

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 or on real property comprising a
9 child care facility or pre-K through 12 school without
10 notice and supervision; providing exceptions; providing
11 penalties; amending s. 775.21, F.S.; revising and
12 providing definitions; revising provisions relating to
13 residence reporting requirements for sexual predators;
14 creating s. 775.215, F.S.; preempting certain local
15 ordinances relating to residency limitations for sexual
16 predators and offenders and providing for repeal of such
17 ordinances; providing for limited exceptions for distance
18 provisions in ordinances meeting specified requirements;
19 amending s. 943.0435, F.S.; revising provisions relating
20 to residence reporting requirements for sexual offenders;
21 amending s. 943.04352, F.S.; requiring that the probation
22 services provider search in an additional specified sex
23 offender registry for information regarding sexual
24 predators and sexual offenders when an offender is placed
25 on misdemeanor probation; amending s. 944.606, F.S.;
26 revising address reporting requirements for sexual
27 offenders; amending s. 944.607, F.S.; requiring additional
28 registration information from sex offenders who are under

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29 | the supervision of the Department of Corrections but who
30 | are not incarcerated; amending s. 947.1405, F.S.; revising
31 | provisions relating to polygraph examinations of specified
32 | conditional releasees who have committed specified sexual
33 | offenses; providing additional restrictions for certain
34 | conditional releasees who have committed specified sexual
35 | offenses against minors under the age of 16 or have
36 | similar convictions in another jurisdiction; amending s.
37 | 948.30, F.S.; revising provisions relating to polygraph
38 | examinations of specified probationers or community
39 | controllees who have committed specified sexual offenses;
40 | providing additional restrictions for certain probationers
41 | or community controllees who committed specified sexual
42 | offenses against minors under the age of 16 or who have
43 | similar convictions in another jurisdiction; amending s.
44 | 948.31, F.S.; deleting a requirement for diagnosis of
45 | certain sexual predators and sexual offenders on community
46 | control; revising provisions relating to treatment for
47 | such offenders and predators; amending s. 985.481, F.S.;
48 | providing additional address reporting requirements for
49 | sexual offenders adjudicated delinquent; amending s.
50 | 985.4815, F.S.; revising provisions relating to address
51 | and residence reporting requirements for sexual offenders
52 | adjudicated delinquent; providing an effective date.

53 |
54 | Be It Enacted by the Legislature of the State of Florida:

55 |
56 | Section 1. Section 856.022, Florida Statutes, is created

57 | to read:

58 | 856.022 Loitering or prowling by certain offenders in
 59 | close proximity to children; penalty.--

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

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

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85 (3) It is unlawful for an offender described in subsection
86 (1) to:

87 (a) Knowingly approach, contact, or communicate with a
88 child under 18 years of age in any public park building or on
89 real property comprising any public park or playground with
90 intent to engage in conduct of a sexual nature, or to make a
91 communication of any type containing any content of a sexual
92 nature. This paragraph applies only to an offender described in
93 subsection (1) whose offense was committed on or after July 1,
94 2010.

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

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

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

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

113 (a) The child care facility or school is a voting location
 114 and the offender is present for the purpose of voting during the
 115 hours designated for voting; or

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

119 (5) Any person who violates this section commits a
 120 misdemeanor of the first degree, punishable as provided in s.
 121 775.082 or s. 775.083.

122 Section 2. Paragraph (g) of subsection (2), paragraph (c)
 123 of subsection (4), paragraph (a) of subsection (5), paragraphs
 124 (a), (f), (g), (i), and (j) of subsection (6), paragraph (a) of
 125 subsection (7), and paragraph (a) of subsection (8) of section
 126 775.21, Florida Statutes, are amended, and paragraph (l) is
 127 added to subsection (2) of that section, to 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 (c) If an offender has been registered as a sexual
 147 predator by the Department of Corrections, the department, or
 148 any other law enforcement agency and if:

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

152 2. The offender was administratively registered as a
 153 sexual predator because the Department of Corrections, the
 154 department, or any other law enforcement agency obtained
 155 information that indicated that the offender met the criteria
 156 for designation as a sexual predator based on a violation of a
 157 similar law in another jurisdiction,

158
 159 the department shall remove that offender from the department's
 160 list of sexual predators and, for an offender described under
 161 subparagraph 1., shall notify the state attorney who prosecuted
 162 the offense that met the criteria for administrative designation
 163 as a sexual predator, and, for an offender described under this
 164 paragraph, shall notify the state attorney of the county where
 165 the offender establishes or maintains a permanent, ~~or~~ temporary,
 166 or transient residence. The state attorney shall bring the
 167 matter to the court's attention in order to establish that the
 168 offender meets the criteria for designation as a sexual

169 predator. If the court makes a written finding that the offender
170 is a sexual predator, the offender must be designated as a
171 sexual predator, must register or be registered as a sexual
172 predator with the department as provided in subsection (6), and
173 is subject to the community and public notification as provided
174 in subsection (7). If the court does not make a written finding
175 that the offender is a sexual predator, the offender may not be
176 designated as a sexual predator with respect to that offense and
177 is not required to register or be registered as a sexual
178 predator with the department.

