements for sexual predators who are in a  
13          transient status; amending s. 943.0435, F.S.; revising  
14          provisions relating to residence reporting requirements  
15          for sexual offenders; amending s. 943.04352, F.S.;  
16          requiring that the probation services provider search in  
17          an additional specified sex offender registry for  
18          information regarding sexual predators and sexual  
19          offenders when an offender is placed on misdemeanor  
20          probation; amending s. 944.606, F.S.; revising address  
21          reporting requirements for sexual offenders; amending s.  
22          944.607, F.S.; requiring additional registration  
23          information from sex offenders who are under the  
24          supervision of the Department of Corrections but who are  
25          not incarcerated; amending s. 947.1405, F.S.; revising  
26          provisions relating to polygraph examinations of specified  
27          conditional releasees who have committed specified sexual  
28          offenses; providing additional restrictions for certain

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29 conditional releasees who have committed sexual offenses  
30 against minors under the age of 16 or who have been  
31 designated as sexual predators or received similar  
32 designations or determinations in another jurisdiction;  
33 amending s. 948.30, F.S.; revising provisions relating to  
34 polygraph examinations of specified probationers or  
35 community controllees who have committed specified sexual  
36 offenses; providing additional restrictions for certain  
37 probationers or community controllees who committed sexual  
38 offenses against minors under the age of 16 or who have  
39 been designated as sexual predators or received similar  
40 designations or determinations in another jurisdiction;  
41 amending s. 948.31, F.S.; deleting a requirement for  
42 diagnosis of certain sexual predators and sexual offenders  
43 on community control; revising provisions relating to  
44 treatment for such offenders and predators; amending s.  
45 985.481, F.S.; providing additional address reporting  
46 requirements for sexual offenders adjudicated delinquent;  
47 amending s. 985.4815, F.S.; revising provisions relating  
48 to address and residence reporting requirements for sexual  
49 offenders adjudicated delinquent; providing an effective  
50 date.

51

52 Be It Enacted by the Legislature of the State of Florida:

53

54 Section 1. Section 856.022, Florida Statutes, is created  
55 to read:

56 856.022 Loitering or prowling by certain offenders in

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57 close proximity to children; penalty.--

58 (1) This section applies to an offender convicted of  
59 committing, or attempting, soliciting, or conspiring to commit,  
60 any of the criminal offenses proscribed in the following  
61 statutes in this state or similar offenses in another  
62 jurisdiction against a victim who was under the age of 18 at the  
63 time of the offense when the offender was 24 years of age or  
64 older: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the  
65 victim is a minor and the offender was not the victim's parent  
66 or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s.  
67 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.  
68 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.  
69 847.0138; s. 847.0145; s. 985.701(1); or any similar offense  
70 committed in this state which has been redesignated from a  
71 former statute number to one of those listed in this subsection,  
72 if the offender has not received a pardon for any felony or  
73 similar law of another jurisdiction necessary for the operation  
74 of this subsection and a conviction of a felony or similar law  
75 of another jurisdiction necessary for the operation of this  
76 subsection has not been set aside in any postconviction  
77 proceeding.

78 (2) An offender described in subsection (1) commits  
79 loitering and prowling by a person convicted of a sexual offense  
80 against a minor if, in committing loitering and prowling, he or  
81 she was within 300 feet of a place where children regularly  
82 congregate, including, but not limited to, a school, day care  
83 center, playground, or park.

84 (3) It is unlawful for an offender described in subsection

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85 (1) to:

86 (a) Knowingly approach, contact, or communicate with a  
87 child under 18 years of age in any public park building or on  
88 real property comprising any public park or playground with  
89 intent to engage in conduct of a sexual nature, or to make a  
90 communication of any type containing any content of a sexual  
91 nature. This paragraph applies only to an offender described in  
92 subsection (1) whose offense was committed on or after July 1,  
93 2009.

94 (b)1. Knowingly be present in any child care facility or  
95 pre-K through 12 school or on real property comprising any child  
96 care facility or pre-K through 12 school when the child care  
97 facility or school is in operation unless the offender has  
98 provided written notification of his or her intent to be present  
99 to the school board, superintendent, principal, or child care  
100 facility owner.

101 2. Fail to notify the child care facility owner or the  
102 principal's office when he or she arrives and departs the child  
103 care facility or school.

104 3. Fail to remain under direct supervision of a school  
105 official or designated chaperone when present in the vicinity of  
106 children. As used in this subparagraph, the term "school  
107 official" means a principal, school resource officer, teacher or  
108 any other employee of the school, the superintendent of schools,  
109 a member of the school board, a child care facility owner, or a  
110 child care provider.

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

112 (a) The child care facility or school is a voting location

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113 and the offender is present for the purpose of voting during the  
 114 hours designated for voting; or

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

118 (5) Any person who violates this section commits a  
 119 misdemeanor of the first degree, punishable as provided in s.  
 120 775.082 or s. 775.083.

121 Section 2. Paragraph (g) of subsection (2), paragraphs (a)  
 122 and (c) of subsection (4), paragraph (a) of subsection (5),  
 123 paragraphs (a), (f), (g), (i), and (j) of subsection (6),  
 124 paragraph (a) of subsection (7), and paragraph (a) of subsection  
 125 (8) of section 775.21, Florida Statutes, are amended, and  
 126 paragraph (l) is added to subsection (2) of that section, to  
 127 read:

128 775.21 The Florida Sexual Predators Act.--

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

130 (g) "Temporary residence" means a place where the person  
 131 abides, lodges, or resides, including, but not limited to,  
 132 vacation, business, or personal travel destinations in or out of  
 133 this state, for a period of 5 or more days in the aggregate  
 134 during any calendar year and which is not the person's permanent  
 135 address or, for a person whose permanent residence is not in  
 136 this state, a place where the person is employed, practices a  
 137 vocation, or is enrolled as a student for any period of time in  
 138 this state.

139 (l) "Transient residence" means a place or county where a  
 140 person lives, remains, or is located for a period of 5 or more

141 days in the aggregate during a calendar year and which is not  
 142 the person's permanent or temporary address. The term includes,  
 143 but is not limited to, a place where the person sleeps or seeks  
 144 shelter and a location that has no specific street address.

145 (4) SEXUAL PREDATOR CRITERIA.--

146 (a) For a current offense committed on or after October 1,  
 147 1993, upon conviction, an offender shall be designated as a  
 148 "sexual predator" under subsection (5), and subject to  
 149 registration under subsection (6) and community and public  
 150 notification under subsection (7) if:

151 1. The felony is:

152 a. A capital, life, or first-degree felony violation, or  
 153 any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
 154 is a minor and the defendant is not the victim's parent or  
 155 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a  
 156 violation of a similar law of another jurisdiction; or

157 b. Any felony violation, or any attempt thereof, of s.  
 158 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
 159 minor and the defendant is not the victim's parent or guardian;  
 160 s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
 161 796.035; s. 800.04; s. 825.1025(2)(b); s. 827.071; s.  
 162 847.0135(5); s. 847.0145; or s. 985.701(1); or a violation of a  
 163 similar law of another jurisdiction, and the offender has  
 164 previously been convicted of or found to have committed, or has  
 165 pled nolo contendere or guilty to, regardless of adjudication,  
 166 any violation of s. 787.01, s. 787.02, or s. 787.025(2)(c),  
 167 where the victim is a minor and the defendant is not the  
 168 victim's parent or guardian; s. 794.011, excluding s.

