

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 were congregating; 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 prekindergarten through grade 12
10 school without notice and supervision; providing
11 exceptions; providing penalties; amending s. 775.21, F.S.;
12 revising and providing definitions; conforming terminology
13 to changes made by the act; revising provisions relating
14 to residence reporting requirements for sexual predators;
15 transferring, renumbering, and amending s. 794.065, F.S.;
16 providing intent; providing definitions; substituting the
17 term "child care facility" for the term "day care center";
18 providing that the section does not apply to a person
19 living in an approved residence before the establishment
20 of a school, child care facility, park, or playground
21 within 1,000 feet of the residence; including offenses in
22 other jurisdictions that are similar to the offenses
23 listed for purposes of providing residency restrictions
24 for persons convicted of certain sex offenses, applicable
25 to offenses committed on or after a specified date;
26 providing that the section does not apply to persons who
27 were removed from the requirement to register as a sexual
28 offender or sexual predator under a specified provision;

29 | amending s. 943.0435, F.S.; revising provisions relating
30 | to residence reporting requirements for sexual offenders;
31 | amending s. 943.04352, F.S.; requiring that the probation
32 | services provider search in an additional specified sex
33 | offender registry for information regarding sexual
34 | predators and sexual offenders when an offender is placed
35 | on misdemeanor probation; amending s. 944.606, F.S.;
36 | revising address reporting requirements for sexual
37 | offenders; amending s. 944.607, F.S.; requiring additional
38 | registration information from sex offenders who are under
39 | the supervision of the Department of Corrections but who
40 | are not incarcerated; amending s. 947.005, F.S.; providing
41 | additional definitions; amending s. 947.1405, F.S.;
42 | conforming terminology to changes made by the act;
43 | providing that a releasee living in an approved residence
44 | before the establishment of a school, child care facility,
45 | park, or playground within 1,000 feet of the residence may
46 | not be forced to relocate and does not violate his or her
47 | conditional release supervision; revising provisions
48 | relating to polygraph examinations of specified
49 | conditional releasees who have committed specified sexual
50 | offenses; providing additional restrictions for certain
51 | conditional releasees who have committed specified sexual
52 | offenses against minors or have similar convictions in
53 | another jurisdiction; amending s. 948.001, F.S.; revising
54 | and providing definitions; amending s. 948.30, F.S.;
55 | conforming terminology to changes made by the act;
56 | providing that a probationer or community controllee

57 | living in an approved residence before the establishment
58 | of a school, child care facility, park, or playground
59 | within 1,000 feet of the residence may not be forced to
60 | relocate and does not violate his or her probation or
61 | community control; revising provisions relating to
62 | polygraph examinations of specified probationers or
63 | community controllees who have committed specified sexual
64 | offenses; providing additional restrictions for certain
65 | probationers or community controllees who committed
66 | specified sexual offenses against minors or who have
67 | similar convictions in another jurisdiction; amending s.
68 | 948.31, F.S.; deleting a requirement for diagnosis of
69 | certain sexual predators and sexual offenders on community
70 | control; revising provisions relating to treatment for
71 | such offenders and predators; amending s. 985.481, F.S.;
72 | providing additional address reporting requirements for
73 | sexual offenders adjudicated delinquent; amending s.
74 | 985.4815, F.S.; revising provisions relating to address
75 | and residence reporting requirements for sexual offenders
76 | adjudicated delinquent; providing legislative intent;
77 | providing severability; providing a directive to the
78 | Division of Statutory Revision; providing an effective
79 | date.

80 |
81 | Be It Enacted by the Legislature of the State of Florida:

82 |
83 | Section 1. Section 856.022, Florida Statutes, is created
84 | to read:

85 856.022 Loitering or prowling by certain offenders in
86 close proximity to children; penalty.-

87 (1) Except as provided in subsection (2), this section
88 applies to a person convicted of committing, or attempting,
89 soliciting, or conspiring to commit, any of the criminal
90 offenses proscribed in the following statutes in this state or
91 similar offenses in another jurisdiction against a victim who
92 was under 18 years of age at the time of the offense: s. 787.01,
93 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
94 the offender was not the victim's parent or guardian; s.
95 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
96 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
97 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
98 847.0145; s. 985.701(1); or any similar offense committed in
99 this state which has been redesignated from a former statute
100 number to one of those listed in this subsection, if the person
101 has not received a pardon for any felony or similar law of
102 another jurisdiction necessary for the operation of this
103 subsection and a conviction of a felony or similar law of
104 another jurisdiction necessary for the operation of this
105 subsection has not been set aside in any postconviction
106 proceeding.

107 (2) This section does not apply to a person who has been
108 removed from the requirement to register as a sexual offender or
109 sexual predator pursuant to s. 943.04354.

110 (3) A person described in subsection (1) commits loitering
111 and prowling by a person convicted of a sexual offense against a
112 minor if, in committing loitering and prowling, he or she was

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113 within 300 feet of a place where children were congregating.

114 (4) It is unlawful for a person described in subsection
115 (1) to:

116 (a) Knowingly approach, contact, or communicate with a
117 child under 18 years of age in any public park building or on
118 real property comprising any public park or playground with the
119 intent to engage in conduct of a sexual nature or to make a
120 communication of any type with any content of a sexual nature.

121 This paragraph applies only to a person described in subsection
122 (1) whose offense was committed on or after the effective date
123 of this act.

124 (b)1. Knowingly be present in any child care facility or
125 school containing any students in prekindergarten through grade
126 12 or on real property comprising any child care facility or
127 school containing any students in prekindergarten through grade
128 12 when the child care facility or school is in operation unless
129 the person had previously provided written notification of his
130 or her intent to be present to the school board, superintendent,
131 principal, or child care facility owner;

132 2. Fail to notify the child care facility owner or the
133 school principal's office when he or she arrives and departs the
134 child care facility or school; or

135 3. Fail to remain under direct supervision of a school
136 official or designated chaperone when present in the vicinity of
137 children. As used in this paragraph, the term "school official"
138 means a principal, a school resource officer, a teacher or any
139 other employee of the school, the superintendent of schools, a
140 member of the school board, a child care facility owner, or a

141 child care provider.

142 (c) A person is not in violation of paragraph (b) if:

143 1. The child care facility or school is a voting location
 144 and the person is present for the purpose of voting during the
 145 hours designated for voting; or

146 2. The person is only dropping off or picking up his or
 147 her own children or grandchildren at the child care facility or
 148 school.

149 (5) Any person who violates this section commits a
 150 misdemeanor of the first degree, punishable as provided in s.
 151 775.082 or s. 775.083.

152 Section 2. Subsection (2), paragraph (c) of subsection
 153 (4), paragraph (a) of subsection (5), paragraphs (a), (f), (g),
 154 (i), and (j) of subsection (6), paragraph (a) of subsection (7),
 155 paragraph (a) of subsection (8), and paragraph (b) of subsection
 156 (10) of section 775.21, Florida Statutes, are amended to read:

157 775.21 The Florida Sexual Predators Act.—

158 (2) DEFINITIONS.—As used in this section, the term:

159 (a)-(i) "Change in enrollment or employment status" means
 160 the commencement or termination of enrollment or employment or a
 161 change in location of enrollment or employment.

162 (b)-(a) "Chief of police" means the chief law enforcement
 163 officer of a municipality.

164 (c) "Child care facility" has the same meaning as provided
 165 in s. 402.302.

166 (d)-(b) "Community" means any county where the sexual
 167 predator lives or otherwise establishes or maintains a temporary
 168 or permanent residence.

169 (e)~~(e)~~ "Conviction" means a determination of guilt which
170 is the result of a trial or the entry of a plea of guilty or
171 nolo contendere, regardless of whether adjudication is withheld.
172 A conviction for a similar offense includes, but is not limited
173 to, a conviction by a federal or military tribunal, including
174 courts-martial conducted by the Armed Forces of the United
175 States, and includes a conviction or entry of a plea of guilty
176 or nolo contendere resulting in a sanction in any state of the
177 United States or other jurisdiction. A sanction includes, but is
178 not limited to, a fine, probation, community control, parole,
179 conditional release, control release, or incarceration in a
180 state prison, federal prison, private correctional facility, or
181 local detention facility.

182 (f)~~(d)~~ "Department" means the Department of Law
183 Enforcement.

184 (g)~~(j)~~ "Electronic mail address" has the same meaning as
185 provided in s. 668.602.

186 (h)~~(e)~~ "Entering the county" includes being discharged
187 from a correctional facility or jail or secure treatment
188 facility within the county or being under supervision within the
189 county for the commission of a violation enumerated in
190 subsection (4).

191 (i)~~(k)~~ "Instant message name" means an identifier that
192 allows a person to communicate in real time with another person
193 using the Internet.

194 (j)~~(h)~~ "Institution of higher education" means a career
195 center, community college, college, state university, or
196 independent postsecondary institution.

197 (k) ~~(f)~~ "Permanent residence" means a place where the
 198 person abides, lodges, or resides for 5 or more consecutive
 199 days.

200 (l) ~~(g)~~ "Temporary residence" means a place where the
 201 person abides, lodges, or resides, including, but not limited
 202 to, vacation, business, or personal travel destinations in or
 203 out of this state, for a period of 5 or more days in the
 204 aggregate during any calendar year and which is not the person's
 205 permanent address or, for a person whose permanent residence is
 206 not in this state, a place where the person is employed,
 207 practices a vocation, or is enrolled as a student for any period
 208 of time in this state.

209 (m) "Transient residence" means a place or county where a
 210 person lives, remains, or is located for a period of 5 or more
 211 days in the aggregate during a calendar year and which is not
 212 the person's permanent or temporary address. The term includes,
 213 but is not limited to, a place where the person sleeps or seeks
 214 shelter and a location that has no specific street address.

215 (4) SEXUAL PREDATOR CRITERIA.—

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

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

222 2. The offender was administratively registered as a
 223 sexual predator because the Department of Corrections, the
 224 department, or any other law enforcement agency obtained

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225 information that indicated that the offender met the criteria
226 for designation as a sexual predator based on a violation of a
227 similar law in another jurisdiction,
228
229 the department shall remove that offender from the department's
230 list of sexual predators and, for an offender described under
231 subparagraph 1., shall notify the state attorney who prosecuted
232 the offense that met the criteria for administrative designation
233 as a sexual predator, and, for an offender described under this
234 paragraph, shall notify the state attorney of the county where
235 the offender establishes or maintains a permanent, ~~or~~ temporary,
236 or transient residence. The state attorney shall bring the
237 matter to the court's attention in order to establish that the
238 offender meets the criteria for designation as a sexual
239 predator. If the court makes a written finding that the offender
240 is a sexual predator, the offender must be designated as a
241 sexual predator, must register or be registered as a sexual
242 predator with the department as provided in subsection (6), and
243 is subject to the community and public notification as provided
244 in subsection (7). If the court does not make a written finding
245 that the offender is a sexual predator, the offender may not be
246 designated as a sexual predator with respect to that offense and
247 is not required to register or be registered as a sexual
248 predator with the department.