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

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

189 2. An offender who meets the sexual predator criteria
190 described in paragraph (4)(a) who is before the court for
191 sentencing for a current offense committed on or after October
192 1, 1993, is a sexual predator, and the sentencing court must
193 make a written finding at the time of sentencing that the
194 offender is a sexual predator, and the clerk of the court shall
195 transmit a copy of the order containing the written finding to
196 the department within 48 hours after the entry of the order; or

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

217
218 When the court makes a written finding that an offender is a
219 sexual predator, the court shall inform the sexual predator of
220 the registration and community and public notification
221 requirements described in this section. Within 48 hours after
222 the court designating an offender as a sexual predator, the
223 clerk of the circuit court shall transmit a copy of the court's
224 written sexual predator finding to the department. If the

225 offender is sentenced to a term of imprisonment or supervision,
 226 a copy of the court's written sexual predator finding must be
 227 submitted to the Department of Corrections.

228 (6) REGISTRATION.--

229 (a) A sexual predator must register with the department
 230 through the sheriff's office by providing the following
 231 information to the department:

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

247 a. If the sexual predator's place of residence is a motor
 248 vehicle, trailer, mobile home, or manufactured home, as defined
 249 in chapter 320, the sexual predator shall also provide to the
 250 department written notice of the vehicle identification number;
 251 the license tag number; the registration number; and a
 252 description, including color scheme, of the motor vehicle,

253 trailer, mobile home, or manufactured home. If a sexual
254 predator's place of residence is a vessel, live-aboard vessel,
255 or houseboat, as defined in chapter 327, the sexual predator
256 shall also provide to the department written notice of the hull
257 identification number; the manufacturer's serial number; the
258 name of the vessel, live-aboard vessel, or houseboat; the
259 registration number; and a description, including color scheme,
260 of the vessel, live-aboard vessel, or houseboat.

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

275 2. Any other information determined necessary by the
276 department, including criminal and corrections records;
277 nonprivileged personnel and treatment records; and evidentiary
278 genetic markers when available.

279 (f) Within 48 hours after the registration required under
280 paragraph (a) or paragraph (e), a sexual predator who is not

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281 incarcerated and who resides in the community, including a
282 sexual predator under the supervision of the Department of
283 Corrections, shall register in person at a driver's license
284 office of the Department of Highway Safety and Motor Vehicles
285 and shall present proof of registration. At the driver's license
286 office the sexual predator shall:

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

309 manufacturer's serial number; the name of the vessel, live-
 310 aboard vessel, or houseboat; the registration number; and a
 311 description, including color scheme, of the vessel, live-aboard
 312 vessel, or houseboat.

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

318 3. Provide, upon request, any additional information
 319 necessary to confirm the identity of the sexual predator,
 320 including a set of fingerprints.

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

337 2. A sexual predator who vacates a permanent, temporary,
 338 or transient residence and fails to establish or maintain
 339 another permanent, ~~or~~ temporary, or transient residence shall,
 340 within 48 hours after vacating the permanent, temporary, or
 341 transient residence, report in person to the sheriff's office of
 342 the county in which he or she is located. The sexual predator
 343 shall specify the date upon which he or she intends to or did
 344 vacate such residence. The sexual predator must provide or
 345 update all of the registration information required under
 346 paragraph (a). The sexual predator must provide an address for
 347 the residence or other place ~~location~~ that he or she is or will
 348 be located ~~occupying~~ during the time in which he or she fails to
 349 establish or maintain a permanent or temporary residence.

350 3. A sexual predator who remains at a permanent,
 351 temporary, or transient residence after reporting his or her
 352 intent to vacate such residence shall, within 48 hours after the
 353 date upon which the predator indicated he or she would or did
 354 vacate such residence, report in person to the sheriff's office
 355 to which he or she reported pursuant to subparagraph 2. for the
 356 purpose of reporting his or her address at such residence. When
 357 the sheriff receives the report, the sheriff shall promptly
 358 convey the information to the department. An offender who makes
 359 a report as required under subparagraph 2. but fails to make a
 360 report as required under this subparagraph commits a felony of
 361 the second degree, punishable as provided in s. 775.082, s.
 362 775.083, or s. 775.084.

363 4. A sexual predator must register any electronic mail
 364 address or instant message name with the department prior to

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365 using such electronic mail address or instant message name on or
366 after October 1, 2007. The department shall establish an online
367 system through which sexual predators may securely access and
368 update all electronic mail address and instant message name
369 information.

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

385 (j) A sexual predator who indicates his or her intent to
386 establish a permanent, temporary, or transient residence ~~reside~~
387 in another state or jurisdiction other than the State of Florida
388 and later decides to remain in this state shall, within 48 hours
389 after the date upon which the sexual predator indicated he or
390 she would leave this state, report in person to the sheriff to
391 which the sexual predator reported the intended change of
392 residence, and report his or her intent to remain in this state.

393 If the sheriff is notified by the sexual predator that he or she
 394 intends to remain in this state, the sheriff shall promptly
 395 report this information to the department. A sexual predator who
 396 reports his or her intent to establish a permanent, temporary,
 397 or transient residence ~~reside~~ in another state or jurisdiction,
 398 but who remains in this state without reporting to the sheriff
 399 in the manner required by this paragraph, commits a felony of
 400 the second degree, punishable as provided in s. 775.082, s.
 401 775.083, or s. 775.084.