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169 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
 170 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
 171 847.0135 (6) ~~(4)~~; s. 847.0145; or s. 985.701(1); or a violation of  
 172 a similar law of another jurisdiction;

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

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

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

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

185 2. The offender was administratively registered as a  
 186 sexual predator because the Department of Corrections, the  
 187 department, or any other law enforcement agency obtained  
 188 information that indicated that the offender met the criteria  
 189 for designation as a sexual predator based on a violation of a  
 190 similar law in another jurisdiction,

191  
 192 the department shall remove that offender from the department's  
 193 list of sexual predators and, for an offender described under  
 194 subparagraph 1., shall notify the state attorney who prosecuted  
 195 the offense that met the criteria for administrative designation  
 196 as a sexual predator, and, for an offender described under this

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197 paragraph, shall notify the state attorney of the county where  
198 the offender establishes or maintains a permanent, ~~or~~ temporary,  
199 or transient residence. The state attorney shall bring the  
200 matter to the court's attention in order to establish that the  
201 offender meets the criteria for designation as a sexual  
202 predator. If the court makes a written finding that the offender  
203 is a sexual predator, the offender must be designated as a  
204 sexual predator, must register or be registered as a sexual  
205 predator with the department as provided in subsection (6), and  
206 is subject to the community and public notification as provided  
207 in subsection (7). If the court does not make a written finding  
208 that the offender is a sexual predator, the offender may not be  
209 designated as a sexual predator with respect to that offense and  
210 is not required to register or be registered as a sexual  
211 predator with the department.

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

214 (a)1. An offender who meets the sexual predator criteria  
215 described in paragraph (4) (d) is a sexual predator, and the  
216 court shall make a written finding at the time such offender is  
217 determined to be a sexually violent predator under chapter 394  
218 that such person meets the criteria for designation as a sexual  
219 predator for purposes of this section. The clerk shall transmit  
220 a copy of the order containing the written finding to the  
221 department within 48 hours after the entry of the order;

222 2. An offender who meets the sexual predator criteria  
223 described in paragraph (4) (a) who is before the court for  
224 sentencing for a current offense committed on or after October



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225 1, 1993, is a sexual predator, and the sentencing court must  
 226 make a written finding at the time of sentencing that the  
 227 offender is a sexual predator, and the clerk of the court shall  
 228 transmit a copy of the order containing the written finding to  
 229 the department within 48 hours after the entry of the order; or

230 3. If the Department of Corrections, the department, or  
 231 any other law enforcement agency obtains information which  
 232 indicates that an offender who establishes or maintains a  
 233 permanent, ~~or~~ temporary, or transient residence in this state  
 234 meets the sexual predator criteria described in paragraph (4) (a)  
 235 or paragraph (4) (d) because the offender was civilly committed  
 236 or committed a similar violation in another jurisdiction on or  
 237 after October 1, 1993, the Department of Corrections, the  
 238 department, or the law enforcement agency shall notify the state  
 239 attorney of the county where the offender establishes or  
 240 maintains a permanent, ~~or~~ temporary, or transient residence of  
 241 the offender's presence in the community. The state attorney  
 242 shall file a petition with the criminal division of the circuit  
 243 court for the purpose of holding a hearing to determine if the  
 244 offender's criminal record or record of civil commitment from  
 245 another jurisdiction meets the sexual predator criteria. If the  
 246 court finds that the offender meets the sexual predator criteria  
 247 because the offender has violated a similar law or similar laws  
 248 in another jurisdiction, the court shall make a written finding  
 249 that the offender is a sexual predator.

250  
 251 When the court makes a written finding that an offender is a  
 252 sexual predator, the court shall inform the sexual predator of

253 the registration and community and public notification  
 254 requirements described in this section. Within 48 hours after  
 255 the court designating an offender as a sexual predator, the  
 256 clerk of the circuit court shall transmit a copy of the court's  
 257 written sexual predator finding to the department. If the  
 258 offender is sentenced to a term of imprisonment or supervision,  
 259 a copy of the court's written sexual predator finding must be  
 260 submitted to the Department of Corrections.

261 (6) REGISTRATION.--

262 (a) A sexual predator must register with the department  
 263 through the sheriff's office by providing the following  
 264 information to the department:

265 1. Name, social security number, age, race, sex, date of  
 266 birth, height, weight, hair and eye color, photograph, address  
 267 of legal residence and address of any current temporary  
 268 residence, within the state or out of state, including a rural  
 269 route address and a post office box, if no permanent or  
 270 temporary address, any transient residence within the state,  
 271 address, location or description, and dates of any current or  
 272 known future temporary residence within the state or out of  
 273 state, any electronic mail address and any instant message name  
 274 required to be provided pursuant to subparagraph (g)4., date and  
 275 place of any employment, date and place of each conviction,  
 276 fingerprints, and a brief description of the crime or crimes  
 277 committed by the offender. A post office box shall not be  
 278 provided in lieu of a physical residential address.

279 a. If the sexual predator's place of residence is a motor  
 280 vehicle, trailer, mobile home, or manufactured home, as defined

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281 in chapter 320, the sexual predator shall also provide to the  
282 department written notice of the vehicle identification number;  
283 the license tag number; the registration number; and a  
284 description, including color scheme, of the motor vehicle,  
285 trailer, mobile home, or manufactured home. If a sexual  
286 predator's place of residence is a vessel, live-aboard vessel,  
287 or houseboat, as defined in chapter 327, the sexual predator  
288 shall also provide to the department written notice of the hull  
289 identification number; the manufacturer's serial number; the  
290 name of the vessel, live-aboard vessel, or houseboat; the  
291 registration number; and a description, including color scheme,  
292 of the vessel, live-aboard vessel, or houseboat.

293 b. If the sexual predator is enrolled, employed, or  
294 carrying on a vocation at an institution of higher education in  
295 this state, the sexual predator shall also provide to the  
296 department the name, address, and county of each institution,  
297 including each campus attended, and the sexual predator's  
298 enrollment or employment status. Each change in enrollment or  
299 employment status shall be reported in person at the sheriff's  
300 office, or the Department of Corrections if the sexual predator  
301 is in the custody or control of or under the supervision of the  
302 Department of Corrections, within 48 hours after any change in  
303 status. The sheriff or the Department of Corrections shall  
304 promptly notify each institution of the sexual predator's  
305 presence and any change in the sexual predator's enrollment or  
306 employment status.

307 2. Any other information determined necessary by the  
308 department, including criminal and corrections records;

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309 nonprivileged personnel and treatment records; and evidentiary  
310 genetic markers when available.

311 (f) Within 48 hours after the registration required under  
312 paragraph (a) or paragraph (e), a sexual predator who is not  
313 incarcerated and who resides in the community, including a  
314 sexual predator under the supervision of the Department of  
315 Corrections, shall register in person at a driver's license  
316 office of the Department of Highway Safety and Motor Vehicles  
317 and shall present proof of registration. At the driver's license  
318 office the sexual predator shall:

319 1. If otherwise qualified, secure a Florida driver's  
320 license, renew a Florida driver's license, or secure an  
321 identification card. The sexual predator shall identify himself  
322 or herself as a sexual predator who is required to comply with  
323 this section, provide his or her place of permanent, ~~or~~  
324 temporary, or transient residence, including a rural route  
325 address and a post office box, and submit to the taking of a  
326 photograph for use in issuing a driver's license, renewed  
327 license, or identification card, and for use by the department  
328 in maintaining current records of sexual predators. A post  
329 office box shall not be provided in lieu of a physical  
330 residential address. If the sexual predator's place of residence  
331 is a motor vehicle, trailer, mobile home, or manufactured home,  
332 as defined in chapter 320, the sexual predator shall also  
333 provide to the Department of Highway Safety and Motor Vehicles  
334 the vehicle identification number; the license tag number; the  
335 registration number; and a description, including color scheme,  
336 of the motor vehicle, trailer, mobile home, or manufactured

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337 home. If a sexual predator's place of residence is a vessel,  
338 live-aboard vessel, or houseboat, as defined in chapter 327, the  
339 sexual predator shall also provide to the Department of Highway  
340 Safety and Motor Vehicles the hull identification number; the  
341 manufacturer's serial number; the name of the vessel, live-  
342 aboard vessel, or houseboat; the registration number; and a  
343 description, including color scheme, of the vessel, live-aboard  
344 vessel, or houseboat.