249 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
250 as a sexual predator as follows:

251 (a)1. An offender who meets the sexual predator criteria
252 described in paragraph (4)(d) is a sexual predator, and the

253 | court shall make a written finding at the time such offender is
 254 | determined to be a sexually violent predator under chapter 394
 255 | that such person meets the criteria for designation as a sexual
 256 | predator for purposes of this section. The clerk shall transmit
 257 | a copy of the order containing the written finding to the
 258 | department within 48 hours after the entry of the order;

259 | 2. An offender who meets the sexual predator criteria
 260 | described in paragraph (4)(a) who is before the court for
 261 | sentencing for a current offense committed on or after October
 262 | 1, 1993, is a sexual predator, and the sentencing court must
 263 | make a written finding at the time of sentencing that the
 264 | offender is a sexual predator, and the clerk of the court shall
 265 | transmit a copy of the order containing the written finding to
 266 | the department within 48 hours after the entry of the order; or

267 | 3. If the Department of Corrections, the department, or
 268 | any other law enforcement agency obtains information which
 269 | indicates that an offender who establishes or maintains a
 270 | permanent, ~~or~~ temporary, or transient residence in this state
 271 | meets the sexual predator criteria described in paragraph (4)(a)
 272 | or paragraph (4)(d) because the offender was civilly committed
 273 | or committed a similar violation in another jurisdiction on or
 274 | after October 1, 1993, the Department of Corrections, the
 275 | department, or the law enforcement agency shall notify the state
 276 | attorney of the county where the offender establishes or
 277 | maintains a permanent, ~~or~~ temporary, or transient residence of
 278 | the offender's presence in the community. The state attorney
 279 | shall file a petition with the criminal division of the circuit
 280 | court for the purpose of holding a hearing to determine if the

281 offender's criminal record or record of civil commitment from
 282 another jurisdiction meets the sexual predator criteria. If the
 283 court finds that the offender meets the sexual predator criteria
 284 because the offender has violated a similar law or similar laws
 285 in another jurisdiction, the court shall make a written finding
 286 that the offender is a sexual predator.

287
 288 When the court makes a written finding that an offender is a
 289 sexual predator, the court shall inform the sexual predator of
 290 the registration and community and public notification
 291 requirements described in this section. Within 48 hours after
 292 the court designating an offender as a sexual predator, the
 293 clerk of the circuit court shall transmit a copy of the court's
 294 written sexual predator finding to the department. If the
 295 offender is sentenced to a term of imprisonment or supervision,
 296 a copy of the court's written sexual predator finding must be
 297 submitted to the Department of Corrections.

298 (6) REGISTRATION.—

299 (a) A sexual predator must register with the department
 300 through the sheriff's office by providing the following
 301 information to the department:

- 302 1. Name;; social security number;; age;; race;; sex;; date
 303 of birth;; height;; weight;; hair and eye color;; photograph;;
 304 address of legal residence and address of any current temporary
 305 residence, within the state or out of state, including a rural
 306 route address and a post office box;; if no permanent or
 307 temporary address, any transient residence within the state;
 308 address, location or description, and dates of any current or

309 known future temporary residence within the state or out of
 310 state; any electronic mail address and any instant message name
 311 required to be provided pursuant to subparagraph (g)4.; home
 312 telephone number and any cellular telephone number;; date and
 313 place of any employment;; date and place of each conviction;;
 314 fingerprints;; and a brief description of the crime or crimes
 315 committed by the offender. A post office box shall not be
 316 provided in lieu of a physical residential address.

317 a. If the sexual predator's place of residence is a motor
 318 vehicle, trailer, mobile home, or manufactured home, as defined
 319 in chapter 320, the sexual predator shall also provide to the
 320 department written notice of the vehicle identification number;
 321 the license tag number; the registration number; and a
 322 description, including color scheme, of the motor vehicle,
 323 trailer, mobile home, or manufactured home. If a sexual
 324 predator's place of residence is a vessel, live-aboard vessel,
 325 or houseboat, as defined in chapter 327, the sexual predator
 326 shall also provide to the department written notice of the hull
 327 identification number; the manufacturer's serial number; the
 328 name of the vessel, live-aboard vessel, or houseboat; the
 329 registration number; and a description, including color scheme,
 330 of the vessel, live-aboard vessel, or houseboat.

331 b. If the sexual predator is enrolled, employed, or
 332 carrying on a vocation at an institution of higher education in
 333 this state, the sexual predator shall also provide to the
 334 department the name, address, and county of each institution,
 335 including each campus attended, and the sexual predator's
 336 enrollment or employment status. Each change in enrollment or

337 employment status shall be reported in person at the sheriff's
 338 office, or the Department of Corrections if the sexual predator
 339 is in the custody or control of or under the supervision of the
 340 Department of Corrections, within 48 hours after any change in
 341 status. The sheriff or the Department of Corrections shall
 342 promptly notify each institution of the sexual predator's
 343 presence and any change in the sexual predator's enrollment or
 344 employment status.

345 2. Any other information determined necessary by the
 346 department, including criminal and corrections records;
 347 nonprivileged personnel and treatment records; and evidentiary
 348 genetic markers when available.

349 (f) Within 48 hours after the registration required under
 350 paragraph (a) or paragraph (e), a sexual predator who is not
 351 incarcerated and who resides in the community, including a
 352 sexual predator under the supervision of the Department of
 353 Corrections, shall register in person at a driver's license
 354 office of the Department of Highway Safety and Motor Vehicles
 355 and shall present proof of registration. At the driver's license
 356 office the sexual predator shall:

357 1. If otherwise qualified, secure a Florida driver's
 358 license, renew a Florida driver's license, or secure an
 359 identification card. The sexual predator shall identify himself
 360 or herself as a sexual predator who is required to comply with
 361 this section, provide his or her place of permanent, ~~or~~
 362 temporary, or transient residence, including a rural route
 363 address and a post office box, and submit to the taking of a
 364 photograph for use in issuing a driver's license, renewed

365 license, or identification card, and for use by the department
 366 in maintaining current records of sexual predators. A post
 367 office box shall not be provided in lieu of a physical
 368 residential address. If the sexual predator's place of residence
 369 is a motor vehicle, trailer, mobile home, or manufactured home,
 370 as defined in chapter 320, the sexual predator shall also
 371 provide to the Department of Highway Safety and Motor Vehicles
 372 the vehicle identification number; the license tag number; the
 373 registration number; and a description, including color scheme,
 374 of the motor vehicle, trailer, mobile home, or manufactured
 375 home. If a sexual predator's place of residence is a vessel,
 376 live-aboard vessel, or houseboat, as defined in chapter 327, the
 377 sexual predator shall also provide to the Department of Highway
 378 Safety and Motor Vehicles the hull identification number; the
 379 manufacturer's serial number; the name of the vessel, live-
 380 aboard vessel, or houseboat; the registration number; and a
 381 description, including color scheme, of the vessel, live-aboard
 382 vessel, or houseboat.

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

388 3. Provide, upon request, any additional information
 389 necessary to confirm the identity of the sexual predator,
 390 including a set of fingerprints.

391 (g)1. Each time a sexual predator's driver's license or
 392 identification card is subject to renewal, and, without regard

393 to the status of the predator's driver's license or
 394 identification card, within 48 hours after any change of the
 395 predator's residence or change in the predator's name by reason
 396 of marriage or other legal process, the predator shall report in
 397 person to a driver's license office and shall be subject to the
 398 requirements specified in paragraph (f). The Department of
 399 Highway Safety and Motor Vehicles shall forward to the
 400 department and to the Department of Corrections all photographs
 401 and information provided by sexual predators. Notwithstanding
 402 the restrictions set forth in s. 322.142, the Department of
 403 Highway Safety and Motor Vehicles is authorized to release a
 404 reproduction of a color-photograph or digital-image license to
 405 the Department of Law Enforcement for purposes of public
 406 notification of sexual predators as provided in this section.

407 2. A sexual predator who vacates a permanent, temporary,
 408 or transient residence and fails to establish or maintain
 409 another permanent, ~~or~~ temporary, or transient residence shall,
 410 within 48 hours after vacating the permanent, temporary, or
 411 transient residence, report in person to the sheriff's office of
 412 the county in which he or she is located. The sexual predator
 413 shall specify the date upon which he or she intends to or did
 414 vacate such residence. The sexual predator must provide or
 415 update all of the registration information required under
 416 paragraph (a). The sexual predator must provide an address for
 417 the residence or other place ~~location~~ that he or she is or will
 418 be located ~~occupying~~ during the time in which he or she fails to
 419 establish or maintain a permanent or temporary residence.

420 3. A sexual predator who remains at a permanent,

421 temporary, or transient residence after reporting his or her
422 intent to vacate such residence shall, within 48 hours after the
423 date upon which the predator indicated he or she would or did
424 vacate such residence, report in person to the sheriff's office
425 to which he or she reported pursuant to subparagraph 2. for the
426 purpose of reporting his or her address at such residence. When
427 the sheriff receives the report, the sheriff shall promptly
428 convey the information to the department. An offender who makes
429 a report as required under subparagraph 2. but fails to make a
430 report as required under this subparagraph commits a felony of
431 the second degree, punishable as provided in s. 775.082, s.
432 775.083, or s. 775.084.

433 4. A sexual predator must register any electronic mail
434 address or instant message name with the department prior to
435 using such electronic mail address or instant message name on or
436 after October 1, 2007. The department shall establish an online
437 system through which sexual predators may securely access and
438 update all electronic mail address and instant message name
439 information.

440 (i) A sexual predator who intends to establish a
441 permanent, temporary, or transient residence in another state or
442 jurisdiction other than the State of Florida shall report in
443 person to the sheriff of the county of current residence within
444 48 hours before the date he or she intends to leave this state
445 to establish residence in another state or jurisdiction. The
446 sexual predator must provide to the sheriff the address,
447 municipality, county, and state of intended residence. The
448 sheriff shall promptly provide to the department the information

449 received from the sexual predator. The department shall notify
450 the statewide law enforcement agency, or a comparable agency, in
451 the intended state or jurisdiction of residence of the sexual
452 predator's intended residence. The failure of a sexual predator
453 to provide his or her intended place of residence is punishable
454 as provided in subsection (10).

455 (j) A sexual predator who indicates his or her intent to
456 establish a permanent, temporary, or transient residence ~~reside~~
457 in another state or jurisdiction other than the State of Florida
458 and later decides to remain in this state shall, within 48 hours
459 after the date upon which the sexual predator indicated he or
460 she would leave this state, report in person to the sheriff to
461 which the sexual predator reported the intended change of
462 residence, and report his or her intent to remain in this state.
463 If the sheriff is notified by the sexual predator that he or she
464 intends to remain in this state, the sheriff shall promptly
465 report this information to the department. A sexual predator who
466 reports his or her intent to establish a permanent, temporary,
467 or transient residence ~~reside~~ in another state or jurisdiction,
468 but who remains in this state without reporting to the sheriff
469 in the manner required by this paragraph, commits a felony of
470 the second degree, punishable as provided in s. 775.082, s.
471 775.083, or s. 775.084.

472 (7) COMMUNITY AND PUBLIC NOTIFICATION.—

473 (a) Law enforcement agencies must inform members of the
474 community and the public of a sexual predator's presence. Upon
475 notification of the presence of a sexual predator, the sheriff
476 of the county or the chief of police of the municipality where

477 the sexual predator establishes or maintains a permanent or
 478 temporary residence shall notify members of the community and
 479 the public of the presence of the sexual predator in a manner
 480 deemed appropriate by the sheriff or the chief of police. Within
 481 48 hours after receiving notification of the presence of a
 482 sexual predator, the sheriff of the county or the chief of
 483 police of the municipality where the sexual predator temporarily
 484 or permanently resides shall notify each licensed child care
 485 facility ~~day care center~~, elementary school, middle school, and
 486 high school within a 1-mile radius of the temporary or permanent
 487 residence of the sexual predator of the presence of the sexual
 488 predator. Information provided to members of the community and
 489 the public regarding a sexual predator must include:

- 490 1. The name of the sexual predator;
- 491 2. A description of the sexual predator, including a
 492 photograph;
- 493 3. The sexual predator's current permanent, temporary, and
 494 transient addresses, and descriptions of registered locations
 495 that have no specific street address, including the name of the
 496 county or municipality if known;
- 497 4. The circumstances of the sexual predator's offense or
 498 offenses; and
- 499 5. Whether the victim of the sexual predator's offense or
 500 offenses was, at the time of the offense, a minor or an adult.