402 (7) COMMUNITY AND PUBLIC NOTIFICATION.--

403 (a) Law enforcement agencies must inform members of the
 404 community and the public of a sexual predator's presence. Upon
 405 notification of the presence of a sexual predator, the sheriff
 406 of the county or the chief of police of the municipality where
 407 the sexual predator establishes or maintains a permanent or
 408 temporary residence shall notify members of the community and
 409 the public of the presence of the sexual predator in a manner
 410 deemed appropriate by the sheriff or the chief of police. Within
 411 48 hours after receiving notification of the presence of a
 412 sexual predator, the sheriff of the county or the chief of
 413 police of the municipality where the sexual predator temporarily
 414 or permanently resides shall notify each licensed day care
 415 center, elementary school, middle school, and high school within
 416 a 1-mile radius of the temporary or permanent residence of the
 417 sexual predator of the presence of the sexual predator.
 418 Information provided to members of the community and the public
 419 regarding a sexual predator must include:

- 420 1. The name of the sexual predator;

421 2. A description of the sexual predator, including a
422 photograph;

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

427 4. The circumstances of the sexual predator's offense or
428 offenses; and

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

431
432 This paragraph does not authorize the release of the name of any
433 victim of the sexual predator.

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

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449 Corrections. Local law enforcement agencies shall report to the
450 department any failure by a sexual predator to comply with
451 registration requirements.

452 (a) A sexual predator must report in person each year
453 during the month of the sexual predator's birthday and during
454 every third month thereafter to the sheriff's office in the
455 county in which he or she resides or is otherwise located to
456 reregister. The sheriff's office may determine the appropriate
457 times and days for reporting by the sexual predator, which shall
458 be consistent with the reporting requirements of this paragraph.
459 Reregistration shall include any changes to the following
460 information:

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

475 2. If the sexual predator is enrolled, employed, or
476 carrying on a vocation at an institution of higher education in

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477 | this state, the sexual predator shall also provide to the
478 | department the name, address, and county of each institution,
479 | including each campus attended, and the sexual predator's
480 | enrollment or employment status.

481 | 3. If the sexual predator's place of residence is a motor
482 | vehicle, trailer, mobile home, or manufactured home, as defined
483 | in chapter 320, the sexual predator shall also provide the
484 | vehicle identification number; the license tag number; the
485 | registration number; and a description, including color scheme,
486 | of the motor vehicle, trailer, mobile home, or manufactured
487 | home. If the sexual predator's place of residence is a vessel,
488 | live-aboard vessel, or houseboat, as defined in chapter 327, the
489 | sexual predator shall also provide the hull identification
490 | number; the manufacturer's serial number; the name of the
491 | vessel, live-aboard vessel, or houseboat; the registration
492 | number; and a description, including color scheme, of the
493 | vessel, live-aboard vessel, or houseboat.

494 | Section 3. Section 775.215, Florida Statutes, is created
495 | to read:

496 | 775.215 Residency exclusions for sexual offenders or
497 | predators; local ordinances preempted.--

498 | (1) The establishment of residency exclusions applicable
499 | to the residence of a person required to register as a sexual
500 | offender or sexual predator is expressly preempted to the state,
501 | and the provisions of ss. 794.065, 947.1405, and 948.30
502 | establishing such exclusions supersede any municipal or county
503 | ordinances imposing different exclusions.

504 | (2) (a) Any provision of an ordinance adopted by a county

505 or municipality prior to July 1, 2010, imposing residency
 506 exclusions for the residence of a person subject to the
 507 provisions of s. 794.065, s. 947.1405, or s. 948.30 in excess of
 508 the requirements of those provisions is repealed and abolished
 509 as of July 1, 2010, except to the extent an ordinance as
 510 provided in paragraph (b) is adopted prior to that date.

511 (b) A county or municipality may, upon the recommendation
 512 of its chief law enforcement officer and upon a finding of
 513 public necessity, adopt an ordinance that increases the distance
 514 exclusions for the residence of a person subject to the
 515 provisions of s. 794.065, s. 947.1405, or s. 948.30 up to a
 516 maximum distance of 1,750 feet.

517 Section 4. Paragraph (c) of subsection (1), subsection
 518 (2), paragraphs (a), (b), and (c) of subsection (4), subsections
 519 (7), (8), and (10), and paragraph (c) of subsection (14) of
 520 section 943.0435, Florida Statutes, are amended to read:

521 943.0435 Sexual offenders required to register with the
 522 department; penalty.--

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

524 (c) "Permanent residence," ~~and~~ "temporary residence," ~~and~~
 525 "transient residence" have the same meaning ascribed in s.
 526 775.21.

527 (2) A sexual offender shall:

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

529 1. In the county in which the offender establishes or
 530 maintains a permanent, ~~or~~ temporary, or transient residence
 531 within 48 hours after:

532 a. Establishing permanent, ~~or~~ temporary, or transient

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533 residence in this state; or

534 b. Being released from the custody, control, or
535 supervision of the Department of Corrections or from the custody
536 of a private correctional facility; or

537 2. In the county where he or she was convicted within 48
538 hours after being convicted for a qualifying offense for
539 registration under this section if the offender is not in the
540 custody or control of, or under the supervision of, the
541 Department of Corrections, or is not in the custody of a private
542 correctional facility.

543

544 Any change in the information required to be provided pursuant
545 to paragraph (b), including, but not limited to, any change in
546 the sexual offender's permanent, ~~or~~ temporary, or transient
547 residence, name, any electronic mail address and any instant
548 message name required to be provided pursuant to paragraph
549 (4) (d), after the sexual offender reports in person at the
550 sheriff's office, shall be accomplished in the manner provided
551 in subsections (4), (7), and (8).