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

350 3. Provide, upon request, any additional information  
351 necessary to confirm the identity of the sexual predator,  
352 including a set of fingerprints.

353 (g)1. Each time a sexual predator's driver's license or  
354 identification card is subject to renewal, and, without regard  
355 to the status of the predator's driver's license or  
356 identification card, within 48 hours after any change of the  
357 predator's residence or change in the predator's name by reason  
358 of marriage or other legal process, the predator shall report in  
359 person to a driver's license office and shall be subject to the  
360 requirements specified in paragraph (f). The Department of  
361 Highway Safety and Motor Vehicles shall forward to the  
362 department and to the Department of Corrections all photographs  
363 and information provided by sexual predators. Notwithstanding  
364 the restrictions set forth in s. 322.142, the Department of

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365 Highway Safety and Motor Vehicles is authorized to release a  
 366 reproduction of a color-photograph or digital-image license to  
 367 the Department of Law Enforcement for purposes of public  
 368 notification of sexual predators as provided in this section.

369 2. A sexual predator who vacates a permanent, temporary,  
 370 or transient residence and fails to establish or maintain  
 371 another permanent or temporary residence shall, within 48 hours  
 372 after vacating the permanent, temporary, or transient residence,  
 373 report in person to the sheriff's office of the county in which  
 374 he or she is located. The sexual predator shall specify the date  
 375 upon which he or she intends to or did vacate such residence.  
 376 The sexual predator must provide or update all of the  
 377 registration information required under paragraph (a). The  
 378 sexual predator must provide an address for the residence or  
 379 other place ~~location~~ that he or she is or will be located  
 380 ~~occupying~~ during the time in which he or she fails to establish  
 381 or maintain a permanent or temporary residence.

382 3. A sexual predator who remains at a permanent,  
 383 temporary, or transient residence after reporting his or her  
 384 intent to vacate such residence shall, within 48 hours after the  
 385 date upon which the predator indicated he or she would or did  
 386 vacate such residence, report in person to the sheriff's office  
 387 to which he or she reported pursuant to subparagraph 2. for the  
 388 purpose of reporting his or her address at such residence. When  
 389 the sheriff receives the report, the sheriff shall promptly  
 390 convey the information to the department. An offender who makes  
 391 a report as required under subparagraph 2. but fails to make a  
 392 report as required under this subparagraph commits a felony of

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393 the second degree, punishable as provided in s. 775.082, s.  
394 775.083, or s. 775.084.

395 4. A sexual predator must register any electronic mail  
396 address or instant message name with the department prior to  
397 using such electronic mail address or instant message name on or  
398 after October 1, 2007. The department shall establish an online  
399 system through which sexual predators may securely access and  
400 update all electronic mail address and instant message name  
401 information.

402 (i) A sexual predator who intends to establish a  
403 permanent, temporary, or transient residence in another state or  
404 jurisdiction other than the State of Florida shall report in  
405 person to the sheriff of the county of current residence within  
406 48 hours before the date he or she intends to leave this state  
407 to establish residence in another state or jurisdiction. The  
408 sexual predator must provide to the sheriff the address,  
409 municipality, county, and state of intended residence. The  
410 sheriff shall promptly provide to the department the information  
411 received from the sexual predator. The department shall notify  
412 the statewide law enforcement agency, or a comparable agency, in  
413 the intended state or jurisdiction of residence of the sexual  
414 predator's intended residence. The failure of a sexual predator  
415 to provide his or her intended place of residence is punishable  
416 as provided in subsection (10).

417 (j) A sexual predator who indicates his or her intent to  
418 establish a permanent, temporary, or transient residence ~~reside~~  
419 in another state or jurisdiction other than the State of Florida  
420 and later decides to remain in this state shall, within 48 hours

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421 after the date upon which the sexual predator indicated he or  
 422 she would leave this state, report in person to the sheriff to  
 423 which the sexual predator reported the intended change of  
 424 residence, and report his or her intent to remain in this state.  
 425 If the sheriff is notified by the sexual predator that he or she  
 426 intends to remain in this state, the sheriff shall promptly  
 427 report this information to the department. A sexual predator who  
 428 reports his or her intent to establish a permanent, temporary,  
 429 or transient residence ~~reside~~ in another state or jurisdiction,  
 430 but who remains in this state without reporting to the sheriff  
 431 in the manner required by this paragraph, commits a felony of  
 432 the second degree, punishable as provided in s. 775.082, s.  
 433 775.083, or s. 775.084.

434 (7) COMMUNITY AND PUBLIC NOTIFICATION.--

435 (a) Law enforcement agencies must inform members of the  
 436 community and the public of a sexual predator's presence. Upon  
 437 notification of the presence of a sexual predator, the sheriff  
 438 of the county or the chief of police of the municipality where  
 439 the sexual predator establishes or maintains a permanent or  
 440 temporary residence shall notify members of the community and  
 441 the public of the presence of the sexual predator in a manner  
 442 deemed appropriate by the sheriff or the chief of police. Within  
 443 48 hours after receiving notification of the presence of a  
 444 sexual predator, the sheriff of the county or the chief of  
 445 police of the municipality where the sexual predator temporarily  
 446 or permanently resides shall notify each licensed day care  
 447 center, elementary school, middle school, and high school within  
 448 a 1-mile radius of the temporary or permanent residence of the



449 sexual predator of the presence of the sexual predator.  
 450 Information provided to members of the community and the public  
 451 regarding a sexual predator must include:

- 452 1. The name of the sexual predator;
- 453 2. A description of the sexual predator, including a  
 454 photograph;
- 455 3. The sexual predator's current permanent, temporary, and  
 456 transient addresses, and descriptions of registered locations  
 457 that have no specific street address, including the name of the  
 458 county or municipality if known;
- 459 4. The circumstances of the sexual predator's offense or  
 460 offenses; and
- 461 5. Whether the victim of the sexual predator's offense or  
 462 offenses was, at the time of the offense, a minor or an adult.

463  
 464 This paragraph does not authorize the release of the name of any  
 465 victim of the sexual predator.

466 (8) VERIFICATION.--The department and the Department of  
 467 Corrections shall implement a system for verifying the addresses  
 468 of sexual predators. The system must be consistent with the  
 469 provisions of the federal Adam Walsh Child Protection and Safety  
 470 Act of 2006 and any other federal standards applicable to such  
 471 verification or required to be met as a condition for the  
 472 receipt of federal funds by the state. The Department of  
 473 Corrections shall verify the addresses of sexual predators who  
 474 are not incarcerated but who reside in the community under the  
 475 supervision of the Department of Corrections and shall report to  
 476 the department any failure by a sexual predator to comply with

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477 registration requirements. County and local law enforcement  
478 agencies, in conjunction with the department, shall verify the  
479 addresses of sexual predators who are not under the care,  
480 custody, control, or supervision of the Department of  
481 Corrections. Local law enforcement agencies shall report to the  
482 department any failure by a sexual predator to comply with  
483 registration requirements.

484 (a) A sexual predator must report in person each year  
485 during the month of the sexual predator's birthday and during  
486 every third month thereafter to the sheriff's office in the  
487 county in which he or she resides or is otherwise located to  
488 reregister. The sheriff's office may determine the appropriate  
489 times and days for reporting by the sexual predator, which shall  
490 be consistent with the reporting requirements of this paragraph.  
491 Reregistration shall include any changes to the following  
492 information:

493 1. Name; social security number; age; race; sex; date of  
494 birth; height; weight; hair and eye color; address of any  
495 permanent residence and address of any current temporary  
496 residence, within the state or out of state, including a rural  
497 route address and a post office box; if no permanent or  
498 temporary address, any transient residence within the state;  
499 address, location or description, and dates of any current or  
500 known future temporary residence within the state or out of  
501 state; any electronic mail address and any instant message name  
502 required to be provided pursuant to subparagraph (6)(g)4.; date  
503 and place of any employment; vehicle make, model, color, and  
504 license tag number; fingerprints; and photograph. A post office

505 | box shall not be provided in lieu of a physical residential  
 506 | address.