501
 502 This paragraph does not authorize the release of the name of any
 503 victim of the sexual predator.

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

505 Corrections shall implement a system for verifying the addresses
506 of sexual predators. The system must be consistent with the
507 provisions of the federal Adam Walsh Child Protection and Safety
508 Act of 2006 and any other federal standards applicable to such
509 verification or required to be met as a condition for the
510 receipt of federal funds by the state. The Department of
511 Corrections shall verify the addresses of sexual predators who
512 are not incarcerated but who reside in the community under the
513 supervision of the Department of Corrections and shall report to
514 the department any failure by a sexual predator to comply with
515 registration requirements. County and local law enforcement
516 agencies, in conjunction with the department, shall verify the
517 addresses of sexual predators who are not under the care,
518 custody, control, or supervision of the Department of
519 Corrections. Local law enforcement agencies shall report to the
520 department any failure by a sexual predator to comply with
521 registration requirements.

522 (a) A sexual predator must report in person each year
523 during the month of the sexual predator's birthday and during
524 every third month thereafter to the sheriff's office in the
525 county in which he or she resides or is otherwise located to
526 reregister. The sheriff's office may determine the appropriate
527 times and days for reporting by the sexual predator, which shall
528 be consistent with the reporting requirements of this paragraph.
529 Reregistration shall include any changes to the following
530 information:

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

533 permanent residence and address of any current temporary
534 residence, within the state or out of state, including a rural
535 route address and a post office box; if no permanent or
536 temporary address, any transient residence within the state;
537 address, location or description, and dates of any current or
538 known future temporary residence within the state or out of
539 state; any electronic mail address and any instant message name
540 required to be provided pursuant to subparagraph (6)(g)4.; home
541 telephone number and any cellular telephone number; date and
542 place of any employment; vehicle make, model, color, and license
543 tag number; fingerprints; and photograph. A post office box
544 shall not be provided in lieu of a physical residential address.

545 2. If the sexual predator is enrolled, employed, or
546 carrying on a vocation at an institution of higher education in
547 this state, the sexual predator shall also provide to the
548 department the name, address, and county of each institution,
549 including each campus attended, and the sexual predator's
550 enrollment or employment status.

551 3. If the sexual predator's place of residence is a motor
552 vehicle, trailer, mobile home, or manufactured home, as defined
553 in chapter 320, the sexual predator shall also provide the
554 vehicle identification number; the license tag number; the
555 registration number; and a description, including color scheme,
556 of the motor vehicle, trailer, mobile home, or manufactured
557 home. If the sexual predator's place of residence is a vessel,
558 live-aboard vessel, or houseboat, as defined in chapter 327, the
559 sexual predator shall also provide the hull identification
560 number; the manufacturer's serial number; the name of the

561 vessel, live-aboard vessel, or houseboat; the registration
 562 number; and a description, including color scheme, of the
 563 vessel, live-aboard vessel, or houseboat.

564 (10) PENALTIES.—

565 (b) A sexual predator who has been convicted of or found
 566 to have committed, or has pled nolo contendere or guilty to,
 567 regardless of adjudication, any violation, or attempted
 568 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 569 the victim is a minor and the defendant is not the victim's
 570 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
 571 794.05; s. 796.03; s. 796.035; s. 800.04; s. 827.071; s.
 572 847.0133; s. 847.0135(5); s. 847.0145; or s. 985.701(1); or a
 573 violation of a similar law of another jurisdiction when the
 574 victim of the offense was a minor, and who works, whether for
 575 compensation or as a volunteer, at any business, school, child
 576 care facility ~~day care center~~, park, playground, or other place
 577 where children regularly congregate, commits a felony of the
 578 third degree, punishable as provided in s. 775.082, s. 775.083,
 579 or s. 775.084.

580 Section 3. Section 794.065, Florida Statutes, is
 581 transferred, renumbered as section 775.215, Florida Statutes,
 582 and amended to read:

583 775.215 ~~794.065~~ Residency restriction ~~Unlawful place of~~
 584 ~~residence~~ for persons convicted of certain sex offenses.—

585 (1) It is the intent of the Legislature that there be one
 586 state-established residency restriction distance applicable to
 587 the residence of persons described in this section and that such
 588 state-established residency restriction distance be uniformly

589 applied throughout the state.

590 (2) As used in this section, the term:

591 (a) "Child care facility" has the same meaning as provided
592 in s. 402.302.

593 (b) "Park" means all public and private property
594 specifically designated as being used for recreational purposes
595 and where children regularly congregate.

596 (c) "Playground" means a designated independent area in
597 the community or neighborhood that is designated solely for
598 children and has one or more play structures.

599 (d) "School" has the same meaning as provided in s.
600 1003.01 and includes a private school as defined in s. 1002.01,
601 a voluntary prekindergarten education program as described in s.
602 1002.53(3), a public school as described in s. 402.3025(1), the
603 Florida School for the Deaf and the Blind, the Florida Virtual
604 School as established under s. 1002.37, and a K-8 Virtual School
605 as established under s. 1002.415, but does not include
606 facilities dedicated exclusively to the education of adults.

607 (3) (a) ~~(1)~~ A ~~It is unlawful for any person who has been~~
608 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,
609 s. 847.0135(5), or s. 847.0145, regardless of whether
610 adjudication has been withheld, in which the victim of the
611 offense was less than 16 years of age, may not ~~to~~ reside within
612 1,000 feet of any school, child care facility ~~day care center,~~
613 park, or playground. However, a person does not violate this
614 subsection and may not be forced to relocate if he or she is
615 living in a residence that meets the requirements of this
616 subsection and a school, child care facility, park, or

617 playground is subsequently established within 1,000 feet of his
618 or her residence.

619 (b) A person who violates this subsection ~~section~~ and
620 whose conviction under s. 794.011, s. 800.04, s. 827.071, s.
621 847.0135(5), or s. 847.0145 was classified as a felony of the
622 first degree or higher commits a felony of the third degree,
623 punishable as provided in s. 775.082 or s. 775.083. A person who
624 violates this subsection ~~section~~ and whose conviction under s.
625 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145
626 was classified as a felony of the second or third degree commits
627 a misdemeanor of the first degree, punishable as provided in s.
628 775.082 or s. 775.083.

629 (c)(2) This subsection ~~section~~ applies to any person
630 convicted of a violation of s. 794.011, s. 800.04, s. 827.071,
631 s. 847.0135(5), or s. 847.0145 for offenses that occur on or
632 after October 1, 2004, excluding persons who have been removed
633 from the requirement to register as a sexual offender or sexual
634 predator pursuant to s. 943.04354.

635 (4) (a) A person who has been convicted of an offense in
636 another jurisdiction that is similar to a violation of s.
637 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,
638 regardless of whether adjudication has been withheld, in which
639 the victim of the offense was less than 16 years of age, may not
640 reside within 1,000 feet of any school, child care facility,
641 park, or playground. However, a person does not violate this
642 subsection and may not be forced to relocate if he or she is
643 living in a residence that meets the requirements of this
644 subsection and a school, child care facility, park, or

645 playground is subsequently established within 1,000 feet of his
646 or her residence.

647 (b) A person who violates this subsection and whose
648 conviction in another jurisdiction resulted in a penalty that is
649 substantially similar to a felony of the first degree or higher
650 commits a felony of the third degree, punishable as provided in
651 s. 775.082 or s. 775.083. A person who violates this subsection
652 and whose conviction in another jurisdiction resulted in a
653 penalty that is substantially similar to a felony of the second
654 or third degree commits a misdemeanor of the first degree,
655 punishable as provided in s. 775.082 or s. 775.083.

656 (c) This subsection applies to any person convicted of an
657 offense in another jurisdiction that is similar to a violation
658 of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.
659 847.0145 if such offense occurred on or after the effective date
660 of this act, excluding persons who have been removed from the
661 requirement to register as a sexual offender or sexual predator
662 pursuant to s. 943.04354.

663 Section 4. Paragraph (c) of subsection (1), subsection
664 (2), paragraphs (a), (b), and (c) of subsection (4), subsections
665 (7), (8), and (10), and paragraph (c) of subsection (14) of
666 section 943.0435, Florida Statutes, are amended to read:

667 943.0435 Sexual offenders required to register with the
668 department; penalty.—

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

670 (c) "Permanent residence," ~~and~~ "temporary residence," and
671 "transient residence" have the same meaning ascribed in s.
672 775.21.

673 (2) A sexual offender shall:

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

675 1. In the county in which the offender establishes or

676 maintains a permanent, ~~or~~ temporary, or transient residence

677 within 48 hours after:

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

679 residence in this state; or

680 b. Being released from the custody, control, or

681 supervision of the Department of Corrections or from the custody

682 of a private correctional facility; or

683 2. In the county where he or she was convicted within 48

684 hours after being convicted for a qualifying offense for

685 registration under this section if the offender is not in the

686 custody or control of, or under the supervision of, the

687 Department of Corrections, or is not in the custody of a private

688 correctional facility.

689

690 Any change in the information required to be provided pursuant

691 to paragraph (b), including, but not limited to, any change in

692 the sexual offender's permanent, ~~or~~ temporary, or transient

693 residence, name, any electronic mail address and any instant

694 message name required to be provided pursuant to paragraph

695 (4) (d), after the sexual offender reports in person at the

696 sheriff's office, shall be accomplished in the manner provided

697 in subsections (4), (7), and (8).

698 (b) Provide his or her name;; date of birth;; social

699 security number;; race;; sex;; height;; weight;; hair and eye

700 color;; tattoos or other identifying marks;; occupation and

701 place of employment;; address of permanent or legal residence or
 702 address of any current temporary residence, within the state or
 703 ~~and~~ out of state, including a rural route address and a post
 704 office box;; if no permanent or temporary address, any transient
 705 residence within the state, address, location or description,
 706 and dates of any current or known future temporary residence
 707 within the state or out of state; home telephone number and any
 708 cellular telephone number;; any electronic mail address and any
 709 instant message name required to be provided pursuant to
 710 paragraph (4) (d);; date and place of each conviction;; and a
 711 brief description of the crime or crimes committed by the
 712 offender. A post office box shall not be provided in lieu of a
 713 physical residential address.

714 1. If the sexual offender's place of residence is a motor
 715 vehicle, trailer, mobile home, or manufactured home, as defined
 716 in chapter 320, the sexual offender shall also provide to the
 717 department through the sheriff's office written notice of the
 718 vehicle identification number; the license tag number; the
 719 registration number; and a description, including color scheme,
 720 of the motor vehicle, trailer, mobile home, or manufactured
 721 home. If the sexual offender's place of residence is a vessel,
 722 live-aboard vessel, or houseboat, as defined in chapter 327, the
 723 sexual offender shall also provide to the department written
 724 notice of the hull identification number; the manufacturer's
 725 serial number; the name of the vessel, live-aboard vessel, or
 726 houseboat; the registration number; and a description, including
 727 color scheme, of the vessel, live-aboard vessel, or houseboat.