552 (b) Provide his or her name, date of birth, social
553 security number, race, sex, height, weight, hair and eye color,
554 tattoos or other identifying marks, occupation and place of
555 employment, address of permanent or legal residence or address
556 of any current temporary residence, within the state or ~~and~~ out
557 of state, including a rural route address and a post office box,
558 if no permanent or temporary address, any transient residence
559 within the state, address, location or description, and dates of
560 any current or known future temporary residence within the state

561 or out of state, home telephone number and any cellular
562 telephone number, any electronic mail address and any instant
563 message name required to be provided pursuant to paragraph
564 (4) (d), date and place of each conviction, and a brief
565 description of the crime or crimes committed by the offender. A
566 post office box shall not be provided in lieu of a physical
567 residential address.

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

582 2. If the sexual offender is enrolled, employed, or
583 carrying on a vocation at an institution of higher education in
584 this state, the sexual offender shall also provide to the
585 department through the sheriff's office the name, address, and
586 county of each institution, including each campus attended, and
587 the sexual offender's enrollment or employment status. Each
588 change in enrollment or employment status shall be reported in

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589 person at the sheriff's office, within 48 hours after any change
590 in status. The sheriff shall promptly notify each institution of
591 the sexual offender's presence and any change in the sexual
592 offender's enrollment or employment status.

593
594 When a sexual offender reports at the sheriff's office, the
595 sheriff shall take a photograph and a set of fingerprints of the
596 offender and forward the photographs and fingerprints to the
597 department, along with the information provided by the sexual
598 offender. The sheriff shall promptly provide to the department
599 the information received from the sexual offender.

600 (4) (a) Each time a sexual offender's driver's license or
601 identification card is subject to renewal, and, without regard
602 to the status of the offender's driver's license or
603 identification card, within 48 hours after any change in the
604 offender's permanent, ~~or~~ temporary, or transient residence or
605 change in the offender's name by reason of marriage or other
606 legal process, the offender shall report in person to a driver's
607 license office, and shall be subject to the requirements
608 specified in subsection (3). The Department of Highway Safety
609 and Motor Vehicles shall forward to the department all
610 photographs and information provided by sexual offenders.
611 Notwithstanding the restrictions set forth in s. 322.142, the
612 Department of Highway Safety and Motor Vehicles is authorized to
613 release a reproduction of a color-photograph or digital-image
614 license to the Department of Law Enforcement for purposes of
615 public notification of sexual offenders as provided in this
616 section and ss. 943.043 and 944.606.

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

631 (c) A sexual offender who remains at a permanent,
632 temporary, or transient residence after reporting his or her
633 intent to vacate such residence shall, within 48 hours after the
634 date upon which the offender indicated he or she would or did
635 vacate such residence, report in person to the agency to which
636 he or she reported pursuant to paragraph (b) for the purpose of
637 reporting his or her address at such residence. When the sheriff
638 receives the report, the sheriff shall promptly convey the
639 information to the department. An offender who makes a report as
640 required under paragraph (b) but fails to make a report as
641 required under this paragraph commits a felony of the second
642 degree, punishable as provided in s. 775.082, s. 775.083, or s.
643 775.084.

644 (7) A sexual offender who intends to establish a

645 permanent, temporary, or transient residence in another state or
 646 jurisdiction other than the State of Florida shall report in
 647 person to the sheriff of the county of current residence within
 648 48 hours before the date he or she intends to leave this state
 649 to establish residence in another state or jurisdiction. The
 650 notification must include the address, municipality, county, and
 651 state of intended residence. The sheriff shall promptly provide
 652 to the department the information received from the sexual
 653 offender. The department shall notify the statewide law
 654 enforcement agency, or a comparable agency, in the intended
 655 state or jurisdiction of residence of the sexual offender's
 656 intended residence. The failure of a sexual offender to provide
 657 his or her intended place of residence is punishable as provided
 658 in subsection (9).

659 (8) A sexual offender who indicates his or her intent to
 660 establish a permanent, temporary, or transient residence ~~reside~~
 661 in another state or jurisdiction other than the State of Florida
 662 and later decides to remain in this state shall, within 48 hours
 663 after the date upon which the sexual offender indicated he or
 664 she would leave this state, report in person to the sheriff to
 665 which the sexual offender reported the intended change of
 666 permanent, temporary, or transient residence, and report his or
 667 her intent to remain in this state. The sheriff shall promptly
 668 report this information to the department. A sexual offender who
 669 reports his or her intent to establish a permanent, temporary,
 670 or transient residence ~~reside~~ in another state or jurisdiction
 671 but who remains in this state without reporting to the sheriff
 672 in the manner required by this subsection commits a felony of

673 the second degree, punishable as provided in s. 775.082, s.
 674 775.083, or s. 775.084.

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

696 (14)

697 (c) The sheriff's office may determine the appropriate
 698 times and days for reporting by the sexual offender, which shall
 699 be consistent with the reporting requirements of this
 700 subsection. Reregistration shall include any changes to the

701 following information:

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

716 2. If the sexual offender is enrolled, employed, or
 717 carrying on a vocation at an institution of higher education in
 718 this state, the sexual offender shall also provide to the
 719 department the name, address, and county of each institution,
 720 including each campus attended, and the sexual offender's
 721 enrollment or employment status.