507 |         2. If the sexual predator is enrolled, employed, or  
 508 | carrying on a vocation at an institution of higher education in  
 509 | this state, the sexual predator shall also provide to the  
 510 | department the name, address, and county of each institution,  
 511 | including each campus attended, and the sexual predator's  
 512 | enrollment or employment status.

513 |         3. If the sexual predator's place of residence is a motor  
 514 | vehicle, trailer, mobile home, or manufactured home, as defined  
 515 | in chapter 320, the sexual predator shall also provide the  
 516 | vehicle identification number; the license tag number; the  
 517 | registration number; and a description, including color scheme,  
 518 | of the motor vehicle, trailer, mobile home, or manufactured  
 519 | home. If the sexual predator's place of residence is a vessel,  
 520 | live-aboard vessel, or houseboat, as defined in chapter 327, the  
 521 | sexual predator shall also provide the hull identification  
 522 | number; the manufacturer's serial number; the name of the  
 523 | vessel, live-aboard vessel, or houseboat; the registration  
 524 | number; and a description, including color scheme, of the  
 525 | vessel, live-aboard vessel, or houseboat.

526 |         Section 3. Paragraph (c) of subsection (1), subsection  
 527 | (2), paragraphs (a), (b), and (c) of subsection (4), subsections  
 528 | (7), (8), and (10), and paragraph (c) of subsection (14) of  
 529 | section 943.0435, Florida Statutes, are amended to read:

530 |             943.0435 Sexual offenders required to register with the  
 531 | department; penalty.--

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

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533 (c) "Permanent residence," ~~and~~ "temporary residence," and  
 534 "transient residence" have the same meaning ascribed in s.  
 535 775.21.

536 (2) A sexual offender shall:

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

538 1. In the county in which the offender establishes or  
 539 maintains a permanent, ~~or~~ temporary, or transient residence  
 540 within 48 hours after:

541 a. Establishing permanent, ~~or~~ temporary, or transient  
 542 residence in this state ; or

543 b. Being released from the custody, control, or  
 544 supervision of the Department of Corrections or from the custody  
 545 of a private correctional facility; or

546 2. In the county where he or she was convicted within 48  
 547 hours after being convicted for a qualifying offense for  
 548 registration under this section if the offender is not in the  
 549 custody or control of, or under the supervision of, the  
 550 Department of Corrections, or is not in the custody of a private  
 551 correctional facility.

552  
 553 Any change in the information required to be provided pursuant  
 554 to paragraph (b), including, but not limited to, any change in  
 555 the sexual offender's permanent, ~~or~~ temporary, or transient  
 556 residence, name, any electronic mail address, and any instant  
 557 message name required to be provided pursuant to paragraph  
 558 (4) (d), after the sexual offender reports in person at the  
 559 sheriff's office, shall be accomplished in the manner provided  
 560 in subsections (4), (7), and (8).

561 (b) Provide his or her name, date of birth, social  
562 security number, race, sex, height, weight, hair and eye color,  
563 tattoos or other identifying marks, occupation and place of  
564 employment, address of permanent or legal residence or address  
565 of any current temporary residence, within the state and out of  
566 state, including a rural route address and a post office box, if  
567 no permanent or temporary address, any transient residence  
568 within the state, address, location or description, and dates of  
569 any current or known future temporary residence within the state  
570 or out of state, any electronic mail address and any instant  
571 message name required to be provided pursuant to paragraph  
572 (4) (d), date and place of each conviction, and a brief  
573 description of the crime or crimes committed by the offender. A  
574 post office box shall not be provided in lieu of a physical  
575 residential address.

576 1. If the sexual offender's place of residence is a motor  
577 vehicle, trailer, mobile home, or manufactured home, as defined  
578 in chapter 320, the sexual offender shall also provide to the  
579 department through the sheriff's office written notice of the  
580 vehicle identification number; the license tag number; the  
581 registration number; and a description, including color scheme,  
582 of the motor vehicle, trailer, mobile home, or manufactured  
583 home. If the sexual offender's place of residence is a vessel,  
584 live-aboard vessel, or houseboat, as defined in chapter 327, the  
585 sexual offender shall also provide to the department written  
586 notice of the hull identification number; the manufacturer's  
587 serial number; the name of the vessel, live-aboard vessel, or  
588 houseboat; the registration number; and a description, including

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

590 2. If the sexual offender is enrolled, employed, or  
591 carrying on a vocation at an institution of higher education in  
592 this state, the sexual offender shall also provide to the  
593 department through the sheriff's office the name, address, and  
594 county of each institution, including each campus attended, and  
595 the sexual offender's enrollment or employment status. Each  
596 change in enrollment or employment status shall be reported in  
597 person at the sheriff's office, within 48 hours after any change  
598 in status. The sheriff shall promptly notify each institution of  
599 the sexual offender's presence and any change in the sexual  
600 offender's enrollment or employment status.

601

602 When a sexual offender reports at the sheriff's office, the  
603 sheriff shall take a photograph and a set of fingerprints of the  
604 offender and forward the photographs and fingerprints to the  
605 department, along with the information provided by the sexual  
606 offender. The sheriff shall promptly provide to the department  
607 the information received from the sexual offender.

608 (4) (a) Each time a sexual offender's driver's license or  
609 identification card is subject to renewal, and, without regard  
610 to the status of the offender's driver's license or  
611 identification card, within 48 hours after any change in the  
612 offender's permanent, ~~or~~ temporary, or transient residence or  
613 change in the offender's name by reason of marriage or other  
614 legal process, the offender shall report in person to a driver's  
615 license office, and shall be subject to the requirements  
616 specified in subsection (3). The Department of Highway Safety

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617 and Motor Vehicles shall forward to the department all  
618 photographs and information provided by sexual offenders.  
619 Notwithstanding the restrictions set forth in s. 322.142, the  
620 Department of Highway Safety and Motor Vehicles is authorized to  
621 release a reproduction of a color-photograph or digital-image  
622 license to the Department of Law Enforcement for purposes of  
623 public notification of sexual offenders as provided in this  
624 section and ss. 943.043 and 944.606.

625 (b) A sexual offender who vacates a permanent, temporary,  
626 or transient residence and fails to establish or maintain  
627 another permanent or temporary residence shall, within 48 hours  
628 after vacating the permanent, temporary, or transient residence,  
629 report in person to the sheriff's office of the county in which  
630 he or she is located. The sexual offender shall specify the date  
631 upon which he or she intends to or did vacate such residence.  
632 The sexual offender must provide or update all of the  
633 registration information required under paragraph (2)(b). The  
634 sexual offender must provide an address for the residence or  
635 other place ~~location~~ that he or she is or will be located  
636 ~~occupying~~ during the time in which he or she fails to establish  
637 or maintain a permanent or temporary residence.

638 (c) A sexual offender who remains at a permanent,  
639 temporary, or transient residence after reporting his or her  
640 intent to vacate such residence shall, within 48 hours after the  
641 date upon which the offender indicated he or she would or did  
642 vacate such residence, report in person to the agency to which  
643 he or she reported pursuant to paragraph (b) for the purpose of  
644 reporting his or her address at such residence. When the sheriff

645 receives the report, the sheriff shall promptly convey the  
646 information to the department. An offender who makes a report as  
647 required under paragraph (b) but fails to make a report as  
648 required under this paragraph commits a felony of the second  
649 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
650 775.084.