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

729 carrying on a vocation at an institution of higher education in
730 this state, the sexual offender shall also provide to the
731 department through the sheriff's office the name, address, and
732 county of each institution, including each campus attended, and
733 the sexual offender's enrollment or employment status. Each
734 change in enrollment or employment status shall be reported in
735 person at the sheriff's office, within 48 hours after any change
736 in status. The sheriff shall promptly notify each institution of
737 the sexual offender's presence and any change in the sexual
738 offender's enrollment or employment status.

739
740 When a sexual offender reports at the sheriff's office, the
741 sheriff shall take a photograph and a set of fingerprints of the
742 offender and forward the photographs and fingerprints to the
743 department, along with the information provided by the sexual
744 offender. The sheriff shall promptly provide to the department
745 the information received from the sexual offender.

746 (4) (a) Each time a sexual offender's driver's license or
747 identification card is subject to renewal, and, without regard
748 to the status of the offender's driver's license or
749 identification card, within 48 hours after any change in the
750 offender's permanent, ~~or~~ temporary, or transient residence or
751 change in the offender's name by reason of marriage or other
752 legal process, the offender shall report in person to a driver's
753 license office, and shall be subject to the requirements
754 specified in subsection (3). The Department of Highway Safety
755 and Motor Vehicles shall forward to the department all
756 photographs and information provided by sexual offenders.

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757 Notwithstanding the restrictions set forth in s. 322.142, the
758 Department of Highway Safety and Motor Vehicles is authorized to
759 release a reproduction of a color-photograph or digital-image
760 license to the Department of Law Enforcement for purposes of
761 public notification of sexual offenders as provided in this
762 section and ss. 943.043 and 944.606.

763 (b) A sexual offender who vacates a permanent, temporary,
764 or transient residence and fails to establish or maintain
765 another permanent, ~~or~~ temporary, or transient residence shall,
766 within 48 hours after vacating the permanent, temporary, or
767 transient residence, report in person to the sheriff's office of
768 the county in which he or she is located. The sexual offender
769 shall specify the date upon which he or she intends to or did
770 vacate such residence. The sexual offender must provide or
771 update all of the registration information required under
772 paragraph (2) (b). The sexual offender must provide an address
773 for the residence or other place ~~location~~ that he or she is or
774 will be located ~~occupying~~ during the time in which he or she
775 fails to establish or maintain a permanent or temporary
776 residence.

777 (c) A sexual offender who remains at a permanent,
778 temporary, or transient residence after reporting his or her
779 intent to vacate such residence shall, within 48 hours after the
780 date upon which the offender indicated he or she would or did
781 vacate such residence, report in person to the agency to which
782 he or she reported pursuant to paragraph (b) for the purpose of
783 reporting his or her address at such residence. When the sheriff
784 receives the report, the sheriff shall promptly convey the

785 information to the department. An offender who makes a report as
 786 required under paragraph (b) but fails to make a report as
 787 required under this paragraph commits a felony of the second
 788 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 789 775.084.

790 (7) A sexual offender who intends to establish a
 791 permanent, temporary, or transient residence in another state or
 792 jurisdiction other than the State of Florida shall report in
 793 person to the sheriff of the county of current residence within
 794 48 hours before the date he or she intends to leave this state
 795 to establish residence in another state or jurisdiction. The
 796 notification must include the address, municipality, county, and
 797 state of intended residence. The sheriff shall promptly provide
 798 to the department the information received from the sexual
 799 offender. The department shall notify the statewide law
 800 enforcement agency, or a comparable agency, in the intended
 801 state or jurisdiction of residence of the sexual offender's
 802 intended residence. The failure of a sexual offender to provide
 803 his or her intended place of residence is punishable as provided
 804 in subsection (9).

805 (8) A sexual offender who indicates his or her intent to
 806 establish a permanent, temporary, or transient residence ~~reside~~
 807 in another state or jurisdiction other than the State of Florida
 808 and later decides to remain in this state shall, within 48 hours
 809 after the date upon which the sexual offender indicated he or
 810 she would leave this state, report in person to the sheriff to
 811 which the sexual offender reported the intended change of
 812 permanent, temporary, or transient residence, and report his or

813 her intent to remain in this state. The sheriff shall promptly
 814 report this information to the department. A sexual offender who
 815 reports his or her intent to establish a permanent, temporary,
 816 or transient residence ~~reside~~ in another state or jurisdiction
 817 but who remains in this state without reporting to the sheriff
 818 in the manner required by this subsection commits a felony of
 819 the second degree, punishable as provided in s. 775.082, s.
 820 775.083, or s. 775.084.

821 (10) The department, the Department of Highway Safety and
 822 Motor Vehicles, the Department of Corrections, the Department of
 823 Juvenile Justice, any law enforcement agency in this state, and
 824 the personnel of those departments; an elected or appointed
 825 official, public employee, or school administrator; or an
 826 employee, agency, or any individual or entity acting at the
 827 request or upon the direction of any law enforcement agency is
 828 immune from civil liability for damages for good faith
 829 compliance with the requirements of this section or for the
 830 release of information under this section, and shall be presumed
 831 to have acted in good faith in compiling, recording, reporting,
 832 or releasing the information. The presumption of good faith is
 833 not overcome if a technical or clerical error is made by the
 834 department, the Department of Highway Safety and Motor Vehicles,
 835 the Department of Corrections, the Department of Juvenile
 836 Justice, the personnel of those departments, or any individual
 837 or entity acting at the request or upon the direction of any of
 838 those departments in compiling or providing information, or if
 839 information is incomplete or incorrect because a sexual offender
 840 fails to report or falsely reports his or her current place of

841 permanent, ~~or~~ temporary, or transient residence.

842 (14)

843 (c) The sheriff's office may determine the appropriate
844 times and days for reporting by the sexual offender, which shall
845 be consistent with the reporting requirements of this
846 subsection. Reregistration shall include any changes to the
847 following information:

848 1. Name; social security number; age; race; sex; date of
849 birth; height; weight; hair and eye color; address of any
850 permanent residence and address of any current temporary
851 residence, within the state or out of state, including a rural
852 route address and a post office box; if no permanent or
853 temporary address, any transient residence within the state;
854 address, location or description, and dates of any current or
855 known future temporary residence within the state or out of
856 state; any electronic mail address and any instant message name
857 required to be provided pursuant to paragraph (4) (d); home
858 telephone number and any cellular telephone number; date and
859 place of any employment; vehicle make, model, color, and license
860 tag number; fingerprints; and photograph. A post office box
861 shall not be provided in lieu of a physical residential address.

862 2. If the sexual offender is enrolled, employed, or
863 carrying on a vocation at an institution of higher education in
864 this state, the sexual offender shall also provide to the
865 department the name, address, and county of each institution,
866 including each campus attended, and the sexual offender's
867 enrollment or employment status.

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

869 vehicle, trailer, mobile home, or manufactured home, as defined
870 in chapter 320, the sexual offender shall also provide the
871 vehicle identification number; the license tag number; the
872 registration number; and a description, including color scheme,
873 of the motor vehicle, trailer, mobile home, or manufactured
874 home. If the sexual offender's place of residence is a vessel,
875 live-aboard vessel, or houseboat, as defined in chapter 327, the
876 sexual offender shall also provide the hull identification
877 number; the manufacturer's serial number; the name of the
878 vessel, live-aboard vessel, or houseboat; the registration
879 number; and a description, including color scheme, of the
880 vessel, live-aboard vessel or houseboat.

881 4. Any sexual offender who fails to report in person as
882 required at the sheriff's office, or who fails to respond to any
883 address verification correspondence from the department within 3
884 weeks of the date of the correspondence or who fails to report
885 electronic mail addresses or instant message names, commits a
886 felony of the third degree, punishable as provided in s.
887 775.082, s. 775.083, or s. 775.084.

888 Section 5. Section 943.04352, Florida Statutes, is amended
889 to read:

890 943.04352 Search of registration information regarding
891 sexual predators and sexual offenders required when placement on
892 misdemeanor probation.—When the court places a defendant on
893 misdemeanor probation pursuant to ss. 948.01 and 948.15, the
894 public or private entity providing probation services must
895 conduct a search of the probationer's name or other identifying
896 information against the registration information regarding

897 sexual predators and sexual offenders maintained by the
898 Department of Law Enforcement under s. 943.043. The probation
899 services provider may conduct the search using the Internet site
900 maintained by the Department of Law Enforcement. Also, a
901 national search must be conducted through the Dru Sjodin
902 National Sex Offender Public Website maintained by the United
903 States Department of Justice.

904 Section 6. Paragraph (a) of subsection (3) of section
905 944.606, Florida Statutes, is amended to read:

906 944.606 Sexual offenders; notification upon release.—

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

910 1. The department must provide: the sexual offender's
911 name, any change in the offender's name by reason of marriage or
912 other legal process, and any alias, if known; the correctional
913 facility from which the sexual offender is released; the sexual
914 offender's social security number, race, sex, date of birth,
915 height, weight, and hair and eye color; address of any planned
916 permanent residence or temporary residence, within the state or
917 out of state, including a rural route address and a post office
918 box; if no permanent or temporary address, any transient
919 residence within the state; address, location or description,
920 and dates of any known future temporary residence within the
921 state or out of state; date and county of sentence and each
922 crime for which the offender was sentenced; a copy of the
923 offender's fingerprints and a digitized photograph taken within
924 60 days before release; the date of release of the sexual

925 offender; any electronic mail address and any instant message
 926 name required to be provided pursuant to s. 943.0435(4)(d); and
 927 home telephone number and any cellular telephone number; ~~and the~~
 928 ~~offender's intended residence address, if known.~~ The department
 929 shall notify the Department of Law Enforcement if the sexual
 930 offender escapes, absconds, or dies. If the sexual offender is
 931 in the custody of a private correctional facility, the facility
 932 shall take the digitized photograph of the sexual offender
 933 within 60 days before the sexual offender's release and provide
 934 this photograph to the Department of Corrections and also place
 935 it in the sexual offender's file. If the sexual offender is in
 936 the custody of a local jail, the custodian of the local jail
 937 shall register the offender within 3 business days after intake
 938 of the offender for any reason and upon release, and shall
 939 notify the Department of Law Enforcement of the sexual
 940 offender's release and provide to the Department of Law
 941 Enforcement the information specified in this paragraph and any
 942 information specified in subparagraph 2. that the Department of
 943 Law Enforcement requests.

944 2. The department may provide any other information deemed
 945 necessary, including criminal and corrections records,
 946 nonprivileged personnel and treatment records, when available.

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

950 944.607 Notification to Department of Law Enforcement of
 951 information on sexual offenders.—

952 (4) A sexual offender, as described in this section, who

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953 is under the supervision of the Department of Corrections but is
954 not incarcerated must register with the Department of
955 Corrections within 3 business days after sentencing for a
956 registrable ~~registerable~~ offense and otherwise provide
957 information as required by this subsection.