722 3. If the sexual offender's place of residence is a motor
 723 vehicle, trailer, mobile home, or manufactured home, as defined
 724 in chapter 320, the sexual offender shall also provide the
 725 vehicle identification number; the license tag number; the
 726 registration number; and a description, including color scheme,
 727 of the motor vehicle, trailer, mobile home, or manufactured
 728 home. If the sexual offender's place of residence is a vessel,

729 live-aboard vessel, or houseboat, as defined in chapter 327, the
 730 sexual offender shall also provide the hull identification
 731 number; the manufacturer's serial number; the name of the
 732 vessel, live-aboard vessel, or houseboat; the registration
 733 number; and a description, including color scheme, of the
 734 vessel, live-aboard vessel or houseboat.

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

742 Section 5. Section 943.04352, Florida Statutes, is amended
 743 to read:

744 943.04352 Search of registration information regarding
 745 sexual predators and sexual offenders required when placement on
 746 misdemeanor probation.--When the court places a defendant on
 747 misdemeanor probation pursuant to ss. 948.01 and 948.15, the
 748 public or private entity providing probation services must
 749 conduct a search of the probationer's name or other identifying
 750 information against the registration information regarding
 751 sexual predators and sexual offenders maintained by the
 752 Department of Law Enforcement under s. 943.043. The probation
 753 services provider may conduct the search using the Internet site
 754 maintained by the Department of Law Enforcement. Also, a
 755 national search must be conducted through the Dru Sjodin
 756 National Sex Offender Public Website maintained by the United

757 States Department of Justice.

758 Section 6. Paragraph (a) of subsection (3) of section
759 944.606, Florida Statutes, is amended to read:

760 944.606 Sexual offenders; notification upon release.--

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

764 1. The department must provide: the sexual offender's
765 name, any change in the offender's name by reason of marriage or
766 other legal process, and any alias, if known; the correctional
767 facility from which the sexual offender is released; the sexual
768 offender's social security number, race, sex, date of birth,
769 height, weight, and hair and eye color; address of any planned
770 permanent residence or temporary residence, within the state or
771 out of state, including a rural route address and a post office
772 box; if no permanent or temporary address, any transient
773 residence within the state; address, location or description,
774 and dates of any known future temporary residence within the
775 state or out of state; date and county of sentence and each
776 crime for which the offender was sentenced; a copy of the
777 offender's fingerprints and a digitized photograph taken within
778 60 days before release; the date of release of the sexual
779 offender; any electronic mail address and any instant message
780 name required to be provided pursuant to s. 943.0435(4)(d); and
781 home telephone number and any cellular telephone number; ~~and the~~
782 ~~offender's intended residence address, if known.~~ The department
783 shall notify the Department of Law Enforcement if the sexual
784 offender escapes, absconds, or dies. If the sexual offender is

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785 in the custody of a private correctional facility, the facility
786 shall take the digitized photograph of the sexual offender
787 within 60 days before the sexual offender's release and provide
788 this photograph to the Department of Corrections and also place
789 it in the sexual offender's file. If the sexual offender is in
790 the custody of a local jail, the custodian of the local jail
791 shall register the offender within 3 business days after intake
792 of the offender for any reason and upon release, and shall
793 notify the Department of Law Enforcement of the sexual
794 offender's release and provide to the Department of Law
795 Enforcement the information specified in this paragraph and any
796 information specified in subparagraph 2. that the Department of
797 Law Enforcement requests.

798 2. The department may provide any other information deemed
799 necessary, including criminal and corrections records,
800 nonprivileged personnel and treatment records, when available.

801 Section 7. Subsections (4) and (6) and paragraph (c) of
802 subsection (13) of section 944.607, Florida Statutes, are
803 amended to read:

804 944.607 Notification to Department of Law Enforcement of
805 information on sexual offenders.--

806 (4) A sexual offender, as described in this section, who
807 is under the supervision of the Department of Corrections but is
808 not incarcerated must register with the Department of
809 Corrections within 3 business days after sentencing for a
810 registrable ~~registerable~~ offense and otherwise provide
811 information as required by this subsection.

812 (a) The sexual offender shall provide his or her name;

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

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

839 (6) The information provided to the Department of Law
 840 Enforcement must include:

841 (a) The information obtained from the sexual offender
842 under subsection (4);

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

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

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

862 (e) An indication of whether the victim of the offense
863 that resulted in the offender's status as a sexual offender was
864 a minor;

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

868 (g) A digitized photograph of the sexual offender which

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

882
883 If any information provided by the department changes during the
884 time the sexual offender is under the department's control,
885 custody, or supervision, including any change in the offender's
886 name by reason of marriage or other legal process, the
887 department shall, in a timely manner, update the information and
888 provide it to the Department of Law Enforcement in the manner
889 prescribed in subsection (2).

890 (13)

891 (c) The sheriff's office may determine the appropriate
892 times and days for reporting by the sexual offender, which shall
893 be consistent with the reporting requirements of this
894 subsection. Reregistration shall include any changes to the
895 following information:

896 1. Name; social security number; age; race; sex; date of

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

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

915 3. If the sexual offender's place of residence is a motor
916 vehicle, trailer, mobile home, or manufactured home, as defined
917 in chapter 320, the sexual offender shall also provide the
918 vehicle identification number; the license tag number; the
919 registration number; and a description, including color scheme,
920 of the motor vehicle, trailer, mobile home, or manufactured
921 home. If the sexual offender's place of residence is a vessel,
922 live-aboard vessel, or houseboat, as defined in chapter 327, the
923 sexual offender shall also provide the hull identification
924 number; the manufacturer's serial number; the name of the

925 vessel, live-aboard vessel, or houseboat; the registration
 926 number; and a description, including color scheme, of the
 927 vessel, live-aboard vessel or houseboat.