651 (7) A sexual offender who intends to establish a  
652 permanent, temporary, or transient residence in another state or  
653 jurisdiction other than the State of Florida shall report in  
654 person to the sheriff of the county of current residence within  
655 48 hours before the date he or she intends to leave this state  
656 to establish residence in another state or jurisdiction. The  
657 notification must include the address, municipality, county, and  
658 state of intended residence. The sheriff shall promptly provide  
659 to the department the information received from the sexual  
660 offender. The department shall notify the statewide law  
661 enforcement agency, or a comparable agency, in the intended  
662 state or jurisdiction of residence of the sexual offender's  
663 intended residence. The failure of a sexual offender to provide  
664 his or her intended place of residence is punishable as provided  
665 in subsection (9).

666 (8) A sexual offender who indicates his or her intent to  
667 establish a permanent, temporary, or transient residence ~~reside~~  
668 in another state or jurisdiction other than the State of Florida  
669 and later decides to remain in this state shall, within 48 hours  
670 after the date upon which the sexual offender indicated he or  
671 she would leave this state, report in person to the sheriff to  
672 which the sexual offender reported the intended change of



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673 permanent, temporary, or transient residence, and report his or  
674 her intent to remain in this state. The sheriff shall promptly  
675 report this information to the department. A sexual offender who  
676 reports his or her intent to establish a permanent, temporary,  
677 or transient residence ~~reside~~ in another state or jurisdiction  
678 but who remains in this state without reporting to the sheriff  
679 in the manner required by this subsection commits a felony of  
680 the second degree, punishable as provided in s. 775.082, s.  
681 775.083, or s. 775.084.

682 (10) The department, the Department of Highway Safety and  
683 Motor Vehicles, the Department of Corrections, the Department of  
684 Juvenile Justice, any law enforcement agency in this state, and  
685 the personnel of those departments; an elected or appointed  
686 official, public employee, or school administrator; or an  
687 employee, agency, or any individual or entity acting at the  
688 request or upon the direction of any law enforcement agency is  
689 immune from civil liability for damages for good faith  
690 compliance with the requirements of this section or for the  
691 release of information under this section, and shall be presumed  
692 to have acted in good faith in compiling, recording, reporting,  
693 or releasing the information. The presumption of good faith is  
694 not overcome if a technical or clerical error is made by the  
695 department, the Department of Highway Safety and Motor Vehicles,  
696 the Department of Corrections, the Department of Juvenile  
697 Justice, the personnel of those departments, or any individual  
698 or entity acting at the request or upon the direction of any of  
699 those departments in compiling or providing information, or if  
700 information is incomplete or incorrect because a sexual offender

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

703 (14)

704 (c) The sheriff's office may determine the appropriate  
 705 times and days for reporting by the sexual offender, which shall  
 706 be consistent with the reporting requirements of this  
 707 subsection. Reregistration shall include any changes to the  
 708 following information:

709 1. Name; social security number; age; race; sex; date of  
 710 birth; height; weight; hair and eye color; address of any  
 711 permanent residence and address of any current temporary  
 712 residence, within the state or out of state, including a rural  
 713 route address and a post office box; if no permanent or  
 714 temporary address, any transient residence within the state;  
 715 address, location or description, and dates of any current or  
 716 known future temporary residence within the state or out of  
 717 state; any electronic mail address and any instant message name  
 718 required to be provided pursuant to paragraph (4) (d); date and  
 719 place of any employment; vehicle make, model, color, and license  
 720 tag number; fingerprints; and photograph. A post office box  
 721 shall not be provided in lieu of a physical residential address.

722 2. If the sexual offender is enrolled, employed, or  
 723 carrying on a vocation at an institution of higher education in  
 724 this state, the sexual offender shall also provide to the  
 725 department the name, address, and county of each institution,  
 726 including each campus attended, and the sexual offender's  
 727 enrollment or employment status.

728 3. If the sexual offender's place of residence is a motor

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729 vehicle, trailer, mobile home, or manufactured home, as defined  
730 in chapter 320, the sexual offender shall also provide the  
731 vehicle identification number; the license tag number; the  
732 registration number; and a description, including color scheme,  
733 of the motor vehicle, trailer, mobile home, or manufactured  
734 home. If the sexual offender's place of residence is a vessel,  
735 live-aboard vessel, or houseboat, as defined in chapter 327, the  
736 sexual offender shall also provide the hull identification  
737 number; the manufacturer's serial number; the name of the  
738 vessel, live-aboard vessel, or houseboat; the registration  
739 number; and a description, including color scheme, of the  
740 vessel, live-aboard vessel or houseboat.

741 4. Any sexual offender who fails to report in person as  
742 required at the sheriff's office, or who fails to respond to any  
743 address verification correspondence from the department within 3  
744 weeks of the date of the correspondence or who fails to report  
745 electronic mail addresses or instant message names, commits a  
746 felony of the third degree, punishable as provided in s.  
747 775.082, s. 775.083, or s. 775.084.

748 Section 4. Section 943.04352, Florida Statutes, is amended  
749 to read:

750 943.04352 Search of registration information regarding  
751 sexual predators and sexual offenders required when placement on  
752 misdemeanor probation.--When the court places a defendant on  
753 misdemeanor probation pursuant to ss. 948.01 and 948.15, the  
754 public or private entity providing probation services must  
755 conduct a search of the probationer's name or other identifying  
756 information against the registration information regarding

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757 sexual predators and sexual offenders maintained by the  
758 Department of Law Enforcement under s. 943.043. The probation  
759 services provider may conduct the search using the Internet site  
760 maintained by the Department of Law Enforcement. Also, a  
761 national search must be conducted through the Dru Sjodin  
762 National Sex Offender Public Website maintained by the United  
763 States Department of Justice.

764 Section 5. Paragraph (a) of subsection (3) of section  
765 944.606, Florida Statutes, is amended to read:

766 944.606 Sexual offenders; notification upon release.--

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

770 1. The department must provide: the sexual offender's  
771 name, any change in the offender's name by reason of marriage or  
772 other legal process, and any alias, if known; the correctional  
773 facility from which the sexual offender is released; the sexual  
774 offender's social security number, race, sex, date of birth,  
775 height, weight, and hair and eye color; address of any planned  
776 permanent residence or temporary residence, within the state or  
777 out of state, including a rural route address and a post office  
778 box; if no permanent or temporary address, any transient  
779 residence within the state; address, location or description,  
780 and dates of any known future temporary residence within the  
781 state or out of state; date and county of sentence and each  
782 crime for which the offender was sentenced; a copy of the  
783 offender's fingerprints and a digitized photograph taken within  
784 60 days before release; the date of release of the sexual

785 offender; and any electronic mail address and any instant  
 786 message name required to be provided pursuant to s.  
 787 943.0435(4) (d); ~~and the offender's intended residence address,~~  
 788 ~~if known~~. The department shall notify the Department of Law  
 789 Enforcement if the sexual offender escapes, absconds, or dies.  
 790 If the sexual offender is in the custody of a private  
 791 correctional facility, the facility shall take the digitized  
 792 photograph of the sexual offender within 60 days before the  
 793 sexual offender's release and provide this photograph to the  
 794 Department of Corrections and also place it in the sexual  
 795 offender's file. If the sexual offender is in the custody of a  
 796 local jail, the custodian of the local jail shall register the  
 797 offender within 3 business days after intake of the offender for  
 798 any reason and upon release, and shall notify the Department of  
 799 Law Enforcement of the sexual offender's release and provide to  
 800 the Department of Law Enforcement the information specified in  
 801 this paragraph and any information specified in subparagraph 2.  
 802 that the Department of Law Enforcement requests.

803 2. The department may provide any other information deemed  
 804 necessary, including criminal and corrections records,  
 805 nonprivileged personnel and treatment records, when available.

806 Section 6. Subsections (4) and (6) and paragraph (c) of  
 807 subsection (13) of section 944.607, Florida Statutes, are  
 808 amended to read:

809 944.607 Notification to Department of Law Enforcement of  
 810 information on sexual offenders.--

811 (4) A sexual offender, as described in this section, who  
 812 is under the supervision of the Department of Corrections but is

813 | not incarcerated must register with the Department of  
 814 | Corrections within 3 business days after sentencing for a  
 815 | registrable ~~registerable~~ offense and otherwise provide  
 816 | information as required by this subsection.