958 (a) The sexual offender shall provide his or her name;
959 date of birth; social security number; race; sex; height;
960 weight; hair and eye color; tattoos or other identifying marks;
961 any electronic mail address and any instant message name
962 required to be provided pursuant to s. 943.0435(4)(d); ~~and~~
963 permanent or legal residence and address of temporary residence
964 within the state or out of state while the sexual offender is
965 under supervision in this state, including any rural route
966 address or post office box; if no permanent or temporary
967 address, any transient residence within the state; and address,
968 location or description, and dates of any current or known
969 future temporary residence within the state or out of state. The
970 Department of Corrections shall verify the address of each
971 sexual offender in the manner described in ss. 775.21 and
972 943.0435. The department shall report to the Department of Law
973 Enforcement any failure by a sexual predator or sexual offender
974 to comply with registration requirements.

975 (b) If the sexual offender is enrolled, employed, or
976 carrying on a vocation at an institution of higher education in
977 this state, the sexual offender shall provide the name, address,
978 and county of each institution, including each campus attended,
979 and the sexual offender's enrollment or employment status. Each
980 change in enrollment or employment status shall be reported to

981 the department within 48 hours after the change in status. The
 982 Department of Corrections shall promptly notify each institution
 983 of the sexual offender's presence and any change in the sexual
 984 offender's enrollment or employment status.

985 (6) The information provided to the Department of Law
 986 Enforcement must include:

987 (a) The information obtained from the sexual offender
 988 under subsection (4);

989 (b) The sexual offender's most current address, ~~and~~ and place
 990 of permanent, ~~and~~ temporary, or transient residence within the
 991 state or out of state, and address, location or description, and
 992 dates of any current or known future temporary residence within
 993 the state or out of state, while the sexual offender is under
 994 supervision in this state, including the name of the county or
 995 municipality in which the offender permanently or temporarily
 996 resides, or has a transient residence, and address, location or
 997 description, and dates of any current or known future temporary
 998 residence within the state or out of state, and, if known, the
 999 intended place of permanent, ~~or~~ temporary, or transient
 1000 residence, and address, location or description, and dates of
 1001 any current or known future temporary residence within the state
 1002 or out of state upon satisfaction of all sanctions;

1003 (c) The legal status of the sexual offender and the
 1004 scheduled termination date of that legal status;

1005 (d) The location of, and local telephone number for, any
 1006 Department of Corrections' office that is responsible for
 1007 supervising the sexual offender;

1008 (e) An indication of whether the victim of the offense

1009 that resulted in the offender's status as a sexual offender was
 1010 a minor;

1011 (f) The offense or offenses at conviction which resulted
 1012 in the determination of the offender's status as a sex offender;
 1013 and

1014 (g) A digitized photograph of the sexual offender which
 1015 must have been taken within 60 days before the offender is
 1016 released from the custody of the department or a private
 1017 correctional facility by expiration of sentence under s. 944.275
 1018 or must have been taken by January 1, 1998, or within 60 days
 1019 after the onset of the department's supervision of any sexual
 1020 offender who is on probation, community control, conditional
 1021 release, parole, provisional release, or control release or who
 1022 is supervised by the department under the Interstate Compact
 1023 Agreement for Probationers and Parolees. If the sexual offender
 1024 is in the custody of a private correctional facility, the
 1025 facility shall take a digitized photograph of the sexual
 1026 offender within the time period provided in this paragraph and
 1027 shall provide the photograph to the department.

1028
 1029 If any information provided by the department changes during the
 1030 time the sexual offender is under the department's control,
 1031 custody, or supervision, including any change in the offender's
 1032 name by reason of marriage or other legal process, the
 1033 department shall, in a timely manner, update the information and
 1034 provide it to the Department of Law Enforcement in the manner
 1035 prescribed in subsection (2).

1036 (13)

1037 (c) The sheriff's office may determine the appropriate
 1038 times and days for reporting by the sexual offender, which shall
 1039 be consistent with the reporting requirements of this
 1040 subsection. Reregistration shall include any changes to the
 1041 following information:

1042 1. Name; social security number; age; race; sex; date of
 1043 birth; height; weight; hair and eye color; address of any
 1044 permanent residence and address of any current temporary
 1045 residence, within the state or out of state, including a rural
 1046 route address and a post office box; if no permanent or
 1047 temporary address, any transient residence; address, location or
 1048 description, and dates of any current or known future temporary
 1049 residence within the state or out of state; any electronic mail
 1050 address and any instant message name required to be provided
 1051 pursuant to s. 943.0435(4)(d); date and place of any employment;
 1052 vehicle make, model, color, and license tag number;
 1053 fingerprints; and photograph. A post office box shall not be
 1054 provided in lieu of a physical residential address.

1055 2. If the sexual offender is enrolled, employed, or
 1056 carrying on a vocation at an institution of higher education in
 1057 this state, the sexual offender shall also provide to the
 1058 department the name, address, and county of each institution,
 1059 including each campus attended, and the sexual offender's
 1060 enrollment or employment status.

1061 3. If the sexual offender's place of residence is a motor
 1062 vehicle, trailer, mobile home, or manufactured home, as defined
 1063 in chapter 320, the sexual offender shall also provide the
 1064 vehicle identification number; the license tag number; the

1065 registration number; and a description, including color scheme,
 1066 of the motor vehicle, trailer, mobile home, or manufactured
 1067 home. If the sexual offender's place of residence is a vessel,
 1068 live-aboard vessel, or houseboat, as defined in chapter 327, the
 1069 sexual offender shall also provide the hull identification
 1070 number; the manufacturer's serial number; the name of the
 1071 vessel, live-aboard vessel, or houseboat; the registration
 1072 number; and a description, including color scheme, of the
 1073 vessel, live-aboard vessel or houseboat.

1074 4. Any sexual offender who fails to report in person as
 1075 required at the sheriff's office, or who fails to respond to any
 1076 address verification correspondence from the department within 3
 1077 weeks of the date of the correspondence, or who fails to report
 1078 electronic mail addresses or instant message names, commits a
 1079 felony of the third degree, punishable as provided in s.
 1080 775.082, s. 775.083, or s. 775.084.

1081 Section 8. Section 947.005, Florida Statutes, is amended
 1082 to read:

1083 947.005 Definitions.—As used in this chapter, unless the
 1084 context clearly indicates otherwise:

1085 (1)~~(8)~~ "Authority" means the Control Release Authority.

1086 (2) "Child care facility" has the same meaning as provided
 1087 in s. 402.302.

1088 (3)~~(1)~~ "Commission" means the Parole Commission.

1089 (4)~~(2)~~ "Department" means the Department of Corrections.

1090 (5) "Effective parole release date" means the actual
 1091 parole release date as determined by the presumptive parole
 1092 release date, satisfactory institutional conduct, and an

1093 acceptable parole plan.

1094 (6) "Park" has the same meaning as provided in s. 775.215.

1095 (7) "Playground" has the same meaning as provided in s.

1096 775.215.

1097 (8)~~(4)~~ "Presumptive parole release date" means the

1098 tentative parole release date as determined by objective parole

1099 guidelines.

1100 (9)~~(7)~~ "Provisional release date" means the date projected

1101 for the prisoner's release from custody as determined pursuant

1102 to s. 944.277.

1103 (10)~~(9)~~ "Qualified practitioner" means a social worker,

1104 mental health counselor, or a marriage and family therapist

1105 licensed under chapter 491 who, as determined by rule of the

1106 respective board, has the coursework, training, qualifications,

1107 and experience to evaluate and treat sexual offenders; a

1108 psychiatrist licensed under chapter 458 or chapter 459; or, a

1109 psychologist licensed under chapter 490, ~~or a social worker, a~~

1110 ~~mental health counselor, or a marriage and family therapist~~

1111 ~~licensed under chapter 491 who practices in accordance with his~~

1112 ~~or her respective practice act.~~

1113 (11)~~(10)~~ "Risk assessment" means an assessment completed

1114 by an independent qualified practitioner to evaluate the level

1115 of risk associated when a sex offender has contact with a child.

1116 (12)~~(11)~~ "Safety plan" means a written document prepared

1117 by the qualified practitioner, in collaboration with the sex

1118 offender, the child's parent or legal guardian, and, when

1119 appropriate, the child, which establishes clear roles and

1120 responsibilities for each individual involved in any contact

1121 between the child and the sex offender.

1122 (13) "School" has the same meaning as provided in s.
 1123 775.215.

1124 ~~(14)(3)~~ "Secretary" means the Secretary of Corrections.

1125 ~~(15)(6)~~ "Tentative release date" means the date projected
 1126 for the prisoner's release from custody by virtue of gain-time
 1127 granted or forfeited pursuant to s. 944.275(3) (a).

1128 Section 9. Subsection (7) of section 947.1405, Florida
 1129 Statutes, is amended, and subsection (12) is added to that
 1130 section, to read:

1131 947.1405 Conditional release program.—

1132 (7) (a) Any inmate who is convicted of a crime committed on
 1133 or after October 1, 1995, or who has been previously convicted
 1134 of a crime committed on or after October 1, 1995, in violation
 1135 of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.
 1136 847.0145, and is subject to conditional release supervision,
 1137 shall have, in addition to any other conditions imposed, the
 1138 following special conditions imposed by the commission:

1139 1. A mandatory curfew from 10 p.m. to 6 a.m. The
 1140 commission may designate another 8-hour period if the offender's
 1141 employment precludes the above specified time, and such
 1142 alternative is recommended by the Department of Corrections. If
 1143 the commission determines that imposing a curfew would endanger
 1144 the victim, the commission may consider alternative sanctions.

1145 2. If the victim was under the age of 18, a prohibition on
 1146 living within 1,000 feet of a school, child care facility ~~day~~
 1147 ~~care center~~, park, playground, designated public school bus
 1148 stop, or other place where children regularly congregate. A

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1149 | releasee who is subject to this subparagraph may not relocate to
1150 | a residence that is within 1,000 feet of a public school bus
1151 | stop. Beginning October 1, 2004, the commission or the
1152 | department may not approve a residence that is located within
1153 | 1,000 feet of a school, child care facility ~~day care center,~~
1154 | park, playground, designated school bus stop, or other place
1155 | where children regularly congregate for any releasee who is
1156 | subject to this subparagraph. On October 1, 2004, the department
1157 | shall notify each affected school district of the location of
1158 | the residence of a releasee 30 days prior to release and
1159 | thereafter, if the releasee relocates to a new residence, shall
1160 | notify any affected school district of the residence of the
1161 | releasee within 30 days after relocation. If, on October 1,
1162 | 2004, any public school bus stop is located within 1,000 feet of
1163 | the existing residence of such releasee, the district school
1164 | board shall relocate that school bus stop. Beginning October 1,
1165 | 2004, a district school board may not establish or relocate a
1166 | public school bus stop within 1,000 feet of the residence of a
1167 | releasee who is subject to this subparagraph. The failure of the
1168 | district school board to comply with this subparagraph shall not
1169 | result in a violation of conditional release supervision. A
1170 | releasee who is subject to this subparagraph may not be forced
1171 | to relocate and does not violate his or her conditional release
1172 | supervision if he or she is living in a residence that meets the
1173 | requirements of this subparagraph and a school, child care
1174 | facility, park, playground, designated public school bus stop,
1175 | or other place where children regularly congregate is
1176 | subsequently established within 1,000 feet of his or her

1177 residence.

1178 3. Active participation in and successful completion of a
1179 sex offender treatment program with qualified practitioners
1180 specifically trained to treat sex offenders, at the releasee's
1181 own expense. If a qualified practitioner is not available within
1182 a 50-mile radius of the releasee's residence, the offender shall
1183 participate in other appropriate therapy.

1184 4. A prohibition on any contact with the victim, directly
1185 or indirectly, including through a third person, unless approved
1186 by the victim, a qualified practitioner in the sexual offender
1187 treatment program ~~the offender's therapist~~, and the sentencing
1188 court.