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

935 Section 8. Paragraph (b) of subsection (7) of section
 936 947.1405, Florida Statutes, is amended, and subsection (12) is
 937 added to that section, to read:

938 947.1405 Conditional release program.--
 939 (7)

940 (b) For a releasee whose crime was committed on or after
 941 October 1, 1997, in violation of chapter 794, s. 800.04, s.
 942 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to
 943 conditional release supervision, in addition to any other
 944 provision of this subsection, the commission shall impose the
 945 following additional conditions of conditional release
 946 supervision:

947 1. As part of a treatment program, participation in a
 948 minimum of one annual polygraph examination to obtain
 949 information necessary for risk management and treatment and to
 950 reduce the sex offender's denial mechanisms. The polygraph
 951 examination must be conducted by a polygrapher trained
 952 specifically in the use of the polygraph for the monitoring of

953 sex offenders who has been authorized by the department, where
 954 available, and at the expense of the releasee ~~sex offender~~. The
 955 results of the examination shall be provided to the releasee's
 956 probation officer and therapist and may not be used as evidence
 957 in a hearing to prove that a violation of supervision has
 958 occurred.

959 2. Maintenance of a driving log and a prohibition against
 960 driving a motor vehicle alone without the prior approval of the
 961 supervising officer.

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

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

968 5. Electronic monitoring of any form when ordered by the
 969 commission. Any person who has been placed under supervision and
 970 is electronically monitored by the department must pay the
 971 department for the cost of the electronic monitoring service at
 972 a rate that may not exceed the full cost of the monitoring
 973 service. Funds collected under this subparagraph shall be
 974 deposited into the General Revenue Fund. The department may
 975 exempt a person from the payment of all or any part of the
 976 electronic monitoring service cost if the department finds that
 977 any of the factors listed in s. 948.09(3) exist.

978 (12) In addition to all other conditions imposed, for a
 979 releasee who is subject to conditional release for a crime that
 980 was committed on or after July 1, 2010, and who has been

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981 convicted at any time of committing, or attempting, soliciting,
982 or conspiring to commit, any of the criminal offenses proscribed
983 in the following statutes in this state or similar offenses in
984 another jurisdiction against a victim who was under the age of
985 18 at the time of the offense: s. 787.01, s. 787.02, or s.
986 787.025(2)(c), where the victim is a minor and the offender was
987 not the victim's parent or guardian; s. 794.011, excluding s.
988 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
989 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
990 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.
991 985.701(1); or any similar offense committed in this state which
992 has been redesignated from a former statute number to one of
993 those listed in this subsection, if the offender has not
994 received a pardon for any felony or similar law of another
995 jurisdiction necessary for the operation of this subsection and
996 a conviction of a felony or similar law of another jurisdiction
997 necessary for the operation of this subsection has not been set
998 aside in any postconviction proceeding, unless at the time of
999 the crime was committed the victim was 16 or 17 years of age and
1000 the releasee was not more than 21 years of age, the commission
1001 must impose the following conditions:

1002 (a) A prohibition on visiting areas where children
1003 regularly congregate, including, but not limited to, schools,
1004 day care centers, parks, and playgrounds. The commission may
1005 also designate additional locations to protect a victim. The
1006 prohibition ordered under this paragraph does not prohibit the
1007 releasee's attendance at religious services as defined in s.
1008 775.0861.

1009 (b) A prohibition on distributing candy or other items to
 1010 children on Halloween; wearing a Santa Claus costume, or other
 1011 costume to appeal to children, on or preceding Christmas;
 1012 wearing an Easter Bunny costume, or other costume to appeal to
 1013 children, on or preceding Easter; entertaining at children's
 1014 parties; or wearing a clown costume; without prior approval from
 1015 the commission.

1016 Section 9. Paragraph (a) of subsection (2) of section
 1017 948.30, Florida Statutes, is amended, and subsection (4) is
 1018 added to that section, to read:

1019 948.30 Additional terms and conditions of probation or
 1020 community control for certain sex offenses.--Conditions imposed
 1021 pursuant to this section do not require oral pronouncement at
 1022 the time of sentencing and shall be considered standard
 1023 conditions of probation or community control for offenders
 1024 specified in this section.

1025 (2) Effective for a probationer or community controllee
 1026 whose crime was committed on or after October 1, 1997, and who
 1027 is placed on community control or sex offender probation for a
 1028 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),
 1029 or s. 847.0145, in addition to any other provision of this
 1030 section, the court must impose the following conditions of
 1031 probation or community control:

1032 (a) As part of a treatment program, participation at least
 1033 annually in polygraph examinations to obtain information
 1034 necessary for risk management and treatment and to reduce the
 1035 sex offender's denial mechanisms. A polygraph examination must
 1036 be conducted by a polygrapher trained specifically in the use of

1037 the polygraph for the monitoring of sex offenders who has been
 1038 authorized by the department, where available, and shall be paid
 1039 for by the probationer or community controllee ~~sex offender~~. The
 1040 results of the polygraph examination shall be provided to the
 1041 probationer's or community controllee's probation officer and
 1042 therapist and shall not be used as evidence in court to prove
 1043 that a violation of community supervision has occurred.