817 |         (a) The sexual offender shall provide his or her name;  
 818 | date of birth; social security number; race; sex; height;  
 819 | weight; hair and eye color; tattoos or other identifying marks;  
 820 | any electronic mail address and any instant message name  
 821 | required to be provided pursuant to s. 943.0435(4)(d); ~~and~~  
 822 | permanent or legal residence and address of temporary residence  
 823 | within the state or out of state while the sexual offender is  
 824 | under supervision in this state, including any rural route  
 825 | address or post office box; if no permanent or temporary  
 826 | address, any transient residence within the state; and address,  
 827 | location or description, and dates of any current or known  
 828 | future temporary residence within the state or out of state. The  
 829 | Department of Corrections shall verify the address of each  
 830 | sexual offender in the manner described in ss. 775.21 and  
 831 | 943.0435. The department shall report to the Department of Law  
 832 | Enforcement any failure by a sexual predator or sexual offender  
 833 | to comply with registration requirements.

834 |         (b) If the sexual offender is enrolled, employed, or  
 835 | carrying on a vocation at an institution of higher education in  
 836 | this state, the sexual offender shall provide the name, address,  
 837 | and county of each institution, including each campus attended,  
 838 | and the sexual offender's enrollment or employment status. Each  
 839 | change in enrollment or employment status shall be reported to  
 840 | the department within 48 hours after the change in status. The

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841 Department of Corrections shall promptly notify each institution  
842 of the sexual offender's presence and any change in the sexual  
843 offender's enrollment or employment status.

844 (6) The information provided to the Department of Law  
845 Enforcement must include:

846 (a) The information obtained from the sexual offender  
847 under subsection (4);

848 (b) The sexual offender's most current address, ~~and~~ place  
849 of permanent, ~~and~~ temporary, or transient residence within the  
850 state or out of state, and address, location or description, and  
851 dates of any current or known future temporary residence within  
852 the state or out of state, while the sexual offender is under  
853 supervision in this state, including the name of the county or  
854 municipality in which the offender permanently or temporarily  
855 resides, or has a transient residence, and address, location or  
856 description, and dates of any current or known future temporary  
857 residence within the state or out of state, and, if known, the  
858 intended place of permanent, ~~or~~ temporary, or transient  
859 residence, and address, location or description, and dates of  
860 any current or known future temporary residence within the state  
861 or out of state upon satisfaction of all sanctions;

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

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

867 (e) An indication of whether the victim of the offense  
868 that resulted in the offender's status as a sexual offender was

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869 a minor;

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

873 (g) A digitized photograph of the sexual offender which  
874 must have been taken within 60 days before the offender is  
875 released from the custody of the department or a private  
876 correctional facility by expiration of sentence under s. 944.275  
877 or must have been taken by January 1, 1998, or within 60 days  
878 after the onset of the department's supervision of any sexual  
879 offender who is on probation, community control, conditional  
880 release, parole, provisional release, or control release or who  
881 is supervised by the department under the Interstate Compact  
882 Agreement for Probationers and Parolees. If the sexual offender  
883 is in the custody of a private correctional facility, the  
884 facility shall take a digitized photograph of the sexual  
885 offender within the time period provided in this paragraph and  
886 shall provide the photograph to the department.

887

888 If any information provided by the department changes during the  
889 time the sexual offender is under the department's control,  
890 custody, or supervision, including any change in the offender's  
891 name by reason of marriage or other legal process, the  
892 department shall, in a timely manner, update the information and  
893 provide it to the Department of Law Enforcement in the manner  
894 prescribed in subsection (2).

895 (13)

896 (c) The sheriff's office may determine the appropriate



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897 times and days for reporting by the sexual offender, which shall  
898 be consistent with the reporting requirements of this  
899 subsection. Reregistration shall include any changes to the  
900 following information:

901 1. Name; social security number; age; race; sex; date of  
902 birth; height; weight; hair and eye color; address of any  
903 permanent residence and address of any current temporary  
904 residence, within the state or out of state, including a rural  
905 route address and a post office box; if no permanent or  
906 temporary address, any transient residence; address, location or  
907 description, and dates of any current or known future temporary  
908 residence within the state and out of state; any electronic mail  
909 address and any instant message name required to be provided  
910 pursuant to s. 943.0435(4)(d); date and place of any employment;  
911 vehicle make, model, color, and license tag number;  
912 fingerprints; and photograph. A post office box shall not be  
913 provided in lieu of a physical residential address.

914 2. If the sexual offender is enrolled, employed, or  
915 carrying on a vocation at an institution of higher education in  
916 this state, the sexual offender shall also provide to the  
917 department the name, address, and county of each institution,  
918 including each campus attended, and the sexual offender's  
919 enrollment or employment status.

920 3. If the sexual offender's place of residence is a motor  
921 vehicle, trailer, mobile home, or manufactured home, as defined  
922 in chapter 320, the sexual offender shall also provide the  
923 vehicle identification number; the license tag number; the  
924 registration number; and a description, including color scheme,

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925 of the motor vehicle, trailer, mobile home, or manufactured  
 926 home. If the sexual offender's place of residence is a vessel,  
 927 live-aboard vessel, or houseboat, as defined in chapter 327, the  
 928 sexual offender shall also provide the hull identification  
 929 number; the manufacturer's serial number; the name of the  
 930 vessel, live-aboard vessel, or houseboat; the registration  
 931 number; and a description, including color scheme, of the  
 932 vessel, live-aboard vessel or houseboat.

933 4. Any sexual offender who fails to report in person as  
 934 required at the sheriff's office, or who fails to respond to any  
 935 address verification correspondence from the department within 3  
 936 weeks of the date of the correspondence, or who fails to report  
 937 electronic mail addresses or instant message names, commits a  
 938 felony of the third degree, punishable as provided in s.  
 939 775.082, s. 775.083, or s. 775.084.

940 Section 7. Paragraph (b) of subsection (7) of section  
 941 947.1405, Florida Statutes, is amended, and subsection (12) is  
 942 added to that section, to read:

943 947.1405 Conditional release program.--

944 (7)

945 (b) For a releasee whose crime was committed on or after  
 946 October 1, 1997, in violation of chapter 794, s. 800.04, s.  
 947 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to  
 948 conditional release supervision, in addition to any other  
 949 provision of this subsection, the commission shall impose the  
 950 following additional conditions of conditional release  
 951 supervision:

952 1. As part of a treatment program, participation in a

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953 minimum of one annual polygraph examination to obtain  
954 information necessary for risk management and treatment and to  
955 reduce the sex offender's denial mechanisms. The polygraph  
956 examination must be conducted by a polygrapher trained  
957 specifically in the use of the polygraph for the monitoring of  
958 sex offenders who has been authorized by the department, where  
959 available, and at the expense of the releasee ~~sex offender~~. The  
960 results of the polygraph examination shall be provided to the  
961 releasee's probation officer and therapist and shall not be used  
962 as evidence in a hearing to prove that a violation of  
963 supervision has occurred.

964 2. Maintenance of a driving log and a prohibition against  
965 driving a motor vehicle alone without the prior approval of the  
966 supervising officer.

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

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

973 5. Electronic monitoring of any form when ordered by the  
974 commission.