1189 5. If the victim was under the age of 18, a prohibition
1190 against contact with children under the age of 18 without review
1191 and approval by the commission. The commission may approve
1192 supervised contact with a child under the age of 18 if the
1193 approval is based upon a recommendation for contact issued by a
1194 qualified practitioner who is basing the recommendation on a
1195 risk assessment. Further, the sex offender must be currently
1196 enrolled in or have successfully completed a sex offender
1197 therapy program. The commission may not grant supervised contact
1198 with a child if the contact is not recommended by a qualified
1199 practitioner and may deny supervised contact with a child at any
1200 time. When considering whether to approve supervised contact
1201 with a child, the commission must review and consider the
1202 following:

1203 a. A risk assessment completed by a qualified
1204 practitioner. The qualified practitioner must prepare a written

1205 | report that must include the findings of the assessment and
 1206 | address each of the following components:

- 1207 | (I) The sex offender's current legal status;
- 1208 | (II) The sex offender's history of adult charges with
 1209 | apparent sexual motivation;
- 1210 | (III) The sex offender's history of adult charges without
 1211 | apparent sexual motivation;
- 1212 | (IV) The sex offender's history of juvenile charges,
 1213 | whenever available;
- 1214 | (V) The sex offender's offender treatment history,
 1215 | including a consultation from the sex offender's treating, or
 1216 | most recent treating, therapist;
- 1217 | (VI) The sex offender's current mental status;
- 1218 | (VII) The sex offender's mental health and substance abuse
 1219 | history as provided by the Department of Corrections;
- 1220 | (VIII) The sex offender's personal, social, educational,
 1221 | and work history;
- 1222 | (IX) The results of current psychological testing of the
 1223 | sex offender if determined necessary by the qualified
 1224 | practitioner;
- 1225 | (X) A description of the proposed contact, including the
 1226 | location, frequency, duration, and supervisory arrangement;
- 1227 | (XI) The child's preference and relative comfort level
 1228 | with the proposed contact, when age-appropriate;
- 1229 | (XII) The parent's or legal guardian's preference
 1230 | regarding the proposed contact; and
- 1231 | (XIII) The qualified practitioner's opinion, along with
 1232 | the basis for that opinion, as to whether the proposed contact

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1233 would likely pose significant risk of emotional or physical harm
1234 to the child.

1235

1236 The written report of the assessment must be given to the
1237 commission.

1238 b. A recommendation made as a part of the risk-assessment
1239 report as to whether supervised contact with the child should be
1240 approved;

1241 c. A written consent signed by the child's parent or legal
1242 guardian, if the parent or legal guardian is not the sex
1243 offender, agreeing to the sex offender having supervised contact
1244 with the child after receiving full disclosure of the sex
1245 offender's present legal status, past criminal history, and the
1246 results of the risk assessment. The commission may not approve
1247 contact with the child if the parent or legal guardian refuses
1248 to give written consent for supervised contact;

1249 d. A safety plan prepared by the qualified practitioner,
1250 who provides treatment to the offender, in collaboration with
1251 the sex offender, the child's parent or legal guardian, and the
1252 child, when age appropriate, which details the acceptable
1253 conditions of contact between the sex offender and the child.
1254 The safety plan must be reviewed and approved by the Department
1255 of Corrections before being submitted to the commission; and

1256 e. Evidence that the child's parent or legal guardian, if
1257 the parent or legal guardian is not the sex offender,
1258 understands the need for and agrees to the safety plan and has
1259 agreed to provide, or to designate another adult to provide,
1260 constant supervision any time the child is in contact with the

1261 offender.

1262

1263 The commission may not appoint a person to conduct a risk
 1264 assessment and may not accept a risk assessment from a person
 1265 who has not demonstrated to the commission that he or she has
 1266 met the requirements of a qualified practitioner as defined in
 1267 this section.

1268 6. If the victim was under age 18, a prohibition on
 1269 working for pay or as a volunteer at any school, child care
 1270 facility ~~day care center~~, park, playground, or other place where
 1271 children regularly congregate, as prescribed by the commission.

1272 7. Unless otherwise indicated in the treatment plan
 1273 provided by a qualified practitioner in the sexual offender
 1274 treatment program, a prohibition on viewing, owning, or
 1275 possessing any obscene, pornographic, or sexually stimulating
 1276 visual or auditory material, including telephone, electronic
 1277 media, computer programs, or computer services that are relevant
 1278 to the offender's deviant behavior pattern.

1279 8. Effective for a releasee whose crime is committed on or
 1280 after July 1, 2005, a prohibition on accessing the Internet or
 1281 other computer services until a qualified practitioner in the
 1282 offender's sex offender treatment program, after a risk
 1283 assessment is completed, approves and implements a safety plan
 1284 for the offender's accessing or using the Internet or other
 1285 computer services.

1286 9. A requirement that the releasee must submit two
 1287 specimens of blood to the ~~Florida~~ Department of Law Enforcement
 1288 to be registered with the DNA database.

1289 10. A requirement that the releasee make restitution to
 1290 the victim, as determined by the sentencing court or the
 1291 commission, for all necessary medical and related professional
 1292 services relating to physical, psychiatric, and psychological
 1293 care.

1294 11. Submission to a warrantless search by the community
 1295 control or probation officer of the probationer's or community
 1296 controllee's person, residence, or vehicle.

1297 (b) For a releasee whose crime was committed on or after
 1298 October 1, 1997, in violation of chapter 794, s. 800.04, s.
 1299 827.071, s. 847.0135(5), or s. 847.0145, and who is subject to
 1300 conditional release supervision, in addition to any other
 1301 provision of this subsection, the commission shall impose the
 1302 following additional conditions of conditional release
 1303 supervision:

1304 1. As part of a treatment program, participation in a
 1305 minimum of one annual polygraph examination to obtain
 1306 information necessary for risk management and treatment and to
 1307 reduce the sex offender's denial mechanisms. The polygraph
 1308 examination must be conducted by a polygrapher who is a member
 1309 of a national or state polygraph association and who is
 1310 certified as a postconviction sex offender polygrapher ~~trained~~
 1311 ~~specifically in the use of the polygraph for the monitoring of~~
 1312 ~~sex offenders~~, where available, and at the expense of the
 1313 releasee sex offender. The results of the examination shall be
 1314 provided to the releasee's probation officer and qualified
 1315 practitioner and may not be used as evidence in a hearing to
 1316 prove that a violation of supervision has occurred.

1317 2. Maintenance of a driving log and a prohibition against
 1318 driving a motor vehicle alone without the prior approval of the
 1319 supervising officer.

1320 3. A prohibition against obtaining or using a post office
 1321 box without the prior approval of the supervising officer.

1322 4. If there was sexual contact, a submission to, at the
 1323 releasee's ~~probationer's or community controllee's~~ expense, an
 1324 HIV test with the results to be released to the victim or the
 1325 victim's parent or guardian.

1326 5. Electronic monitoring of any form when ordered by the
 1327 commission. Any person who has been placed under supervision and
 1328 is electronically monitored by the department must pay the
 1329 department for the cost of the electronic monitoring service at
 1330 a rate that may not exceed the full cost of the monitoring
 1331 service. Funds collected under this subparagraph shall be
 1332 deposited into the General Revenue Fund. The department may
 1333 exempt a person from the payment of all or any part of the
 1334 electronic monitoring service cost if the department finds that
 1335 any of the factors listed in s. 948.09(3) exist.

1336 (12) In addition to all other conditions imposed, for a
 1337 releasee who is subject to conditional release for a crime that
 1338 was committed on or after the effective date of this act, and
 1339 who has been convicted at any time of committing, or attempting,
 1340 soliciting, or conspiring to commit, any of the criminal
 1341 offenses listed in s. 943.0435(1)(a)1.a.(I), or a similar
 1342 offense in another jurisdiction against a victim who was under
 1343 18 years of age at the time of the offense, if the releasee has
 1344 not received a pardon for any felony or similar law of another

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1345 jurisdiction necessary for the operation of this subsection, if
1346 a conviction of a felony or similar law of another jurisdiction
1347 necessary for the operation of this subsection has not been set
1348 aside in any postconviction proceeding, or if the releasee has
1349 not been removed from the requirement to register as a sexual
1350 offender or sexual predator pursuant to s. 943.04354, the
1351 commission must impose the following conditions:

1352 (a) A prohibition on visiting schools, child care
1353 facilities, parks, and playgrounds without prior approval from
1354 the releasee's supervising officer. The commission may also
1355 designate additional prohibited locations to protect a victim.
1356 The prohibition ordered under this paragraph does not prohibit
1357 the releasee from visiting a school, child care facility, park,
1358 or playground for the sole purpose of attending a religious
1359 service as defined in s. 775.0861 or picking up or dropping off
1360 the releasee's child or grandchild at a child care facility or
1361 school.

1362 (b) A prohibition on distributing candy or other items to
1363 children on Halloween; wearing a Santa Claus costume, or other
1364 costume to appeal to children, on or preceding Christmas;
1365 wearing an Easter Bunny costume, or other costume to appeal to
1366 children, on or preceding Easter; entertaining at children's
1367 parties; or wearing a clown costume without prior approval from
1368 the commission.

1369 Section 10. Section 948.001, Florida Statutes, is amended
1370 to read:

1371 948.001 Definitions.—As used in this chapter, the term:

1372 (1) "Administrative probation" means a form of noncontact

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1373 supervision in which an offender who presents a low risk of harm
1374 to the community may, upon satisfactory completion of half the
1375 term of probation, be transferred by the Department of
1376 Corrections to nonreporting status until expiration of the term
1377 of supervision.

1378 (2) "Child care facility" has the same meaning as provided
1379 in s. 402.302.

1380 (3)~~(2)~~ "Community control" means a form of intensive,
1381 supervised custody in the community, including surveillance on
1382 weekends and holidays, administered by officers with restricted
1383 caseloads. Community control is an individualized program in
1384 which the freedom of an offender is restricted within the
1385 community, home, or noninstitutional residential placement and
1386 specific sanctions are imposed and enforced.

1387 (4)~~(9)~~ "Community residential drug punishment center"
1388 means a residential drug punishment center designated by the
1389 Department of Corrections. The Department of Corrections shall
1390 adopt rules as necessary to define and operate such a center.

1391 (5)~~(3)~~ "Criminal quarantine community control" means
1392 intensive supervision, by officers with restricted caseloads,
1393 with a condition of 24-hour-per-day electronic monitoring, and a
1394 condition of confinement to a designated residence during
1395 designated hours.

1396 (6)~~(4)~~ "Drug offender probation" means a form of intensive
1397 supervision that ~~which~~ emphasizes treatment of drug offenders in
1398 accordance with individualized treatment plans administered by
1399 officers with restricted caseloads. Caseloads should be
1400 restricted to a maximum of 50 cases per officer in order to

1401 ensure an adequate level of staffing.

1402 (7) "Park" has the same meaning as provided in s. 775.215.

1403 (8) "Playground" has the same meaning as provided in s.
 1404 775.215.

1405 (9)~~(5)~~ "Probation" means a form of community supervision
 1406 requiring specified contacts with parole and probation officers
 1407 and other terms and conditions as provided in s. 948.03.