1044 (4) In addition to all other conditions imposed, for a
 1045 probationer or community controllee who is subject to
 1046 supervision for a crime that was committed on or after July 1,
 1047 2010, and who has been convicted at any time of committing, or
 1048 attempting, soliciting, or conspiring to commit, any of the
 1049 criminal offenses proscribed in the following statutes in this
 1050 state or similar offenses in another jurisdiction against a
 1051 victim who was under the age of 18 at the time of the offense:
 1052 s. 787.01, s. 787.02, or s. 787.025(2) (c), where the victim is a
 1053 minor and the offender was not the victim's parent or guardian;
 1054 s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
 1055 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
 1056 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
 1057 847.0145; s. 985.701(1); or any similar offense committed in
 1058 this state which has been redesignated from a former statute
 1059 number to one of those listed in this subsection, if the
 1060 offender has not received a pardon for any felony or similar law
 1061 of another jurisdiction necessary for the operation of this
 1062 subsection and a conviction of a felony or similar law of
 1063 another jurisdiction necessary for the operation of this
 1064 subsection has not been set aside in any postconviction

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1065 proceeding, unless at the time the crime was committed the
 1066 victim was 16 or 17 years of age and the offender was not more
 1067 than 21 years of age, the court must impose the following
 1068 conditions:

1069 (a) A prohibition on visiting areas where children
 1070 regularly congregate, including, but not limited to, schools,
 1071 day care centers, parks, and playgrounds. The commission may
 1072 also designate additional locations to protect a victim. The
 1073 prohibition ordered under this paragraph does not prohibit the
 1074 releasee's attendance at religious services as defined in s.
 1075 775.0861.

1076 (b) A prohibition on distributing candy or other items to
 1077 children on Halloween; wearing a Santa Claus costume, or other
 1078 costume to appeal to children, on or preceding Christmas;
 1079 wearing an Easter Bunny costume, or other costume to appeal to
 1080 children, on or preceding Easter; entertaining at children's
 1081 parties; or wearing a clown costume; without prior approval from
 1082 the commission.

1083 Section 10. Section 948.31, Florida Statutes, is amended
 1084 to read:

1085 948.31 ~~Diagnosis, Evaluation, and treatment of~~ sexual
 1086 predators and offenders placed on probation or community control
 1087 ~~for certain sex offenses or child exploitation.--The court shall~~
 1088 require an a diagnosis and evaluation to determine the need of a
 1089 probationer or community controlee ~~offender in community control~~
 1090 for treatment. If the court determines that a need therefor is
 1091 established by the ~~such diagnosis and~~ evaluation process, the
 1092 court shall require sexual offender treatment ~~outpatient~~

1093 ~~counseling~~ as a term or condition of probation or community
 1094 control for any person who meets the criteria to be designated
 1095 as a sexual predator under s. 775.21 or to be subject to
 1096 registration as a sexual offender under s. 943.0435, s. 944.606,
 1097 or s. 944.607. ~~was found guilty of any of the following, or~~
 1098 ~~whose plea of guilty or nolo contendere to any of the following~~
 1099 ~~was accepted by the court:~~

1100 ~~(1) Lewd or lascivious battery, lewd or lascivious~~
 1101 ~~molestation, lewd or lascivious conduct, or lewd or lascivious~~
 1102 ~~exhibition, as defined in s. 800.04 or s. 847.0135(5).~~

1103 ~~(2) Sexual battery, as defined in chapter 794, against a~~
 1104 ~~child.~~

1105 ~~(3) Exploitation of a child as provided in s. 450.151, or~~
 1106 ~~for prostitution.~~

1107
 1108 Such treatment ~~counseling~~ shall be required to be obtained from
 1109 a qualified practitioner as defined in s. 948.001. Treatment may
 1110 not be administered by a qualified practitioner who has been
 1111 convicted or adjudicated delinquent of committing, or
 1112 attempting, soliciting, or conspiring to commit, any offense
 1113 that is listed in s. 943.0435(1)(a)1.a.(I). The court shall
 1114 impose a restriction against contact with minors if sexual
 1115 offender treatment is recommended ~~a community mental health~~
 1116 ~~center, a recognized social service agency providing mental~~
 1117 ~~health services, or a private mental health professional or~~
 1118 ~~through other professional counseling.~~ The evaluation and
 1119 recommendations plan for treatment of ~~counseling~~ for the
 1120 probationer or community controllee individual shall be provided

1121 to the court for review.

1122 Section 11. Paragraph (a) of subsection (3) of section
 1123 985.481, Florida Statutes, is amended to read:

1124 985.481 Sexual offenders adjudicated delinquent;
 1125 notification upon release.--

1126 (3) (a) The department must provide information regarding
 1127 any sexual offender who is being released after serving a period
 1128 of residential commitment under the department for any offense,
 1129 as follows:

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

1147 The department shall notify the Department of Law Enforcement if
 1148 the sexual offender escapes, absconds, or dies. If the sexual

1149 offender is in the custody of a private correctional facility,
 1150 the facility shall take the digitized photograph of the sexual
 1151 offender within 60 days before the sexual offender's release and
 1152 also place it in the sexual offender's file. If the sexual
 1153 offender is in the custody of a local jail, the custodian of the
 1154 local jail shall register the offender within 3 business days
 1155 after intake of the offender for any reason and upon release,
 1156 and shall notify the Department of Law Enforcement of the sexual
 1157 offender's release and provide to the Department of Law
 1158 Enforcement the information specified in this subparagraph and
 1159 any information specified in subparagraph 2. which the
 1160 Department of Law Enforcement requests.