975 (12) In addition to all other conditions imposed, for a  
976 releasee who is subject to conditional release for a crime that  
977 was committed on or after July 1, 2009, and who has been  
978 convicted at any time of committing, or attempting, soliciting,  
979 or conspiring to commit, any of the criminal offenses proscribed  
980 in the following statutes in this state or similar offenses in

981 another jurisdiction against a victim who was under the age of  
 982 18 at the time of the offense: s. 787.01, s. 787.02, or s.  
 983 787.025(2)(c), where the victim is a minor and the offender was  
 984 not the victim's parent or guardian; s. 794.011, excluding s.  
 985 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
 986 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
 987 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.  
 988 985.701(1); or any similar offense committed in this state which  
 989 has been redesignated from a former statute number to one of  
 990 those listed in this subsection, if the offender has not  
 991 received a pardon for any felony or similar law of another  
 992 jurisdiction necessary for the operation of this subsection and  
 993 a conviction of a felony or similar law of another jurisdiction  
 994 necessary for the operation of this subsection has not been set  
 995 aside in any postconviction proceeding, unless at the time of  
 996 the crime was committed the victim was 16 or 17 years of age and  
 997 the releasee was not more than 21 years of age, the commission  
 998 must impose the following conditions:

999 (a) A prohibition on visiting areas where children  
 1000 regularly congregate, including, but not limited to, schools,  
 1001 day care centers, parks, and playgrounds. The commission may  
 1002 also designate additional locations to protect a victim. The  
 1003 prohibition ordered under this subparagraph does not prohibit  
 1004 the releasee's attendance at religious services as defined in s.  
 1005 775.0861.

1006 (b) A prohibition on distributing candy or other items to  
 1007 children on Halloween; wearing a Santa Claus costume, or other  
 1008 costume to appeal to children, on or preceding Christmas;

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1009 wearing an Easter Bunny costume, or other costume to appeal to  
 1010 children, on or preceding Easter; entertaining at children's  
 1011 parties; or wearing a clown costume; without prior approval from  
 1012 the commission.

1013 Section 8. Paragraph (a) of subsection (2) of section  
 1014 948.30, Florida Statutes, is amended, and subsection (4) is  
 1015 added to that section, to read:

1016 948.30 Additional terms and conditions of probation or  
 1017 community control for certain sex offenses.--Conditions imposed  
 1018 pursuant to this section do not require oral pronouncement at  
 1019 the time of sentencing and shall be considered standard  
 1020 conditions of probation or community control for offenders  
 1021 specified in this section.

1022 (2) Effective for a probationer or community controllee  
 1023 whose crime was committed on or after October 1, 1997, and who  
 1024 is placed on community control or sex offender probation for a  
 1025 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),  
 1026 or s. 847.0145, in addition to any other provision of this  
 1027 section, the court must impose the following conditions of  
 1028 probation or community control:

1029 (a) As part of a treatment program, participation at least  
 1030 annually in polygraph examinations to obtain information  
 1031 necessary for risk management and treatment and to reduce the  
 1032 sex offender's denial mechanisms. A polygraph examination must  
 1033 be conducted by a polygrapher trained specifically in the use of  
 1034 the polygraph for the monitoring of sex offenders who has been  
 1035 authorized by the department, where available, and shall be paid  
 1036 for by the probationer or community controllee ~~sex offender~~. The

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1037 | results of the polygraph examination shall be provided to the  
 1038 | probationer's or community controllee's probation officer and  
 1039 | therapist and shall not be used as evidence in court to prove  
 1040 | that a violation of community supervision has occurred.

1041 | (4) In addition to all other conditions imposed, for a  
 1042 | probationer or community controllee who is subject to  
 1043 | supervision for a crime that was committed on or after July 1,  
 1044 | 2009, and who has been convicted at any time of committing, or  
 1045 | attempting, soliciting, or conspiring to commit, any of the  
 1046 | criminal offenses proscribed in the following statutes in this  
 1047 | state or similar offenses in another jurisdiction against a  
 1048 | victim who was under the age of 18 at the time of the offense:  
 1049 | s. 787.01, s. 787.02, or s. 787.025(2) (c), where the victim is a  
 1050 | minor and the offender was not the victim's parent or guardian;  
 1051 | s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
 1052 | 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
 1053 | 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
 1054 | 847.0145; s. 985.701(1); or any similar offense committed in  
 1055 | this state which has been redesignated from a former statute  
 1056 | number to one of those listed in this subsection, if the  
 1057 | offender has not received a pardon for any felony or similar law  
 1058 | of another jurisdiction necessary for the operation of this  
 1059 | subsection and a conviction of a felony or similar law of  
 1060 | another jurisdiction necessary for the operation of this  
 1061 | subsection has not been set aside in any postconviction  
 1062 | proceeding, unless at the time the crime was committed the  
 1063 | victim was 16 or 17 years of age and the offender was not more  
 1064 | than 21 years of age, the court must impose the following

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1065 conditions:

1066 (a) A prohibition on visiting areas where children  
 1067 regularly congregate, including, but not limited to, schools,  
 1068 day care centers, parks, and playgrounds. The court may also  
 1069 designate additional locations to protect a victim. The  
 1070 prohibition ordered under this subparagraph does not prohibit  
 1071 the releasee's attendance at religious services as defined in s.  
 1072 775.0861.

1073 (b) A prohibition on distributing candy or other items to  
 1074 children on Halloween; wearing a Santa Claus costume, or other  
 1075 costume to appeal to children, on or preceding Christmas;  
 1076 wearing an Easter Bunny costume, or other costume to appeal to  
 1077 children, on or preceding Easter; entertaining at children's  
 1078 parties; or wearing a clown costume; without prior approval from  
 1079 the court.

1080 Section 9. Section 948.31, Florida Statutes, is amended to  
 1081 read:

1082 948.31 ~~Diagnosis, Evaluation, and treatment of~~ sexual  
 1083 predators and offenders placed on probation or community control  
 1084 ~~for certain sex offenses or child exploitation.--~~The court shall  
 1085 require an a diagnosis and evaluation to determine the need of a  
 1086 probationer or community controllee ~~offender in community~~  
 1087 ~~control~~ for treatment. If the court determines that a need  
 1088 therefor is established by the ~~such diagnosis and~~ evaluation  
 1089 process, the court shall require sexual offender treatment  
 1090 ~~outpatient counseling~~ as a term or condition of probation or  
 1091 community control for any person who meets the criteria to be  
 1092 designated as a sexual predator under s. 775.21 or to be subject

1093 to registration as a sexual offender under s. 943.0435, s.  
 1094 944.606, or s. 944.607. ~~was found guilty of any of the~~  
 1095 ~~following, or whose plea of guilty or nolo contendere to any of~~  
 1096 ~~the following was accepted by the court:~~

1097 ~~(1) Lewd or lascivious battery, lewd or lascivious~~  
 1098 ~~molestation, lewd or lascivious conduct, or lewd or lascivious~~  
 1099 ~~exhibition, as defined in s. 800.04 or s. 847.0135(5).~~

1100 ~~(2) Sexual battery, as defined in chapter 794, against a~~  
 1101 ~~child.~~

1102 ~~(3) Exploitation of a child as provided in s. 450.151, or~~  
 1103 ~~for prostitution.~~

1104  
 1105 Such treatment ~~counseling~~ shall be required to be obtained from  
 1106 a qualified practitioner as defined in s. 948.001(6). Treatment  
 1107 may not be administered by a qualified practitioner who has been  
 1108 convicted or adjudicated delinquent of committing, or  
 1109 attempting, soliciting, or conspiring to commit, any offense  
 1110 that is listed in s. 943.0435(1)(a)1.a.(I). The court shall  
 1111 impose a restriction against contact with minors if sexual  
 1112 offender treatment is recommended ~~a community mental health~~  
 1113 ~~center, a recognized social service agency providing mental~~  
 1114 ~~health services, or a private mental health professional or~~  
 1115 ~~through other professional counseling.~~ The evaluation and  
 1116 recommendations ~~plan for treatment of counseling for the~~  
 1117 probationer or community controllee individual shall be provided  
 1118 to the court for review.