1408 (10)~~(6)~~ "Qualified practitioner" means a social worker,
 1409 mental health counselor, or a marriage and family therapist
 1410 licensed under chapter 491 who, as determined by rule of the
 1411 respective board, has the coursework, training, qualifications,
 1412 and experience to evaluate and treat sexual offenders; a
 1413 psychiatrist licensed under chapter 458 or chapter 459; ~~or~~ a
 1414 psychologist licensed under chapter 490, ~~or a social worker, a~~
 1415 mental health counselor, or a marriage and family therapist
 1416 licensed under chapter 491 who practices in accordance with his
 1417 or her respective practice act.

1418 (11)~~(7)~~ "Risk assessment" means an assessment completed by
 1419 a ~~an independent~~ qualified practitioner to evaluate the level of
 1420 risk associated when a sex offender has contact with a child.

1421 (12)~~(8)~~ "Safety plan" means a written document prepared by
 1422 the qualified practitioner, in collaboration with the sex
 1423 offender, the child's parent or legal guardian, and, when
 1424 appropriate, the child which establishes clear roles and
 1425 responsibilities for each individual involved in any contact
 1426 between the child and the sex offender.

1427 (13) "School" has the same meaning as provided in s.
 1428 775.215.

1429 (14)~~(10)~~ "Sex offender probation" or "sex offender
 1430 community control" means a form of intensive supervision, with
 1431 or without electronic monitoring, which emphasizes treatment and
 1432 supervision of a sex offender in accordance with an
 1433 individualized treatment plan administered by an officer who has
 1434 a restricted caseload and specialized training. An officer who
 1435 supervises an offender placed on sex offender probation or sex
 1436 offender community control must meet as necessary with a
 1437 treatment provider and polygraph examiner to develop and
 1438 implement the supervision and treatment plan, if a treatment
 1439 provider and polygraph examiner specially trained in the
 1440 treatment and monitoring of sex offenders are reasonably
 1441 available.

1442 Section 11. Subsection (1) and paragraph (a) of subsection
 1443 (2) of section 948.30, Florida Statutes, are amended, and
 1444 subsection (4) is added to that section, to read:

1445 948.30 Additional terms and conditions of probation or
 1446 community control for certain sex offenses.—Conditions imposed
 1447 pursuant to this section do not require oral pronouncement at
 1448 the time of sentencing and shall be considered standard
 1449 conditions of probation or community control for offenders
 1450 specified in this section.

1451 (1) Effective for probationers or community controllees
 1452 whose crime was committed on or after October 1, 1995, and who
 1453 are placed under supervision for violation of chapter 794, s.
 1454 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, the court
 1455 must impose the following conditions in addition to all other
 1456 standard and special conditions imposed:

1457 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court
1458 may designate another 8-hour period if the offender's employment
1459 precludes the above specified time, and the alternative is
1460 recommended by the Department of Corrections. If the court
1461 determines that imposing a curfew would endanger the victim, the
1462 court may consider alternative sanctions.

1463 (b) If the victim was under the age of 18, a prohibition
1464 on living within 1,000 feet of a school, child care facility ~~day~~
1465 ~~care center~~, park, playground, or other place where children
1466 regularly congregate, as prescribed by the court. The 1,000-foot
1467 distance shall be measured in a straight line from the
1468 offender's place of residence to the nearest boundary line of
1469 the school, child care facility ~~day care center~~, park,
1470 playground, or other place where children congregate. The
1471 distance may not be measured by a pedestrian route or automobile
1472 route. A probationer or community controllee who is subject to
1473 this paragraph may not be forced to relocate and does not
1474 violate his or her probation or community control if he or she
1475 is living in a residence that meets the requirements of this
1476 paragraph and a school, child care facility, park, playground,
1477 or other place where children regularly congregate is
1478 subsequently established within 1,000 feet of his or her
1479 residence.

1480 (c) Active participation in and successful completion of a
1481 sex offender treatment program with qualified practitioners
1482 specifically trained to treat sex offenders, at the
1483 probationer's or community controllee's own expense. If a
1484 qualified practitioner is not available within a 50-mile radius

1485 of the probationer's or community controllee's residence, the
 1486 offender shall participate in other appropriate therapy.

1487 (d) A prohibition on any contact with the victim, directly
 1488 or indirectly, including through a third person, unless approved
 1489 by the victim, a qualified practitioner in the sexual offender
 1490 treatment program ~~the offender's therapist~~, and the sentencing
 1491 court.

1492 (e) If the victim was under the age of 18, a prohibition
 1493 on contact with a child under the age of 18 except as provided
 1494 in this paragraph. The court may approve supervised contact with
 1495 a child under the age of 18 if the approval is based upon a
 1496 recommendation for contact issued by a qualified practitioner
 1497 who is basing the recommendation on a risk assessment. Further,
 1498 the sex offender must be currently enrolled in or have
 1499 successfully completed a sex offender therapy program. The court
 1500 may not grant supervised contact with a child if the contact is
 1501 not recommended by a qualified practitioner and may deny
 1502 supervised contact with a child at any time. When considering
 1503 whether to approve supervised contact with a child, the court
 1504 must review and consider the following:

1505 1. A risk assessment completed by a qualified
 1506 practitioner. The qualified practitioner must prepare a written
 1507 report that must include the findings of the assessment and
 1508 address each of the following components:

- 1509 a. The sex offender's current legal status;
- 1510 b. The sex offender's history of adult charges with
- 1511 apparent sexual motivation;
- 1512 c. The sex offender's history of adult charges without

1513 | apparent sexual motivation;

1514 | d. The sex offender's history of juvenile charges,

1515 | whenever available;

1516 | e. The sex offender's offender treatment history,

1517 | including consultations with the sex offender's treating, or

1518 | most recent treating, therapist;

1519 | f. The sex offender's current mental status;

1520 | g. The sex offender's mental health and substance abuse

1521 | treatment history as provided by the Department of Corrections;

1522 | h. The sex offender's personal, social, educational, and

1523 | work history;

1524 | i. The results of current psychological testing of the sex

1525 | offender if determined necessary by the qualified practitioner;

1526 | j. A description of the proposed contact, including the

1527 | location, frequency, duration, and supervisory arrangement;

1528 | k. The child's preference and relative comfort level with

1529 | the proposed contact, when age appropriate;

1530 | l. The parent's or legal guardian's preference regarding

1531 | the proposed contact; and

1532 | m. The qualified practitioner's opinion, along with the

1533 | basis for that opinion, as to whether the proposed contact would

1534 | likely pose significant risk of emotional or physical harm to

1535 | the child.

1536 |

1537 | The written report of the assessment must be given to the court;

1538 | 2. A recommendation made as a part of the risk assessment

1539 | report as to whether supervised contact with the child should be

1540 | approved;

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1541 3. A written consent signed by the child's parent or legal
1542 guardian, if the parent or legal guardian is not the sex
1543 offender, agreeing to the sex offender having supervised contact
1544 with the child after receiving full disclosure of the sex
1545 offender's present legal status, past criminal history, and the
1546 results of the risk assessment. The court may not approve
1547 contact with the child if the parent or legal guardian refuses
1548 to give written consent for supervised contact;

1549 4. A safety plan prepared by the qualified practitioner,
1550 who provides treatment to the offender, in collaboration with
1551 the sex offender, the child's parent or legal guardian, if the
1552 parent or legal guardian is not the sex offender, and the child,
1553 when age appropriate, which details the acceptable conditions of
1554 contact between the sex offender and the child. The safety plan
1555 must be reviewed and approved by the court; and

1556 5. Evidence that the child's parent or legal guardian
1557 understands the need for and agrees to the safety plan and has
1558 agreed to provide, or to designate another adult to provide,
1559 constant supervision any time the child is in contact with the
1560 offender.

1561
1562 The court may not appoint a person to conduct a risk assessment
1563 and may not accept a risk assessment from a person who has not
1564 demonstrated to the court that he or she has met the
1565 requirements of a qualified practitioner as defined in this
1566 section.

1567 (f) If the victim was under age 18, a prohibition on
1568 working for pay or as a volunteer at any place where children

1569 regularly congregate, including, but not limited to, schools,
 1570 child care facilities ~~day care centers~~, parks, playgrounds, pet
 1571 stores, libraries, zoos, theme parks, and malls.

1572 (g) Unless otherwise indicated in the treatment plan
 1573 provided by a qualified practitioner in the sexual offender
 1574 treatment program, a prohibition on viewing, accessing, owning,
 1575 or possessing any obscene, pornographic, or sexually stimulating
 1576 visual or auditory material, including telephone, electronic
 1577 media, computer programs, or computer services that are relevant
 1578 to the offender's deviant behavior pattern.

1579 (h) Effective for probationers and community controllees
 1580 whose crime is committed on or after July 1, 2005, a prohibition
 1581 on accessing the Internet or other computer services until a
 1582 qualified practitioner in the offender's sex offender treatment
 1583 program, after a risk assessment is completed, approves and
 1584 implements a safety plan for the offender's accessing or using
 1585 the Internet or other computer services.

1586 (i) A requirement that the probationer or community
 1587 controllee must submit a specimen of blood or other approved
 1588 biological specimen to the Department of Law Enforcement to be
 1589 registered with the DNA data bank.

1590 (j) A requirement that the probationer or community
 1591 controllee make restitution to the victim, as ordered by the
 1592 court under s. 775.089, for all necessary medical and related
 1593 professional services relating to physical, psychiatric, and
 1594 psychological care.

1595 (k) Submission to a warrantless search by the community
 1596 control or probation officer of the probationer's or community

1597 controllee's person, residence, or vehicle.

1598 (2) Effective for a probationer or community controllee
 1599 whose crime was committed on or after October 1, 1997, and who
 1600 is placed on community control or sex offender probation for a
 1601 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),
 1602 or s. 847.0145, in addition to any other provision of this
 1603 section, the court must impose the following conditions of
 1604 probation or community control:

1605 (a) As part of a treatment program, participation at least
 1606 annually in polygraph examinations to obtain information
 1607 necessary for risk management and treatment and to reduce the
 1608 sex offender's denial mechanisms. A polygraph examination must
 1609 be conducted by a polygrapher who is a member of a national or
 1610 state polygraph association and who is certified as a
 1611 postconviction sex offender polygrapher ~~trained specifically in~~
 1612 ~~the use of the polygraph for the monitoring of sex offenders,~~
 1613 where available, and shall be paid for by the probationer or
 1614 community controllee ~~sex offender~~. The results of the polygraph
 1615 examination shall be provided to the probationer's or community
 1616 controllee's probation officer and qualified practitioner and
 1617 shall not be used as evidence in court to prove that a violation
 1618 of community supervision has occurred.

1619 (4) In addition to all other conditions imposed, for a
 1620 probationer or community controllee who is subject to
 1621 supervision for a crime that was committed on or after the
 1622 effective date of this act, and who has been convicted at any
 1623 time of committing, or attempting, soliciting, or conspiring to
 1624 commit, any of the criminal offenses listed in s.

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1625 943.0435(1)(a)1.a.(I), or a similar offense in another
1626 jurisdiction, against a victim who was under the age of 18 at
1627 the time of the offense; if the offender has not received a
1628 pardon for any felony or similar law of another jurisdiction
1629 necessary for the operation of this subsection, if a conviction
1630 of a felony or similar law of another jurisdiction necessary for
1631 the operation of this subsection has not been set aside in any
1632 postconviction proceeding, or if the offender has not been
1633 removed from the requirement to register as a sexual offender or
1634 sexual predator pursuant to s. 943.04354, the court must impose
1635 the following conditions:

1636 (a) A prohibition on visiting schools, child care
1637 facilities, parks, and playgrounds, without prior approval from
1638 the offender's supervising officer. The court may also designate
1639 additional locations to protect a victim. The prohibition
1640 ordered under this paragraph does not prohibit the offender from
1641 visiting a school, child care facility, park, or playground for
1642 the sole purpose of attending a religious service as defined in
1643 s. 775.0861 or picking up or dropping off the offender's
1644 children or grandchildren at a child care facility or school.