1161 2. The department may provide any other information
 1162 considered necessary, including criminal and delinquency
 1163 records, when available.

1164 Section 12. Paragraph (a) of subsection (4), paragraph (a)
 1165 of subsection (6), and paragraph (b) of subsection (13) of
 1166 section 985.4815, Florida Statutes, are amended to read:

1167 985.4815 Notification to Department of Law Enforcement of
 1168 information on juvenile sexual offenders.--

1169 (4) A sexual offender, as described in this section, who
 1170 is under the supervision of the department but who is not
 1171 committed must register with the department within 3 business
 1172 days after adjudication and disposition for a registrable
 1173 offense and otherwise provide information as required by this
 1174 subsection.

1175 (a) The sexual offender shall provide his or her name;
 1176 date of birth; social security number; race; sex; height;

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1177 weight; hair and eye color; tattoos or other identifying marks;
 1178 ~~and~~ permanent or legal residence and address of temporary
 1179 residence within the state or out of state while the sexual
 1180 offender is in the care or custody or under the jurisdiction or
 1181 supervision of the department in this state, including any rural
 1182 route address or post office box; if no permanent or temporary
 1183 address, any transient residence; address, location or
 1184 description, and dates of any current or known future temporary
 1185 residence within the state or out of state;~~7~~ and the name and
 1186 address of each school attended. The department shall verify the
 1187 address of each sexual offender and shall report to the
 1188 Department of Law Enforcement any failure by a sexual offender
 1189 to comply with registration requirements.

1190 (6) (a) The information provided to the Department of Law
 1191 Enforcement must include the following:

1192 1. The information obtained from the sexual offender under
 1193 subsection (4).

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

1205 intended place of permanent, ~~or~~ temporary, or transient
 1206 residence, and address, location or description, and dates of
 1207 any current or known future temporary residence within the state
 1208 or out of state upon satisfaction of all sanctions.

1209 3. The legal status of the sexual offender and the
 1210 scheduled termination date of that legal status.

1211 4. The location of, and local telephone number for, any
 1212 department office that is responsible for supervising the sexual
 1213 offender.

1214 5. An indication of whether the victim of the offense that
 1215 resulted in the offender's status as a sexual offender was a
 1216 minor.

1217 6. The offense or offenses at adjudication and disposition
 1218 that resulted in the determination of the offender's status as a
 1219 sex offender.

1220 7. A digitized photograph of the sexual offender, which
 1221 must have been taken within 60 days before the offender was
 1222 released from the custody of the department or a private
 1223 correctional facility by expiration of sentence under s.
 1224 944.275, or within 60 days after the onset of the department's
 1225 supervision of any sexual offender who is on probation,
 1226 postcommitment probation, residential commitment, nonresidential
 1227 commitment, licensed child-caring commitment, community control,
 1228 conditional release, parole, provisional release, or control
 1229 release or who is supervised by the department under the
 1230 Interstate Compact Agreement for Probationers and Parolees. If
 1231 the sexual offender is in the custody of a private correctional
 1232 facility, the facility shall take a digitized photograph of the

1233 sexual offender within the time period provided in this
 1234 subparagraph and shall provide the photograph to the department.

1235 (13)

1236 (b) The sheriff's office may determine the appropriate
 1237 times and days for reporting by the sexual offender, which shall
 1238 be consistent with the reporting requirements of this
 1239 subsection. Reregistration shall include any changes to the
 1240 following information:

1241 1. Name; social security number; age; race; sex; date of
 1242 birth; height; weight; hair and eye color; address of any
 1243 permanent residence and address of any current temporary
 1244 residence, within the state or out of state, including a rural
 1245 route address and a post office box; if no permanent or
 1246 temporary address, any transient residence; address, location or
 1247 description, and dates of any current or known future temporary
 1248 residence within the state or out of state; name and address of
 1249 each school attended; date and place of any employment; vehicle
 1250 make, model, color, and license tag number; fingerprints; and
 1251 photograph. A post office box shall not be provided in lieu of a
 1252 physical residential address.

1253 2. If the sexual offender is enrolled, employed, or
 1254 carrying on a vocation at an institution of higher education in
 1255 this state, the sexual offender shall also provide to the
 1256 department the name, address, and county of each institution,
 1257 including each campus attended, and the sexual offender's
 1258 enrollment or employment status.

1259 3. If the sexual offender's place of residence is a motor
 1260 vehicle, trailer, mobile home, or manufactured home, as defined

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1261 in chapter 320, the sexual offender shall also provide the
1262 vehicle identification number; the license tag number; the
1263 registration number; and a description, including color scheme,
1264 of the motor vehicle, trailer, mobile home, or manufactured
1265 home. If the sexual offender's place of residence is a vessel,
1266 live-aboard vessel, or houseboat, as defined in chapter 327, the
1267 sexual offender shall also provide the hull identification
1268 number; the manufacturer's serial number; the name of the
1269 vessel, live-aboard vessel, or houseboat; the registration
1270 number; and a description, including color scheme, of the
1271 vessel, live-aboard vessel, or houseboat.

1272 4. Any sexual offender who fails to report in person as
1273 required at the sheriff's office, or who fails to respond to any
1274 address verification correspondence from the department within 3
1275 weeks after the date of the correspondence, commits a felony of
1276 the third degree, punishable as provided in ss. 775.082,
1277 775.083, and 775.084.

1278 Section 13. This act shall take effect July 1, 2010.