1119 Section 10. Paragraph (a) of subsection (3) of section  
 1120 985.481, Florida Statutes, is amended to read:



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1121 985.481 Sexual offenders adjudicated delinquent;  
 1122 notification upon release.--

1123 (3) (a) The department must provide information regarding  
 1124 any sexual offender who is being released after serving a period  
 1125 of residential commitment under the department for any offense,  
 1126 as follows:

1127 1. The department must provide the sexual offender's name,  
 1128 any change in the offender's name by reason of marriage or other  
 1129 legal process, and any alias, if known; the correctional  
 1130 facility from which the sexual offender is released; the sexual  
 1131 offender's social security number, race, sex, date of birth,  
 1132 height, weight, and hair and eye color; address of any planned  
 1133 permanent residence or temporary residence, within the state or  
 1134 out of state, including a rural route address and a post office  
 1135 box; if no permanent or temporary address, any transient  
 1136 residence within the state; address, location or description,  
 1137 and dates of any known future temporary residence within the  
 1138 state or out of state; date and county of disposition and each  
 1139 crime for which there was a disposition; a copy of the  
 1140 offender's fingerprints and a digitized photograph taken within  
 1141 60 days before release; and the date of release of the sexual  
 1142 offender; ~~and the offender's intended residence address, if~~  
 1143 ~~known~~. The department shall notify the Department of Law  
 1144 Enforcement if the sexual offender escapes, absconds, or dies.  
 1145 If the sexual offender is in the custody of a private  
 1146 correctional facility, the facility shall take the digitized  
 1147 photograph of the sexual offender within 60 days before the  
 1148 sexual offender's release and also place it in the sexual

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1149 offender's file. If the sexual offender is in the custody of a  
 1150 local jail, the custodian of the local jail shall register the  
 1151 offender within 3 business days after intake of the offender for  
 1152 any reason and upon release, and shall notify the Department of  
 1153 Law Enforcement of the sexual offender's release and provide to  
 1154 the Department of Law Enforcement the information specified in  
 1155 this subparagraph and any information specified in subparagraph  
 1156 2. which the Department of Law Enforcement requests.

1157 2. The department may provide any other information  
 1158 considered necessary, including criminal and delinquency  
 1159 records, when available.

1160 Section 11. Paragraph (a) of subsection (4), paragraph (a)  
 1161 of subsection (6), and paragraph (b) of subsection (13) of  
 1162 section 985.4815, Florida Statutes, are amended to read:

1163 985.4815 Notification to Department of Law Enforcement of  
 1164 information on juvenile sexual offenders.--

1165 (4) A sexual offender, as described in this section, who  
 1166 is under the supervision of the department but who is not  
 1167 committed must register with the department within 3 business  
 1168 days after adjudication and disposition for a registrable  
 1169 offense and otherwise provide information as required by this  
 1170 subsection.

1171 (a) The sexual offender shall provide his or her name;  
 1172 date of birth; social security number; race; sex; height;  
 1173 weight; hair and eye color; tattoos or other identifying marks;  
 1174 ~~and~~ permanent or legal residence and address of temporary  
 1175 residence within the state or out of state while the sexual  
 1176 offender is in the care or custody or under the jurisdiction or

1177 supervision of the department in this state, including any rural  
 1178 route address or post office box; if no permanent or temporary  
 1179 address, any transient residence; address, location or  
 1180 description, and dates of any current or known future temporary  
 1181 residence within the state or out of state;<sup>7</sup> and the name and  
 1182 address of each school attended. The department shall verify the  
 1183 address of each sexual offender and shall report to the  
 1184 Department of Law Enforcement any failure by a sexual offender  
 1185 to comply with registration requirements.

1186 (6) (a) The information provided to the Department of Law  
 1187 Enforcement must include the following:

1188 1. The information obtained from the sexual offender under  
 1189 subsection (4).

1190 2. The sexual offender's most current address and place of  
 1191 permanent, ~~or~~ temporary, or transient residence within the state  
 1192 or out of state, and address, location or description, and dates  
 1193 of any current or known future temporary residence within the  
 1194 state or out of state, while the sexual offender is in the care  
 1195 or custody or under the jurisdiction or supervision of the  
 1196 department in this state, including the name of the county or  
 1197 municipality in which the offender permanently or temporarily  
 1198 resides, or has a transient residence, and address, location or  
 1199 description, and dates of any current or known future temporary  
 1200 residence within the state or out of state; and, if known, the  
 1201 intended place of permanent, ~~or~~ temporary, or transient  
 1202 residence, and address, location or description, and dates of  
 1203 any current or known future temporary residence within the state  
 1204 or out of state upon satisfaction of all sanctions.

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1205           3. The legal status of the sexual offender and the  
1206 scheduled termination date of that legal status.

1207           4. The location of, and local telephone number for, any  
1208 department office that is responsible for supervising the sexual  
1209 offender.

1210           5. An indication of whether the victim of the offense that  
1211 resulted in the offender's status as a sexual offender was a  
1212 minor.

1213           6. The offense or offenses at adjudication and disposition  
1214 that resulted in the determination of the offender's status as a  
1215 sex offender.

1216           7. A digitized photograph of the sexual offender, which  
1217 must have been taken within 60 days before the offender was  
1218 released from the custody of the department or a private  
1219 correctional facility by expiration of sentence under s.  
1220 944.275, or within 60 days after the onset of the department's  
1221 supervision of any sexual offender who is on probation,  
1222 postcommitment probation, residential commitment, nonresidential  
1223 commitment, licensed child-caring commitment, community control,  
1224 conditional release, parole, provisional release, or control  
1225 release or who is supervised by the department under the  
1226 Interstate Compact Agreement for Probationers and Parolees. If  
1227 the sexual offender is in the custody of a private correctional  
1228 facility, the facility shall take a digitized photograph of the  
1229 sexual offender within the time period provided in this  
1230 subparagraph and shall provide the photograph to the department.

1231           (13)

1232           (b) The sheriff's office may determine the appropriate

1233 times and days for reporting by the sexual offender, which shall  
 1234 be consistent with the reporting requirements of this  
 1235 subsection. Reregistration shall include any changes to the  
 1236 following information:

1237 1. Name; social security number; age; race; sex; date of  
 1238 birth; height; weight; hair and eye color; address of any  
 1239 permanent residence and address of any current temporary  
 1240 residence, within the state or out of state, including a rural  
 1241 route address and a post office box; if no permanent or  
 1242 temporary address, any transient residence; address, location or  
 1243 description, and dates of any current or known future temporary  
 1244 residence within the state or out of state; name and address of  
 1245 each school attended; date and place of any employment; vehicle  
 1246 make, model, color, and license tag number; fingerprints; and  
 1247 photograph. A post office box shall not be provided in lieu of a  
 1248 physical residential address.

1249 2. If the sexual offender is enrolled, employed, or  
 1250 carrying on a vocation at an institution of higher education in  
 1251 this state, the sexual offender shall also provide to the  
 1252 department the name, address, and county of each institution,  
 1253 including each campus attended, and the sexual offender's  
 1254 enrollment or employment status.

1255 3. If the sexual offender's place of residence is a motor  
 1256 vehicle, trailer, mobile home, or manufactured home, as defined  
 1257 in chapter 320, the sexual offender shall also provide the  
 1258 vehicle identification number; the license tag number; the  
 1259 registration number; and a description, including color scheme,  
 1260 of the motor vehicle, trailer, mobile home, or manufactured

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1261 home. If the sexual offender's place of residence is a vessel,  
1262 live-aboard vessel, or houseboat, as defined in chapter 327, the  
1263 sexual offender shall also provide the hull identification  
1264 number; the manufacturer's serial number; the name of the  
1265 vessel, live-aboard vessel, or houseboat; the registration  
1266 number; and a description, including color scheme, of the  
1267 vessel, live-aboard vessel, or houseboat.

1268 4. Any sexual offender who fails to report in person as  
1269 required at the sheriff's office, or who fails to respond to any  
1270 address verification correspondence from the department within 3  
1271 weeks after the date of the correspondence, commits a felony of  
1272 the third degree, punishable as provided in ss. 775.082,  
1273 775.083, and 775.084.

1274 Section 12. This act shall take effect July 1, 2009.