1645 (b) A prohibition on distributing candy or other items to
1646 children on Halloween; wearing a Santa Claus costume, or other
1647 costume to appeal to children, on or preceding Christmas;
1648 wearing an Easter Bunny costume, or other costume to appeal to
1649 children, on or preceding Easter; entertaining at children's
1650 parties; or wearing a clown costume; without prior approval from
1651 the court.

1652 Section 12. Section 948.31, Florida Statutes, is amended

1653 to read:

1654 948.31 ~~Diagnosis, Evaluation, and treatment of~~ sexual

1655 predators and offenders placed on probation or community control

1656 ~~for certain sex offenses or child exploitation.~~ The court shall

1657 require an a diagnosis and evaluation by a qualified

1658 practitioner to determine the need of a probationer or community

1659 controlee offender in community control for treatment. If the

1660 court determines that a need therefor is established by the such

1661 ~~diagnosis and evaluation process,~~ the court shall require sexual

1662 offender treatment outpatient counseling as a term or condition

1663 of probation or community control for any person who is required

1664 to register as a sexual predator under s. 775.21 or sexual

1665 offender under s. 943.0435, s. 944.606, or s. 944.607. ~~was found~~

1666 ~~guilty of any of the following, or whose plea of guilty or nolo~~

1667 ~~contendere to any of the following was accepted by the court:~~

1668 (1) ~~Lewd or lascivious battery, lewd or lascivious~~

1669 ~~molestation, lewd or lascivious conduct, or lewd or lascivious~~

1670 ~~exhibition, as defined in s. 800.04 or s. 847.0135(5).~~

1671 (2) ~~Sexual battery, as defined in chapter 794, against a~~

1672 ~~child.~~

1673 (3) ~~Exploitation of a child as provided in s. 450.151, or~~

1674 ~~for prostitution.~~

1675

1676 Such treatment counseling shall be required to be obtained from

1677 a qualified practitioner as defined in s. 948.001. Treatment may

1678 not be administered by a qualified practitioner who has been

1679 convicted or adjudicated delinquent of committing, or

1680 attempting, soliciting, or conspiring to commit, any offense

1681 that is listed in s. 943.0435(1) (a)1.a.(I). The court shall
 1682 impose a restriction against contact with minors if sexual
 1683 offender treatment is recommended ~~a community mental health~~
 1684 ~~center, a recognized social service agency providing mental~~
 1685 ~~health services, or a private mental health professional or~~
 1686 ~~through other professional counseling.~~ The evaluation and
 1687 recommendations plan for treatment of counseling for the
 1688 probationer or community controlee individual shall be provided
 1689 to the court for review.

1690 Section 13. Paragraph (a) of subsection (3) of section
 1691 985.481, Florida Statutes, is amended to read:

1692 985.481 Sexual offenders adjudicated delinquent;
 1693 notification upon release.-

1694 (3) (a) The department must provide information regarding
 1695 any sexual offender who is being released after serving a period
 1696 of residential commitment under the department for any offense,
 1697 as follows:

1698 1. The department must provide the sexual offender's name,
 1699 any change in the offender's name by reason of marriage or other
 1700 legal process, and any alias, if known; the correctional
 1701 facility from which the sexual offender is released; the sexual
 1702 offender's social security number, race, sex, date of birth,
 1703 height, weight, and hair and eye color; address of any planned
 1704 permanent residence or temporary residence, within the state or
 1705 out of state, including a rural route address and a post office
 1706 box; if no permanent or temporary address, any transient
 1707 residence within the state; address, location or description,
 1708 and dates of any known future temporary residence within the

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1709 state or out of state; date and county of disposition and each
1710 crime for which there was a disposition; a copy of the
1711 offender's fingerprints and a digitized photograph taken within
1712 60 days before release; the date of release of the sexual
1713 offender; and home telephone number and any cellular telephone
1714 number; ~~and the offender's intended residence address, if known.~~
1715 The department shall notify the Department of Law Enforcement if
1716 the sexual offender escapes, absconds, or dies. If the sexual
1717 offender is in the custody of a private correctional facility,
1718 the facility shall take the digitized photograph of the sexual
1719 offender within 60 days before the sexual offender's release and
1720 also place it in the sexual offender's file. If the sexual
1721 offender is in the custody of a local jail, the custodian of the
1722 local jail shall register the offender within 3 business days
1723 after intake of the offender for any reason and upon release,
1724 and shall notify the Department of Law Enforcement of the sexual
1725 offender's release and provide to the Department of Law
1726 Enforcement the information specified in this subparagraph and
1727 any information specified in subparagraph 2. which the
1728 Department of Law Enforcement requests.

1729 2. The department may provide any other information
1730 considered necessary, including criminal and delinquency
1731 records, when available.

1732 Section 14. Paragraph (a) of subsection (4), paragraph (a)
1733 of subsection (6), and paragraph (b) of subsection (13) of
1734 section 985.4815, Florida Statutes, are amended to read:

1735 985.4815 Notification to Department of Law Enforcement of
1736 information on juvenile sexual offenders.—

1737 (4) A sexual offender, as described in this section, who
 1738 is under the supervision of the department but who is not
 1739 committed must register with the department within 3 business
 1740 days after adjudication and disposition for a registrable
 1741 offense and otherwise provide information as required by this
 1742 subsection.

1743 (a) The sexual offender shall provide his or her name;
 1744 date of birth; social security number; race; sex; height;
 1745 weight; hair and eye color; tattoos or other identifying marks;
 1746 ~~and~~ permanent or legal residence and address of temporary
 1747 residence within the state or out of state while the sexual
 1748 offender is in the care or custody or under the jurisdiction or
 1749 supervision of the department in this state, including any rural
 1750 route address or post office box; if no permanent or temporary
 1751 address, any transient residence; address, location or
 1752 description, and dates of any current or known future temporary
 1753 residence within the state or out of state;~~7~~ and the name and
 1754 address of each school attended. The department shall verify the
 1755 address of each sexual offender and shall report to the
 1756 Department of Law Enforcement any failure by a sexual offender
 1757 to comply with registration requirements.

1758 (6) (a) The information provided to the Department of Law
 1759 Enforcement must include the following:

1760 1. The information obtained from the sexual offender under
 1761 subsection (4).

1762 2. The sexual offender's most current address and place of
 1763 permanent, ~~or~~ temporary, or transient residence within the state
 1764 or out of state, and address, location or description, and dates

1765 of any current or known future temporary residence within the
 1766 state or out of state, while the sexual offender is in the care
 1767 or custody or under the jurisdiction or supervision of the
 1768 department in this state, including the name of the county or
 1769 municipality in which the offender permanently or temporarily
 1770 resides, or has a transient residence, and address, location or
 1771 description, and dates of any current or known future temporary
 1772 residence within the state or out of state; and, if known, the
 1773 intended place of permanent, ~~or~~ temporary, or transient
 1774 residence, and address, location or description, and dates of
 1775 any current or known future temporary residence within the state
 1776 or out of state upon satisfaction of all sanctions.

1777 3. The legal status of the sexual offender and the
 1778 scheduled termination date of that legal status.

1779 4. The location of, and local telephone number for, any
 1780 department office that is responsible for supervising the sexual
 1781 offender.

1782 5. An indication of whether the victim of the offense that
 1783 resulted in the offender's status as a sexual offender was a
 1784 minor.

1785 6. The offense or offenses at adjudication and disposition
 1786 that resulted in the determination of the offender's status as a
 1787 sex offender.

1788 7. A digitized photograph of the sexual offender, which
 1789 must have been taken within 60 days before the offender was
 1790 released from the custody of the department or a private
 1791 correctional facility by expiration of sentence under s.
 1792 944.275, or within 60 days after the onset of the department's

1793 supervision of any sexual offender who is on probation,
 1794 postcommitment probation, residential commitment, nonresidential
 1795 commitment, licensed child-caring commitment, community control,
 1796 conditional release, parole, provisional release, or control
 1797 release or who is supervised by the department under the
 1798 Interstate Compact Agreement for Probationers and Parolees. If
 1799 the sexual offender is in the custody of a private correctional
 1800 facility, the facility shall take a digitized photograph of the
 1801 sexual offender within the time period provided in this
 1802 subparagraph and shall provide the photograph to the department.

1803 (13)

1804 (b) The sheriff's office may determine the appropriate
 1805 times and days for reporting by the sexual offender, which shall
 1806 be consistent with the reporting requirements of this
 1807 subsection. Reregistration shall include any changes to the
 1808 following information:

1809 1. Name; social security number; age; race; sex; date of
 1810 birth; height; weight; hair and eye color; address of any
 1811 permanent residence and address of any current temporary
 1812 residence, within the state or out of state, including a rural
 1813 route address and a post office box; if no permanent or
 1814 temporary address, any transient residence; address, location or
 1815 description, and dates of any current or known future temporary
 1816 residence within the state or out of state; name and address of
 1817 each school attended; date and place of any employment; vehicle
 1818 make, model, color, and license tag number; fingerprints; and
 1819 photograph. A post office box shall not be provided in lieu of a
 1820 physical residential address.

1821 2. If the sexual offender is enrolled, employed, or
 1822 carrying on a vocation at an institution of higher education in
 1823 this state, the sexual offender shall also provide to the
 1824 department the name, address, and county of each institution,
 1825 including each campus attended, and the sexual offender's
 1826 enrollment or employment status.

1827 3. If the sexual offender's place of residence is a motor
 1828 vehicle, trailer, mobile home, or manufactured home, as defined
 1829 in chapter 320, the sexual offender shall also provide the
 1830 vehicle identification number; the license tag number; the
 1831 registration number; and a description, including color scheme,
 1832 of the motor vehicle, trailer, mobile home, or manufactured
 1833 home. If the sexual offender's place of residence is a vessel,
 1834 live-aboard vessel, or houseboat, as defined in chapter 327, the
 1835 sexual offender shall also provide the hull identification
 1836 number; the manufacturer's serial number; the name of the
 1837 vessel, live-aboard vessel, or houseboat; the registration
 1838 number; and a description, including color scheme, of the
 1839 vessel, live-aboard vessel, or houseboat.

1840 4. Any sexual offender who fails to report in person as
 1841 required at the sheriff's office, or who fails to respond to any
 1842 address verification correspondence from the department within 3
 1843 weeks after the date of the correspondence, commits a felony of
 1844 the third degree, punishable as provided in ss. 775.082,
 1845 775.083, and 775.084.

1846 Section 15. The Legislature intends that nothing in this
 1847 act reduce or diminish a court's jurisdiction.

1848 Section 16. If any provision of this act or its

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1849 application to any person or circumstance is held invalid, the
1850 invalidity does not affect other provisions or applications of
1851 this act which can be given effect without the invalid provision
1852 or application, and to this end the provisions of this act are
1853 declared severable.

1854 Section 17. The Division of Statutory Revision is directed
1855 to replace the phrase "the effective date of this act" wherever
1856 it occurs in this act with the date this act becomes a law.

1857 Section 18. This act shall take effect upon becoming a
1858 law.